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House of Lords

Tuesday, 30 March 2010.

11 am

Prayers—read by the Lord Bishop of Lincoln.

Aviation: Regulatory Framework

Question

11.06 am

Tabled by ***Lord Rotherwick***

To ask Her Majesty's Government whether the consultation on proposals to update the regulatory framework for aviation complies with the criteria set out by the Better Regulation Executive.

Lord Rotherwick: My Lords, I beg leave to ask the Question standing in my name on the Order Paper and declare an interest as a director of the Light Aviation Association and vice-president of the General Aviation Alliance, both of which are non-paid.

The Secretary of State for Transport (Lord Adonis): My Lords, this consultation has been conducted in accordance with Better Regulation Executive criteria. A wide range of stakeholders have been consulted over a 14-week period, targeting those likely to be most affected by proposals. These include events in Scotland and Northern Ireland, and with consumer and general aviation bodies.

Lord Rotherwick: My Lords, I thank the noble Lord for his reply. This consultation on the implementation of Sir Joseph Pilling's views on the strategic review of the CAA 2008 will result in major changes to the mandate of the CAA by including consumer interests, as well as its existing role of safety regulator. Why was there no consultation on Pilling's major changes with Better Regulation Executive guidelines? The Government, by sleight of hand here, have moved on to the implementation stage without consulting on the major changes they intend.

Lord Adonis: My Lords, it is entirely open to those responding to the consultation to offer any views they wish on the strategic issues as well as implementation issues. The consultation ran for 14 weeks. It was extended by a week for consultees unable to meet the original deadline and the responses suggest that the general aviation sector, which the noble Lord represents, has been able to respond. Of the 132 responses received, 57 are from the general aviation sector.

Lord Bradshaw: Does the noble Lord consider that the remit of the CAA sufficiently covers the general aviation sector? With the railways, there is a specific person responsible for dealing with the more peripheral aspects of the industry, if I might call it that. The CAA remit needs to be broadened to ensure that it includes an important sector like general aviation.

Lord Adonis: My Lords, those are views that can be expressed in the consultation, and we will take full account of them when we respond.

Baroness Gardner of Parkes: What is the usual length of time between the feasibility study or consultation and the laying of a regulation? Is the Secretary of State aware that in some respects the Department for Transport seems to allow years to elapse before it comes through with a regulation change?

Lord Adonis: My Lords, I cannot give the noble Baroness that information, but the consultation ended only on 18 March so it will be some time before we are able to respond and draw up appropriate regulations.

Lord Trefgarne: My Lords, does the Secretary of State agree that the proposition that the Civil Aviation Authority should in future be responsible for the conflicting interests of the consumers on the one hand and of the providers on the other is fundamentally flawed and must be reconsidered?

Lord Adonis: My Lords, those responding to the consultation can express that view. However, I should make clear that in his report Sir Joseph Pilling concluded that the CAA was a highly successful organisation, but, as he says,

"its framework and approach could arguably be modernised and improved, taking account of the lessons to be learned from relative newcomers in the regulatory field".

If the noble Lord has concerns about the extensive analysis which Sir Joseph Pilling conducted in his review, I would be happy to hear them.

Viscount Goschen: My Lords, I declare an interest of sorts as a humble private pilot. Will the Secretary of State take full account of the views of general aviation in considering the responses to the Pilling proposals? General aviation is a very important part of the overall aviation sector. It is the framework from which new pilots come in to the industry. It is very important that the regulator of that field focuses on safety as its primary consideration and that the focus of the authority is not lost within a wider remit.

Lord Adonis: I can give the noble Viscount the assurance that he seeks. I can also tell him that, when the consultation document was published, it was sent to 11 general aviation representative organisations which were identified as those most likely to be affected by the proposals. However, at their suggestion, we have since forwarded the consultation to 29 other general aviation organisations and, as I say, we extended the consultation period to give them greater time to respond. They have been fully engaged in the consultation. As I said in response to an earlier question, a very large number of general aviation organisations and individuals have responded and we will take full account of their views.

Banking: Government Support

Question

11.11 am

Asked By ***Lord Roberts of Conwy***

To ask Her Majesty's Government what have been the costs to date (a) gross, and (b) net, of supporting banks and building societies during the financial crisis.

The Financial Services Secretary to the Treasury (Lord Myners): Budget 2010 included an estimate for the net cost of all financial sector interventions of £6 billion. However, this is based on current market prices. The actual net cost, if any, will depend on a number of factors, most notably the eventual sale price achieved for the Government's shareholdings. The Chancellor made it clear in his Budget speech that the Government intend to get all taxpayers' money back.

Lord Roberts of Conwy: My Lords, I am grateful to the Minister for that clarification of the net position. However, the FSA, in its *Financial Risk Outlook 2010,* says that the banks have to find some £440 billion worth of loans and finance by 2012 to replace maturing debt. More than £300 billion is finance provided by the taxpayer under the credit guarantee scheme and the special liquidity scheme, due to end in 2012. Will the banks not find it very challenging to finance these paybacks? Indeed, how will they do it? Will it be by increased deposits, securitisation of loans and mortgages, convertible gilts, rollover of government finance, or a combination of these things?

Lord Myners: My Lords, the process of restructuring the liabilities of the banks is already on course. The special liquidity scheme closed at the end of January with £185 billion outstanding. The credit guarantee scheme, which was launched with a maximum potential exposure of £250 billion, closed at the end of February with £125 billion of drawings. Banks are increasingly raising funds in their own name without recourse to either the SLS or the CGS, and the market for covered bonds and MBSs is beginning to develop as well. It is important to remember that money does not disappear from the system. The money that banks have to repay will go back into the system and the banks will have to bid for that to refund themselves in the future. I regard this as an entirely manageable challenge.

Lord Soley: What plans does the Minister have to sell the shares owned by the Government on behalf of the taxpayer of those taxpayer-owned banks?

Lord Myners: We continue to make good progress. We announced the restructuring of Northern Rock as at 1 January. As the House is aware, we have also announced the end of the guarantee on deposits. So far as our shareholding in the Royal Bank of Scotland and Lloyds Banking Group is concerned, we are committed to returning them to full private ownership in due course. Since the middle of last year, we have been looking at a variety of options including full disposal, convertible issues, partly paid issues and other forms of innovative distribution, because they are large investments. We are absolutely committed to recovering in full—and more—the value that the taxpayer has placed at risk in acquiring the shares, and to doing so in a way that fosters competition and enhances financial stability.

Lord Newby: My Lords, could the Minister give a commitment that there will be no quick sale of shares in the RBS and Lloyds Banking Group, not only—as he just said—to maximise the return to the taxpayer when they are sold, but so that the Government can continue to exercise some influence on those banks' lending levels, particularly to small and medium-sized businesses, in the difficult period ahead?

Lord Myners: The House is of course aware that we have entered into commitments with the Royal Bank of Scotland and Lloyds Banking Group that amount to £94 billion of new lending for business, of which half will be for small and medium-sized enterprises. So far as the timing of the sale is concerned, the key thing is to ensure that we get good value for the taxpayer; I have made it clear that that is our priority. We will not enter into any silly scheme to distribute shares at a huge discount to friends in the City or hedge funds, in order to reward them for their support.

Lord Hamilton of Epsom: Will the Minister not accept that, if Northern Rock had been properly regulated in the beginning, it would not have needed the advance of these massive sums? Surely to have a business plan that borrows money on the overnight markets and lends in mortgages over 20 years is completely unsustainable.

Lord Myners: As the noble Lord will know, the FSA has been frank in its forensic audit of its failings in the regulation of Northern Rock. But let us be clear that the failure of a banking institution can never be primarily placed at the door of the regulators; it must lie with the board of directors and the owners of the business.

Lord Marlesford: When the Minister wound up the economic debate last week, he was kind enough to say that he would obtain from the FSA the answer to my question about the £61.5 billion of credit card debt held by British banks on which interest is being paid, of which £9 billion was securitised at between only 10p and 20p in the pound. How much of the remainder has been written down on the balance sheets of the banks? It is a big sum and important. Has he had that information yet?

Lord Myners: The noble Lord is aware that I said that I would write to the FSA and obtain that information, and I have confirmed that in a letter to him. He may be wrong to talk about the securitisation of credit card debt at 10p in the pound. The receivables may well have been sold on, but securitisation is the wrong term to describe that process.

Baroness Noakes: My Lords, my noble friend Lord Roberts's supplementary question was about the £440 billion that needs to be refinanced by 2012, and the Minister was remarkably sanguine about the ability of banks to do that. How much of that £440 billion relates to the RBS and Lloyds, and can the Minister assure us that it can be refinanced without the taxpayer having to put the money up yet again?

Lord Myners: The amount that the FSA referred to in its financial risk report was at a point in time, and the figure is different now. Those banks continue to

improve their liability management, as we have seen from recent reports from Lloyds, which says that it will be back in profit this year—further evidence of its recovery under government support. Noble Lords will no doubt be pleased to see that the share price of the Royal Bank of Scotland has quadrupled since its low. Those banks are beginning to refinance themselves, and I have high confidence that they will not require continued dependence on the Government for funding once the SLS and CGS are finally paid off, as they will be by 2014.

Lord Dykes: My Lords, my question is on a connected and important issue. Is the Minister fully confident that bonuses paid to directors, executives and staff of the state-controlled and owned banks in Britain will be subject to proper and full UK direct taxation in all cases?

Lord Myners: I can only say that I am confident that those who have received bonuses and payments will seek to comply with their responsibilities in terms of disclosure. There will be people in these banks who are subject to UK tax on only a portion of their income, if some of their service is provided outside the United Kingdom—as, for instance, would be the case with Mr Diamond of Barclays, who I have read is eligible for £64 million in reward. The answer that I would really wish to give the House is that the shareholders must be more vocal and visible in challenging these levels of reward.

Lord Foster of Bishop Auckland: Is not the real test of government policy how quickly and to what extent the banks begin to lend to SMEs to get the economy moving again?

Lord Myners: Banks are definitely lending to SMEs. What we need to focus on is their gross lending, which is their extension of new loans to existing and new customers. As I said earlier, £94 billion has been committed by the Royal Bank of Scotland and Lloyds in new loans this year. Both banks increased their market share last year and were undoubtedly to the fore in meeting customer needs. But at the same time that some customers were borrowing, others were repaying their liabilities to their banks; net borrowing was therefore lower. The critical factor is gross borrowing—the availability of credit to support economic activity.

Lord Harrison: Is my noble friend describing a win-win situation, in so far as when we come to sell some of these now state-owned banks back to the private sector, there is the prospect of making a profit? That wholly justifies the Government's swift and determined intervention during the financial crisis to buy in those banks in order to save the banking system.

Lord Myners: My Lords, in life I have many times anticipated win-win situations, but I have yet to experience one. However, the total amount of taxpayers' money currently at risk in terms of the difference between the market valuation and the amount that we have invested is only £6 billion. I say "only" carefully, because it is a very large amount of money, but in the context of the effective rescuing of the banking system it represents very good value for money. I remind noble Lords that my right honourable friend the Chancellor of the Exchequer told the other place last week that we have already earned £8 billion in fees from the banks for the support which we have provided over the past 18 months.

Airports: New Runways

Question

11.22 am

Asked By ***Lord Geddes***

To ask Her Majesty's Government what assessment they have made of how many new runways will be required at United Kingdom airports before 2050; and how many of those will be needed to serve London.

The Secretary of State for Transport (Lord Adonis): My Lords, the 2003 *Future of Air Transport* White Paper supported four new runways, subject to environmental considerations and commercial decisions by airport operators. The Government intend to consult next year on a new draft national policy statement on airports. They will also respond to the Committee on Climate Change's recent report on options for reducing carbon emissions from aviation to 2050.

Lord Geddes: My Lords, I thank the Secretary of State for that Answer. Of those four new runways, how many are at existing airports and which are they? How many are at new sites and where would they be?

Lord Adonis: My Lords, the four were at Heathrow, Stansted, Birmingham and Edinburgh. Since then, the airport owners of Birmingham and Edinburgh have concluded that second runways will not be needed before 2030. Birmingham International Airport is pursuing an extension to its existing runway, for which it received planning permission this month.

Lord Bradshaw: As the Minister may be aware, the airports programme is likely to be extended, due to various legal and other technicalities, so will he reconsider the possibility of linking Euston, St Pancras and King's Cross with a proper tunnel? That would create a London north terminal, connected to the Underground at both the Euston and St Pancras ends, so that people making international journeys could do so by rail soon and in much more comfort.

Lord Adonis: The noble Lord makes an important point about the connections between Euston, St Pancras and King's Cross. As he will know, in the Government's recent Command Paper on high-speed rail, we proposed that further work should take place on the precise issue that he highlights—that is, how a rapid people mover could be put in place between Euston, St Pancras and King's Cross. The distance between these stations

[LORD ADONIS]
is of course much smaller than that between most airport terminals and, if it were possible to get between these stations rapidly, the benefits could be huge, not least for passengers who arrive at Euston but wish to leave on international trains from St Pancras.

Baroness McIntosh of Hudnall: My Lords—

Baroness Trumpington: My Lords—

Lord Lawson of Blaby: My Lords—

Baroness Royall of Blaisdon: Perhaps we could hear from my noble friend and then from the noble Baroness.

Baroness McIntosh of Hudnall: My Lords, I declare an interest as a supporter of the Stop Stansted Expansion campaign. Consequently, I am not a great fan of airport expansion of any kind. However, following my noble friend's very welcome and far-sighted announcement of a high-speed rail policy, does he agree that airport policy in the future should be realigned so that new capacity is put where the infrastructure will serve it best?

Lord Adonis: My Lords, we will take account of all these issues when we publish the national policy statement next year.

Baroness Hanham: My Lords, will the Secretary of State tell the House how the recent judgment on the inquiry into a third runway at Heathrow will affect the Government's policy and, if they are ever re-elected, what plans they will have to reopen the consultation on a proper, up-to-date basis?

Lord Adonis: My Lords, we will consult on the national policy statement. Under the Planning Act 2008, we are required to have such a consultation and that consultation will take place. However, I should quote the words of the judge in last week's ruling. He said:

"On the basis of the intentions of the secretary of state and BAA, as presently understood, the 2008 Act provides a complete legal framework for consideration of all the issues on which the claimants rely".

Those were the words of the judge. A complete legal framework is in place for considering the issues relating to the further expansion of Heathrow. That complete legal framework includes the consultation that will take place on the new national policy statement.

Baroness Trumpington: My Lords, why have there always been objections to making far better use of Manston? It already has an airfield; it is, I think, already in use by the military; it could easily be linked up with the railway at Dover; and it is very close to the continent for ease of travel.

Lord Adonis: My Lords, how can I put this tactfully? There are people for and against the expansion of Manston airport and its use in the way that the noble Baroness described. I have been long enough in this job to know that my best position on these issues is to remain neutral.

Baroness Tonge: My Lords, first, I declare an interest as the president of HACAN and as a veteran of both inquiries into the fourth and fifth terminals at Heathrow. In view of the recent High Court decision on the third runway but the Government's determination to go ahead whatever, can the Minister say what limits—real limits—he would put on expansion at Heathrow?

Lord Adonis: As the noble Baroness will know, the decision that the Government took last January included a whole set of conditions that would need to be satisfied and limits on the number of air traffic movements. In particular, there is a limit on the number of air traffic movements before 2020 of 605,000 and a limit thereafter, subject to further conditions being met, of 702,000. Therefore, the decision includes limits of the kind that I think the noble Baroness wishes to see implemented.

Lord Berkeley: My Lords, when my noble friend publishes the national policy statement, will it include an update of the forecasts, which must now be about 10 years out of date, and will it also be airport or runway-specific? Will it recommend particular locations or will it leave that to the operators to decide?

Lord Adonis: My Lords, the answer is yes to both questions.

Lord Lawson of Blaby: My Lords, is it not the case that, whether the Minister likes it or not, the third runway at Heathrow has been kiboshed by the courts as a direct and predictable result of the Government's absurd Climate Change Act, which was passed with enthusiasm, acclaim and complete thoughtlessness by all parties in this House and in the other place? If the Minister thinks that the third runway is important—and I agree with him—is not the only possible solution to suspend the Act, not least because even the Government have admitted that it makes no sense without an international agreement, which Copenhagen showed was not attainable?

Lord Adonis: My Lords, I think that that was a rhetorical question. I am not sure that I need to answer it, since most of its content relates to the climate change agenda and not to airports. So far as the issue of carbon reduction and Heathrow is concerned, when the Government took the decision last year to allow the third runway application to proceed, they also asked the Committee on Climate Change for its advice on the target of ensuring that carbon emissions from aviation in 2050 were below the level in 2005. The noble Lord, Lord Turner, who chairs the committee, reported in December and concluded:

"The Report finds that there is potential for aviation demand to increase while still meeting the Government's target—in the most likely scenario, a 60% increase in demand is allowed".

That 60 per cent increase in demand is very significantly more than the increase in demand that would be caused by the third runway, so there is no incompatibility whatever between meeting our climate change and

carbon reduction targets and allowing the expansion of Heathrow to take place, which is manifestly in the public and the wider economic interest.

Nigeria

Question

11.31 am

Asked By ***Baroness Cox***

To ask Her Majesty's Government whether they will make representations to the Government of Nigeria in response to the recent killings near Jos, Nigeria.

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): My Lords, we condemn the recent violence near Jos, which resulted in such a terrible loss of life. I raised UK concerns with Foreign Minister Maduekwe on 20 January, and my honourable friend the Minister of State Ivan Lewis spoke to the Foreign Minister on 15 March, underlining the need for the Nigerian Government to ensure that those responsible for crimes are prosecuted and the need to address the underlying causes of the violence. The British High Commissioner in Abuja visited Jos in February and will continue to raise concerns about intercommunal violence with the Nigerian Government and traditional and religious leaders.

Baroness Cox: I thank the Minister for her reply. Is she aware that the recent slaughter of up to 500 Christians and other non-Muslims was just the latest in a series of attacks by Islamic extremists? On a recent visit to Jos, I met both the Muslim and Christian leaders who were very interested in an initiative which I helped to establish in Indonesia, with rather a long name, I regret, the International Islamic Christian Organisation for Reconciliation and Reconstruction, or IICORR for short. Is the Minister aware that the Foreign Office funded an interfaith delegation from Indonesia which helped to contain further conflict in Ambon? Would the Government consider a similar initiative for the Muslim and Christian leaders in Jos that might help to stem the violence there?

Baroness Kinnock of Holyhead: I commend the commitment of the noble Baroness, Lady Cox, to promoting reconciliation and reconstruction in the plateau states of Nigeria. Of course we are aware that communities in Nigeria remain suspicious and resentful of each other, even though in the past they have lived harmoniously together. It is important that victims are supported and that those who perpetuate violence are brought to book. I suggest that the noble Baroness sends me her proposal about the organisation she mentioned so that we can give it full consideration.

Lord Avebury: My Lords, considering that prior to the latest communal massacre in the neighbourhood of Jos there was clear notice in internet traffic of what was about to happen, has any consideration been given by the Nigerian authorities to setting up an early warning system and a rapid response force to prevent future outbreaks? Can the Minister say what measures the Nigerian Government have taken to implement the promise they made to the universal periodic review last year to promote interethnic and interracial harmony?

Baroness Kinnock of Holyhead: I thank the noble Lord. I confirm that the Nigerian Government under the current acting President have taken a number of actions such as have been suggested by the noble Lord. Of course, there was a great deal of media coverage and contact through text messaging that was firing the conflict at that time. It is something that we are asking the Nigerian Government to address urgently. It is important that acting President Jonathan acts quickly to improve security. We are heartened that, for instance, he has ordered a crackdown on the flow of small arms, which were a huge contributor to the violence that has occurred in that region, not just in January and March but over many years.

Lord Clarke of Hampstead: My Lords, does my noble friend agree that the recent violence, together with the violence to which she referred in January and last November, has left many hundreds of families homeless and in desperate need of shelter? Do the Government have any plans for emergency humanitarian aid to assist those homeless people, especially as the rainy season will soon be upon them and they desperately need shelter?

Baroness Kinnock of Holyhead: My noble friend makes an extremely important point, because thousands of people have been displaced as a result of the violence. DfID is considering supplying extra humanitarian assistance to those who have been displaced, especially as the rainy season is approaching. We are now considering funding of an extra £200,000 to ICRC, which is currently undertaking an assessment, and we have earmarked that funding so that, when the assessment is made, we can take the necessary action.

Lord Howell of Guildford: Does the Minister accept that the noble Baroness, Lady Cox, is entirely right to bring this concern before the House, because we are dealing here with butchery on a horrific scale? Anyone who has seen the videos on the internet of cold-blooded executions will be appalled by what they have seen. This is not just a matter of a distant horror; this is Africa's major energy-producing country threatened with total instability and danger. Will she keep the House informed about what emerge as the underlying causes? There seems to be considerable doubt about whether they were about retaliation, a deliberate extremist Islamic attack on Christians, or something else. These are matters that we want to follow very closely, and I hope that she will keep us informed.

Baroness Kinnock of Holyhead: The noble Lord makes an extremely important point, but I would say that apportioning blame will not assist us to make the proper analysis of why we have seen the outbreak of this kind of violence in 2001, 2004, 2008 and 2010. The noble Lord may be interested in reading a recent

[Baroness Kinnock of Holyhead]
Chatham House report, which stated that it is about rights, access to resources and access to power, as well as poverty and unemployment. I think that issues of access to land and power are behind the violence that we have seen; then they take on a religious dimension.

Standing Orders (Public Business)

Motion to Amend

11.37 am

Moved by ***Baroness Royall of Blaisdon***

To move that the standing orders relating to public business be amended as follows:

Standing Order 19 (Election of Lord Speaker)

In paragraph (2), after "current Parliament," insert "who are subject to statutory disqualification, who are suspended from the service of the House,"

In paragraph (3), after "Privileges" insert "and Conduct"

Standing Order 65 (Sessional Committees)

Delete "Personal Bills Committee" and insert "National Security Strategy Committee".

After "Privileges" insert "and Conduct"

Standing Order 78 (Committee for Privileges)

After each "Privileges" insert "and Conduct"

Standing Order 79 (Claims of Peerage)

After "Privileges" insert "and Conduct"

Standing Order 81 (Claims of Irish Peerages in abeyance)

After "Privileges" insert "and Conduct"

Standing Order 82 (Report of Committee for Privileges if improper arrangement entered into between co-heirs)

After "Privileges" insert "and Conduct".

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): My Lords, the first four Motions standing in my name on the Order Paper today are consequential on decisions taken previously by the House in agreeing to reports from the Privileges Committee, the Procedure Committee and the Liaison Committee. I beg to move the first Motion standing in my name on the Order Paper.

Motion agreed.

House of Lords: Code of Conduct

Motion to Resolve

11.38 am

Moved by ***Baroness Royall of Blaisdon***

To move to resolve that the Code of Conduct for Members of the House of Lords adopted on 30 November 2009 be amended as follows:

In Paragraph 16 delete "Rules" and insert "Code of Conduct".

Delete Paragraph 17 and insert:

"17. After investigation the Commissioner reports his findings to the Sub-Committee on Lords' Conduct; the Sub-Committee reviews the Commissioner's findings and, where appropriate, recommends a disciplinary sanction to the Committee for Privileges and Conduct. The Member concerned has a right of appeal to the Committee for Privileges and Conduct against both the Commissioner's findings and any recommended sanction."

In Paragraph 18 after "Privileges" insert "and Conduct".

Delete Paragraph 19 and insert:

"19. In investigating and adjudicating allegations of non-compliance with this Code, the Commissioner, the Sub-Committee on Lords' Conduct and the Committee for Privileges and Conduct shall act in accordance with the principles of natural justice and fairness."

Delete Paragraph 21 and insert:

"21. No Member shall lobby a member of the Committee for Privileges and Conduct or the Sub-Committee on Lords' Conduct in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code."

In Paragraph 22 delete "Sub-Committee on Lords' Interests" and insert "Sub-Committee on Lords' Conduct".

In Paragraph 24 delete "Sub-Committee on Lords' Interests" and insert "Sub-Committee on Lords' Conduct".

In Paragraph 25 delete "Rules" and insert "Code of Conduct".

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): I beg to move the second Motion standing in my name on the Order Paper.

Lord Pearson of Rannoch: My Lords, I trust that it is for the convenience of the House if I speak to the reports on the code of conduct, the scrutiny reserve on EU legislation and the scrutiny of opt-in decisions on EU legislation in one very brief speech. I have agreed this with the noble Baroness's office this morning. I do so because I was not able to be present for the substantive debate on 16 March, and I cannot let these decisions pass without at least minimal comment.

First, on the code of conduct, I simply comment that paragraph 54 of the new code is a scandal. It states:

"Members are not required to register pension arrangements, unless conditions are attached to the continuing receipt of the pension that a reasonable member of the public might regard as likely to influence their conduct as parliamentarians. Such conditions attaching to pensions from European Union institutions do not normally require the pension to be registered or declared in proceedings in the House".

The scandal arises because continuing conditions are indeed attached to EU pensions, because such pensions can be removed if the holder does not respect continuing obligations arising from their time in office. It is therefore wholly wrong to exempt EU pensions from the requirement that they be registered and declared in our debates. I have agreed to speak very briefly, so I will say no more on this point now. Students of the decline and extinction of British democracy can find the whole, sordid story in a short debate in your Lordships' House on 19 July 2007, at cols. 402-418 of *Hansard*.

I can deal even more briefly with the new rules on our scrutiny of European legislation and of opt-in decisions under Title V. Put briefly, none of these manoeuvres will make any difference to the powers already acquired by Brussels under the Lisbon treaty, nor to the steady advance of the project of European integration at the expense of our national parliamentary sovereignty. They are pure window dressing, designed to fool the people into thinking that the project has somehow become more benign and democratic.

On the scrutiny reserve, I remind your Lordships that the Government admit to overriding it no fewer than 435 times in the past five years. As most EU legislation is now agreed by majority voting, the Government, who have some 9 per cent of those votes, are powerless to respect this new code even if they wanted to. The best that can be achieved under the scrutiny reserve is that, after either House merely debates the legislation in question, the reserve is automatically lifted. We do not vote on it because we have no power over it—some safeguard, that.

Nor do I take any comfort from the eight-week delay in agreeing new measures because Ministers can simply override it, and they will. The whole concept of national Parliaments being able to stop EU legislation under the Lisbon treaty is, in any case, fraudulent, because in the end Brussels can go ahead with whatever it wants to do. I give one brief, current example. The Government say that they will not opt in to the proposed new European public prosecutor, but of course the octopus has a tentacle ready to deal with such futile posturing. It will extract British citizens for trial in another European jurisdiction by using the infamous European arrest warrant. There will always be a way around any national interest.

The battle lines are now clearly drawn between the political class and the people—between those who are determined to appease the project of European integration, to its inevitable and frightening conclusion, and those of us who have decided to join the resistance. I very much regret that the Government and your Lordships' House have decided to throw in their lot with the former.

Baroness Royall of Blaisdon: My Lords, I note what the noble Lord says, although I do not share his views. I should make it clear to the noble Lord that the opportunity to debate these issues was when the relevant papers were before the House for agreement. I very much regret the fact that the noble Lord was not present at that time to make his views known. The decisions having now been taken by the House, these Motions are simply intended to give effect to those decisions, not to create an opportunity to revisit them.

Motion agreed.

European Union Documents: Scrutiny Reserve

Motion to Resolve

11.43 am

Moved by ***Baroness Royall of Blaisdon***

To move to resolve that:

(1) Subject to paragraph (5) below, no Minister of the Crown shall give agreement in the Council or the European Council in relation to any document subject to the scrutiny of the European Union Committee in accordance with its terms of reference, while the document remains subject to scrutiny.

(2) A document remains subject to scrutiny if—

(a) the European Union Committee has made a report in relation to the document to the House for debate, but the debate has not yet taken place; or

(b) in any case, the Committee has not indicated that it has completed its scrutiny.

(3) Agreement in relation to a document means agreement whether or not a formal vote is taken, and includes in particular—

(a) agreement to a programme, plan or recommendation for European Union legislation;

(b) political agreement;

(c) agreement to a general approach;

(d) in the case of a proposal on which the Council acts in accordance with the procedure referred to in Article 289(1) of the Treaty on the Functioning of the European Union (the ordinary legislative procedure), agreement to the Council's position at first reading, to its position at second reading, or to a joint text; and

(e) in the case of a proposal on which the Council acts in accordance with Article 289(2) of the Treaty on the Functioning of the European Union (a special legislative procedure), agreement to a Council position.

(4) Where the Council acts by unanimity, abstention shall be treated as giving agreement.

(5) The Minister concerned may give agreement in relation to a document which remains subject to scrutiny—

[Baroness Royall of Blaisdon]

(a) if he considers that it is confidential, routine or trivial, or is substantially the same as a proposal on which scrutiny has been completed;

(b) if the European Union Committee has indicated that agreement need not be withheld pending completion of scrutiny; or

(c) if the Minister decides that, for special reasons, agreement should be given; but he must explain his reasons—

i. in every such case, to the European Union Committee at the first opportunity after reaching his decision; and

ii. if that Committee has made a report for debate in the House, to the House at the opening of the debate on the report.

Motion agreed.

European Union Proposals: Scrutiny of Opt-in Decisions

Motion to Resolve

11.43 am

Moved by ***Baroness Royall of Blaisdon***

To move to resolve that, in relation to notification to the President of the Council of the European Union of the wish of the United Kingdom to take part in the adoption and application of a measure following from a proposal or initiative presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union:

(1) No Minister of the Crown may authorise such notification within 8 weeks after the proposal or initiative has been presented to the Council.

(2) A Minister may however authorise such notification sooner than provided by paragraph (1) if he decides that for special reasons this is essential; but he should explain his reasons—

(a) in every such case, to the European Union Committee at the first opportunity after giving that authorisation; and

(b) in the case of a proposal awaiting debate in the House, to the House at the opening of the debate.

(3) Where the European Union Committee is scrutinising the question of notification independently of the substance of the measure to which it relates, scrutiny of the substance of the measure will continue to be governed by the Resolution of the House of 30 March 2010, as amended.

Motion agreed.

Representation of the People (Timing of the Canvass) (Northern Ireland) Order 2010

European Parliamentary Elections (Northern Ireland) (Amendment) Regulations 2010

Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010

Motions to Approve

11.43 am

Moved By ***Baroness Royall of Blaisdon***

To move that the draft orders and regulations laid before the House on 3 and 24 February be approved.

Relevant Documents: 8th and 9th Reports from the Joint Committee on Statutory Instruments, considered in Grand Committee on 25 March.

Motion agreed.

Constitutional Reform and Governance Bill

Order of Consideration Motion

11.44 am

Moved By ***Lord Bach***

That it be an instruction to the Committee of the Whole House to which the Constitutional Reform and Governance Bill has been committed that they consider the Bill in the following order:

Clauses 1 and 2, Schedule 1, Clauses 3 to 19, Schedule 2, Clauses 20 to 23, Schedule 3, Clauses 24 to 38, Schedule 4, Clauses 39 to 46, Schedule 5, Clauses 47 to 50, Schedule 6, Clauses 51 and 52, Schedule 7, Clauses 53 and 54, Schedule 8, Clauses 55 to 61, Schedule 9, Clauses 62 to 65, Schedule 10, Clauses 66 to 74, Schedule 11, Clause 75, Schedule 12, Clauses 76 to 80, Schedules 13 and 14, Clauses 81 to 86, Schedule 15, Clauses 87 to 95.

Motion agreed.

Export Control (Iran) (Amendment) Order 2010

Motion to Resolve

11.44 am

Moved By ***Lord Howell of Guildford***

To move to resolve that this House regrets that Her Majesty's Government have laid before Parliament the Export Control (Iran) (Amendment) Order 2010 (SI 2010/144) without explaining to Parliament how it would be implemented; and calls on the Government to explain why they consider the European Commission to be the appropriate institution for exercising this United Kingdom policy most effectively.

Relevant Document: 10th Report from the Merits Committee

Lord Howell of Guildford: My Lords, it is appropriate that this debate, which I hope will be very short, should come straight after the important resolutions that have just been moved by the Leader of the House—which may or may not be considered tough enough and radical enough—that govern European Union scrutiny reserve and opt-in procedures, since the matter that I am raising touches on the distribution of powers between this House and the EU institutions, although in a way that is rather different from the way in which they are usually handled and described through the scrutiny procedures.

This Export Control (Iran) (Amendment) Order has a clear-enough purpose. It is to extend the list of goods and technology that it is an offence to supply, sell or transfer to Iran. I make it crystal clear that we entirely agree with the policy. Any pressures that can help to curb the destructive ambitions of a repulsive regime are welcome, particularly if that regime is now moving in an unapproved way towards weaponising its nuclear power and threatening to destroy neighbouring countries. This is not the place to go into wider issues about making strengthened sanctions work, which are currently being discussed in a number of forums, or to discuss the prospects of getting Chinese and Russian co-operation, without which no sanctions will be fully effective. That is a much wider issue.

Why then are we concerned about this amended order? Although it is a small item, it stands at the crossroads of much larger ones. In this case, I have the excellent report by the Merits of Statutory Instruments Committee to thank for identifying the issue and urging that we give it further examination. The outcome of the order is to give the European Union Commission new powers, although admittedly very modest ones, over our national policy, in this case, in the highly sensitive area of shaping and determining our foreign policy. The Merits Committee stated:

"The Commission will now be able to amend these Annexes without reference to the Council, on the basis of information supplied to them by EU Member States, and not just on the basis of determinations made by either the UN Security Council or the UN Sanctions Committee as was the case under the previous Regulation. The Department for Business, Innovation and Skills (BIS) have said that they do not think this amendment causes problems in practice and have explained that the nature of an amendment to an Annex would determine whether they would lay a new SI or not. As the Annexes will be directly applicable to the UK, the House may therefore wish to satisfy itself that there are sufficient safeguards in place around this extended"—

I emphasise the word "extended"—

"power of the Commission".

It is that satisfaction that I now seek in the interests of your Lordships' House and of serving our proper duty to be vigilant in protecting this Parliament's powers and safeguarding any further transfer of powers that may be taking place.

As I say in my regret Motion, I find it a little difficult to understand how this type of regulation and the power shift implicit in it can take place without the Government at least explaining to Parliament how it would be implemented in practice and how our sovereignty will be affected. When the Minister replies, I would like him to explain that to noble Lords and also why the Government consider that the European Union Commission is the appropriate institution for taking this power and exercising this aspect of UK policy most effectively. It is obvious that the overall application of sanctions pressures by the European Union should be in the hands of the institutions, but the power to shape our own foreign policy considerations should surely rest with us.

Handing yet more powers—I have to say that—to the European Union institutions needs deep consideration. Some may think it is a marvellous idea; some may think it has gone too far. It needs deep thought and, frankly, I do not believe that this order has had very much of that either. I am concerned about the lack of time that has been spent on scrutinising the implications of this order—although the Merits Committee have done an excellent job—and I am concerned about the precedent it sets for the future. If we are an effective legislature, we should not let something like this simply pass without very careful examination and comment. I beg to move.

Lord Dykes: My Lords, we on these Benches express gratitude to the Merits Committee for bringing this to the attention of this House and the other place, and also to the noble Lord, Lord Howell of Guildford, for raising it in the debate today. It is an important point. I, too, thank the Minister for coming from the BIS today to answer this debate and hope that he will be able to reassure the House on the points raised by the noble Lord, Lord Howell of Guildford. As stated in the SI, the power of the Commission is increased not by an enormous amount but at the margin by a moderate amount, which I, on these Benches, would suggest is a practical measure which should not really cause excessive anxieties in the consideration of these matters. I think it is right that the evolution of the Union has been characterised not only by literal treaties and implementation—and Lisbon is the latest—which enable a much greater degree of co-ordination and the extension in majority voting, quite rightly, in many areas, but also pragmatically, with now a much larger number of countries. Obviously common sense must prevail, therefore, in the way in which the sovereign member states, the sovereign countries—fully sovereign, only conceding rights to the collectivity by freewill of the parliamentary and governmental representatives on every occasion—can decide to assign to the Commission this modest increase in powers.

We take comfort from paragraph 2 of the SI details which refers to the fact that although the 2007 regulation, for example, was directly applicable in all EU member states, national implementation legislation is and was

"required in relation to licensing, enforcement, offences and penalties".

Furthermore, in the BIS evidence and answers given to the Committee, in Appendix 1 of the report and then in A.4 towards the end, the reassurances are expressed there quite properly and in a satisfactory way, stating that,

"sanctions Regulations often give the Commission some scope for amending Annexes",

It also states that the Commission is now being given a slightly broader power than usual and

"we do not think that this causes problems in practice. This is because the wording of Articles 2(1)(a)(iii) and 3(2) of the 2007 Regulations set out limits for what the Annexes can include (broadly, only items with WMD end-uses can be listed)".

[Lord Dykes]
I welcome any reassurance the Minister can give.

In conclusion, I thank the noble Lord, Lord Howell for raising this matter. I would just widen it out into the geo-political implications in the Middle East with the British Government, the European Union and the wider international community being resolutely even-handed in the way in which they deal with these problems that are producing a much darker situation in the Middle East with the threat of war, renewed violence and so on. Because of the failure of the international community in not seeking a proper resolution of the Israeli-Palestinian dispute, the rage and anger of the Arab man and woman in the street, and in other non-Arab Muslim countries, is on the increase. Whatever the nature of the regime in Tehran— and I think there is ample and justified criticism about the things that the present Ahmadinejad Government are up to—if there is not a balanced policy and a balanced approach by the UK Government and the Union, that rage and anger will continue. Saddam Hussein was rightly expelled from Kuwait after one year of occupation; Israel is still in the occupied territories now after 34 years. This therefore must be solved by the international community, along with Israel, a country which I much admire, and the less powerful but equally needful Palestinians. And on that note I end, hoping the Minister might have time to refer to that if it is not considered to be out of order.

The Minister for Trade and Investment (Lord Davies of Abersoch): My Lords, I thank the noble Lord, Lord Howell, for his comments. I think we all share his concern that EU legislation should be subjected to proper scrutiny and that this House and the other place should have the opportunity properly to scrutinise both EU measures and the domestic legislation that implements them.

First, it is simply not true that the Government laid the order without explaining to Parliament how it would be implemented. The December EU Council regulation that led to the order was cleared from scrutiny without comment but was cleared by the European Union Select Committee in this House and by the equivalent committee in another place. The committees had the benefit of a full Explanatory Memorandum.

Secondly, I am very clear that it is appropriate for the European Commission to exercise the powers that were delegated by the regulation. As the FCO Explanatory Memorandum to the regulation says, it improves the speed and efficiency of the process in Brussels. It does not cede any further policy control to the Commission, as any revisions to the list must still come from the United Nations Security Council, from the UN sanctions committee or from member states.

That is not, of course, a complete answer to the noble Lord's questions. To be clear, we are talking about two instruments. The first instrument is an EU Council regulation that was adopted in December 2009 and amended the earlier 2007 Council regulation that imposed sanctions against Iran. The Commission has always been able to make minor amendments to that regulation. The December regulation simply added a power for the Commission to amend the lists of prohibited and of controlled goods and technology on the basis of information provided by member states. The second instrument—an order under the European Communities Act 1972 and the Export Control Act 2002—just updated a 2007 order that created offences and penalties and supplemented the original EU Council regulation.

The order is very short, and the Merits Committee has not suggested that it implemented the December regulation inappropriately. Indeed, there was very little scope for policy choices on implementation. As noble Lords will know, we do not have to transpose the substantive provisions of EU regulations into national legislation as we do with directives. The debate is ostensibly about the order, but most of the argument has been about the regulations.

In preparing for this debate, I have taken the opportunity to look back over the explanatory material which the Foreign and Commonwealth Office prepared for the December EU Council regulation and the explanatory material which BIS then prepared for the order. I am very clear that the Commission's powers to amend the EU regulations were properly set out there, and that the Commission can amend the list of controlled goods and technology,

"on the basis of information provided by either the United Nations Security Council or the sanctions committee, or by member states",

and that there is no formal reference back to the Council.

The FCO memorandum was submitted in mid-October, so there is no question of there having been insufficient time for comments. It may be that the Government can consider ways in which articles with provision for the Commission to amend sanctions regulations can be highlighted even further, but I do not accept the accusation implied by the Motion that we did not do enough to bring the effect of the December regulation on the 2010 order to the House's attention.

Some commentators in the Opposition might say that we have ceded too much control to Europe. My response is that we have not ceded any powers, as the Lisbon treaty did not change the intergovernmental nature of common foreign or security policy or member states' responsibility for foreign policy. EU member states make foreign policy decisions unanimously and case by case. That is what we have done here. We worked at the EU to get the right EU-wide policy on Iran that included a tough sanctions package to accompany and reinforce existing UN measures.

This has had a greater impact than unilateral UK action. I am in complete agreement that we need to be careful about what powers are delegated to the Commission and on what terms. However, I am satisfied that, in the particular circumstances of this case, the delegation was appropriate. As the noble Lord, Lord Sykes, says, there is a delicate situation in the Middle East. No reasonable person would disagree that there is a real threat posed by Iran's proliferation of sensitive nuclear activities—it is in defiance of five UN Security Council resolutions—and that this threat needs to be

carefully managed, ensuring that each member state has the time and opportunity to consider any proposed changes in approach.

Lord Dykes: I thank the Minister for giving way. I have two corrections. One is on his part: it is Dykes, not Sykes. The other is on mine: I meant to say 43 years of occupation.

Lord Davies of Abersoch: I thought that I did say that; please accept my apologies.

We need to join with our European partners on this. The threat can be more effectively tackled at a European Union, rather than at a national level, by ensuring that there are uniform measures binding on all member states. Without such action, we could not guarantee that member states would have equivalent controls in place on exports to Iran, with the consequent risk that Iran would be able to further its nuclear ambitions by procuring equipment within the EU.

This is not just about UK policy; the knowledge that we have about Iran's nuclear procurement necessitates changes from time to time and we need to remain vigilant. It is essential that the EU has the ability to act quickly. The alternative to the process used in these regulations would be to seek the agreement of the Council to changes of this kind. In my view, this would be inappropriate for as serious and volatile a situation as that in Iran.

Finally, the Commission's power to amend the list of controlled goods, software and technology in the Iran Sanctions regulation is still very closely circumscribed. Without UN involvement, it can only act on the basis of information supplied by member states and only in relation to goods, software and technology,

"which could contribute to enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery systems, or to the pursuit of activities related to other topics about which the International Atomic Energy Agency (IAEA) has expressed concerns or identified as outstanding".

In addition, the Council is able to amend the common and foreign security policy measure on which the Iran Regulation is based. That gives member states a further level of control. In practice, member states would ask for additions to the controlled list in the context of a working group. The Commission can only act on the basis of information supplied by member states and in practice, such information would be given in the context of a working group with all member states operating by consensus. Therefore, the UK should be able to block any proposition which raises national concerns.

Once again, I am grateful to the noble Lord, Lord Howell, for giving us an opportunity to debate this important issue, but I hope, in view of the further explanation I have given, that he will feel able not to press his Motion.

Lord Howell of Guildford: My Lords, I am extremely grateful to both the noble Lord, Lord Dykes, and to the Minister for addressing this issue and responding to my Motion in a very detailed way. I accept what the Minister says in his assurance that the Commission's powers—which are new powers, although of a very modest kind—will be clearly circumscribed, in his words, and that therefore, we are fulfilling our duty to be on guard and to watch anything that concerns the powers of your Lordships' House, or, indeed, of this Parliament.

I cannot resist one comment on the assertion that popped into his brief, and which I have heard so many times before, that the Lisbon treaty did not impinge upon our foreign policy under national control. The general public will stand astonished and bewildered at all the hoo-ha going on about control of the European External Action Service; and about the role of our former distinguished Member, the noble Baroness, Lady Ashton; about the quarrels about what her powers should be, with national governments' foreign ministers saying she should not take too many; and about the Commission saying she should take more. All that has led to great bitterness and dispute in Brussels, and clearly arises from the Lisbon treaty. To argue that the Lisbon treaty did not affect foreign policy leaves the layman utterly bewildered. It may be technically true, but in the real world it really is not true at all.

I was unable to resist that remark, but I try to sweeten it by saying that the Minister has presented a perfectly sensible response to a matter that I think it was right to raise before the House. In the light of what he says, I beg leave to withdraw my Motion.

Motion withdrawn.

National Assembly for Wales (Legislative Competence) (Local Government) Order 2010

Motion to Approve

12.05 pm

Moved By ***Lord Davies of Oldham***

That the draft order laid before the House on 10 February be approved.

Relevant Document: 9th Report from the Joint Committee on Statutory Instruments.

Lord Davies of Oldham: My Lords, the draft LCO inserts 10 new matters into field 12, the local government field, of Schedule 5 to the Government of Wales Act 2006. It was approved by the National Assembly for Wales on 9 February and by the other place on 23 March. The legislative competence order was announced by the then First Minister, the right honourable Rhodri Morgan, as part of the Welsh Assembly Government's legislative programme for 2009-10 on 14 July 2009. It will confer competence on the National Assembly to legislate in relation to the recruitment, retention and remuneration of all local government councillors and with regard to the structure and role of community councils.

This legislative competence will enable Welsh Ministers to achieve three outcomes. First, the Assembly will be able to legislate to ensure that local government provides relevant information to the public about what it does, thereby making councils more accountable and promoting public engagement. Future measures could introduce

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requirements on councils and councillors to provide information to local people on council activities and the work that councillors carry out.

Secondly, this legislative competence order will give the Assembly the power to introduce measures to remove the barriers and disincentives to people standing for election to local authorities and improve the skills and capacity of councillors once elected. For example, legislation could require local authorities to ensure appropriate training and development for their elected members. Welsh Ministers also believe that reform of councillors' allowances could similarly help to recruit and retain a wider range of people as councillors.

Finally, the order will give the Assembly the power to legislate to develop and strengthen the role of community councils so that they are able to deliver a wider range of services and actions locally. This request for competence is in response to a desire by Welsh Ministers to address issues arising from three reviews of aspects of local government in Wales. The Aberystwyth University report in 2003 comprehensively reviewed the activities of community councils across Wales. It identified the constraints that community councils believe they face and set out a number of proposals for enhancing their roles. The Assembly Government have given a commitment to seek legislation to address issues identified in the review.

Secondly, the Assembly Government established an expert panel to look at any issues that affected the recruitment, retention and development of councillors in Wales. The report of the panel, entitled *Are We Being Served?*, was published for consultation by the Assembly in August 2009. The consultation's responses are informing proposals for a future Assembly measure.

Finally, the Independent Remuneration Panel for Wales is considering the remuneration structures for councillors in Wales. A report by the panel setting out proposals for fundamental reform of the remuneration arrangements for councillors in Wales is expected next month. However, the panel has already called for the National Assembly to gain legislative competence over remuneration. As is always the case, the LCO has been subject to detailed and thorough scrutiny by the Constitution Committee of this House, the Welsh Affairs Committee in the other place, and a committee of the Assembly. The Government are of course grateful to these committees for their helpful and constructive recommendations. The Constitution Committee concluded that this LCO does not raise any issues of constitutional principle. The Welsh Affairs Committee expressed concern about the use of the term "communities" in the LCO. While the committee is correct—that the word is used in a range of different contexts—in this LCO the term "communities" is limited in its application to community institutions described in the Local Government Act 1972. These deal with local government at its most local level and extend only to community and town councils and community meetings. This link back to the 1972 Act is important in ensuring consistence in the use of terminology. The Explanatory Memorandum has been amended at paragraph 8.11 to clarify this issue.

The Welsh Affairs Committee also suggested the LCO should be renamed to give readers a clearer idea of its nature and focus. After very careful consideration it has been concluded that the current convention should continue so that the title of an LCO reflects the names of the most significant fields in Schedule 5 to which the matters relate. For this LCO, local government is therefore the most appropriate title. The Secretary of State for Wales has, however, written to the committee to say that in the new Parliament he would be happy to consider that the more descriptive titles be included in material published with an LCO, such as the Explanatory Memorandum.

I hope the House agrees that it is entirely appropriate for legislative competence in this already devolved policy area to be transferred to the National Assembly. This would provide the Assembly with comprehensive competence over local government in Wales and would enable Welsh Ministers to bring forward legislation to deliver the reforms they wish to see introduced. I commend the order to the House.

Lord Glentoran: My Lords, I thank the Minister for laying this order before us so clearly. The primary purpose of this LCO is to confer competence upon the Welsh Assembly to make primary legislation in relation to community councils in Wales. According to the Explanatory Memorandum, the Assembly Government wish to enhance and strengthen the role of community councils and enable them to deliver a wider range of services and actions locally. To that extent, we welcome the order.

We believe strongly that power should be devolved to the closest possible level to the citizen. In many cases, it is the community council that is closest to and most responsive to the needs of the citizen and if the Assembly Government propose to develop the role of the community councils in this regard, we applaud it. Other matters covered by the proposed order are the remuneration of county and county borough councillors and the recruitment of candidates to serve on county, county borough and community councils.

There are two questions I would wish to put to the Minister. The first relates to matter 12, which would provide the Assembly with competence to make provision relating to grants by Welsh Ministers to community councils. At the moment, the bulk of community council income is provided by way of council tax precept. It would be a concern if community councils were to have to rely exclusively or even primarily upon grants from the Assembly Government and the principle of the council tax precept were to be undermined or displaced. What assurances can the Minister give in that regard?

My second question relates to matter 12.13, which would allow the Assembly to put in place measures to help raise standards of local government by community councils. As the Explanatory Memorandum points out, in England this is presently achieved by the quality parish and town council scheme, which is established on a voluntary basis. Why have the Welsh Ministers decided not to pursue the voluntary route but rather to opt for legislation? Further than that, I have no other observations.

12.15 pm

Lord Livsey of Talgarth: My Lords, we welcome these measures for the local councils and, particularly, the community councils in Wales. As the Minister has quite correctly stated, the order is conceived through three reports. The Aberystwith University College of Wales, as it was then, produced a report which identified the constraints that community councils believed they faced. The report concluded that existing procedures for establishing a community council were too restrictive, as the Minister has mentioned, and that those for dissolving community councils were too lax. These procedures have been tightened up as a result of the recommendations of the report and the scrutiny of the Welsh Affairs Committee and the Assembly. The issue of directly funding councils was also taken into account. The second report, *Representing the Future*—which was produced by the Councillors Commission established by the Assembly—dealt with the future of community councils; and the third report was produced by the Independent Remuneration Panel and addressed the remuneration of councillors. A number of matters arise from this legislation which I wish to address.

The voting procedures are addressed in paragraph 7.10 of the Explanatory Memorandum. In our view, this is a lost opportunity in voting terms. We could have introduced a proportional system of voting but the Government and the Assembly appear not to have gone along that route. That is to be regretted. Issues connected with population sparsity are not properly addressed within Wales and the Official Opposition during their tenure reduced the calculations of population sparsity regarding need and we are now in a far worse state financially than perhaps we would have been.

One of the problems with this legislation is that the aspirations are great but the economic rewards for trying to achieve the end results that we all desire will not be met. For example, the aspirations on grants will certainly be difficult to achieve in the current economic climate. On the other hand, collaboration between community councils is extremely important, as is the transparency and participation within them.

There is mention of the national park authorities—of which there are three in Wales—and we cannot understand why all members are not elected from within the areas of the national parks; the majority are appointed by the Assembly. In the case of councils, many councillor representatives on the national park authorities do not live within the areas of those bodies. In fact, I can name people who live 80 miles away from national parks but are still representatives.

The question of scrutiny was addressed by both the Minister and the noble Lord, Lord Glentoran. It is interesting that, in the Explanatory Memorandum, paragraph 8.5 refers to the fact that exercising competence might have unintended consequences in,

"raising unrealistic expectations of what smaller community and town councils could undertake and deliver".

Expectations in many communities in Wales are great and can be achieved. For example, in 1987, three people came to me and suggested that it would be a good idea to have a book festival in Wales and to bring the authors there and so on. They asked me what I thought of that, and I said that we should do it immediately—and the Florence family did it. We know today that that is not entirely funded by grants from the Welsh Assembly, but add-on match funding has produced a very successful festival. I was involved in that from the beginning, as I was in the Brecon jazz festival, which has been equally successful. So communities should be given their head, and they can do it when they are given the opportunity.

There are other factors that we believe are important. This is a small leap for the National Assembly and, as we will discuss in the next LCO, there is a very long way to go. The matters that we are discussing are small but very important to Wales. We welcome this LCO.

Lord Roberts of Conwy: My Lords, I wish to speak briefly on this order. It is obvious that much of the order was conceived in more prosperous times before the recession and the era of staggering financial deficit and severe restriction on public expenditure that now engulfs us. Indeed the Aberystwyth report to which the noble Lord, Lord Livsey, referred, which set out proposals to enhance the role of community councils in Wales, dates back to 2003. The National Assembly's positive response and commitment to strengthen these councils to deliver a wider range of services dates back to 2004.

I recall quite vividly the discussions that we had on establishing community councils in Wales during the passage of the 1972 Act. At that time, the country suffered from a superfluity of small, often ineffective local authorities. The thrust of the reform was to reduce their number and to create bigger, more efficient units at county, district and borough level. The concept of community councils, unique to Wales but corresponding to parish councils in England, was developed to ensure that communities had a voice on local issues that would be heard by the higher authorities. The councils were deliberately not given many powers and were financed by precept levied at district level. The outcome is that we have some 730 community and town councils, half of them with a population of fewer than 1,000, eight with more than 20,000 and Barry, the largest, with 45,000. There are 8,000 councillors in all. The pattern is very variegated.

What this order proposes and will lead to potentially is an extra tier of executive local government. While this may have been demand-appropriate to the more prosperous times gone by, it is and will be an increasingly questionable proposal in the years immediately ahead, bearing in mind the costs that are implicit in various provisions of the order related to remuneration of councillors, direct funding by the Assembly Government and so on. It is worth reminding ourselves that Wales moved to a unitary local authority system in the early 1990s and now has 22 authorities that combine the powers of county and district councils. If they have a subsidiary tier to perform some of their functions at a local level, it is likely that this will be permissive rather than obligatory in nature, if only because of the great variety of community councils in size and innate strength. The powers to promote or improve the economic, social or environmental well-being of their area present a novel opportunity for community councils and may well be much in demand. Again, the issue of the

[Lord Roberts of Conwy]
availability of resources is bound to arise and there may well be a case for direct funding by the Assembly Government of local projects that fall into this category.

While there is a prima facie case for saying that this order promotes local democracy—it enables the Assembly Government to empower community councils—and is therefore to be welcomed, as my noble friend Lord Glentoran said, there is another side to that coin: this order gives additional powers to the Assembly to be more closely involved and to intervene at the very local level at which community councils operate. Everything depends on how these powers are exercised. "Power to the people" sounds good and is right, but "power over the people" is not so—a single word makes all the difference. We can only hope for the best.

Lord Elystan-Morgan: My Lords, I join in what appears to be a unanimous verdict of approval for this order. If ever there was a field where the presumption is that devolution should occur unless there is a very good reason to the contrary, it is local government. I find myself in agreement with practically everything that the noble Lord, Lord Livsey, has said in this matter. He has said it in some considerable detail and it would not be improved by repetition on my part. As one who was president of Aberystwyth for 10 years and chairman of its council for that period, I revel in the fact that the 2003 initiative has been approached with such approval and finds fruition today.

I am not entirely sure what the argument of the noble Lord, Lord Roberts of Conwy, was about community councils. I do not assume that he is saying that there should be no such councils and that the whole tier should be abolished. That would be a retrograde step and would go entirely contrary to the direction that the noble Lord, Lord Glentoran, indicated.

Lord Roberts of Conwy: I assure the noble Lord that it was a Conservative Government who established community councils in Wales in the Local Government Act 1972.

Lord Elystan-Morgan: I take that point, although one could be a little churlish and say that the councils were there before, as parish councils. They were amalgamated—sensibly, if I may say so—in the legislation that the noble Lord refers to.

There are difficulties. One could wax eloquent for hours on this matter and indeed fringe on the metaphysical on the question of exactly where one draws the line between local influence and local taxation. Noble Lords will remember that the American colonies' cry was, "No taxation without representation". I suppose that we can say now that the issue is, "No representation without taxation". There is indeed a case for some independence in the raising of money. On the other hand, there is also a case for subvention from central funds. With regard to the future of community councils, one should try to maintain the blend between a fairly light local subvention and a slightly greater subvention from local funds. I do not cavil at the name "community council". It is a term of art and it is entirely proper that it should be used in this context.

12.30 pm

Lord Davies of Oldham: My Lords, I am grateful to the noble Lords who have spoken in what I detect are supportive voices for the order, although I think that the noble Lord, Lord Roberts, followed a slightly more pessimistic vein than I would have hoped for on such a constructive order. However, I think that his view has been counterbalanced by rather more optimistic perspectives with regard to the community councils from the noble Lords, Lord Livsey and Lord Elystan-Morgan.

I will deal with the issues that I think noble Lords are particularly concerned about. First, the noble Lord, Lord Glentoran, was concerned about whether the establishment of a granting power for potential extra resources to individual community councils would replace the current funding arrangements. That is not the intention. The Welsh Ministers have no intention of replacing the present structure of the community councils, which will continue to receive their income via a precept. What is sought is a power to enable Welsh Ministers to provide funds for additional functions that may be bestowed on community councils. That would depend on community councils seeking initiatives that require additional funding. It would be for the Assembly to make that judgment, but surely it is right that we are transferring power so that the Welsh Assembly makes that judgment rather than anyone else so that it meets the democratic requirements in those terms.

I suppose that the noble Lord, Lord Roberts, would say that he has introduced an element of realism into the debate rather than pessimism, but I think that he is overly gloomy, certainly with regard to the issue that the noble Lord, Lord Livsey, raised about council opportunities and festivals. Community councils do not take initiatives in those areas dependent solely on how well off they are. If that were the case, we would have our festivals in very different locations from where many of them are. It very much relates to the inspiration, commitment, energy and activity of the local people who get festivals off the ground, as the noble Lord mentioned with regard to the Brecon Jazz Festival, although there are many other events across the whole of the United Kingdom that noble Lords could easily draw on. They are a reflection not of comparative resources in the locality, but of particular initiatives of people who are prepared to get things done. We all salute those communities, which achieve these things very well.

The order is entirely consistent in these terms. It is a step forward in democracy: first, by transferring the overall powers to the Welsh Assembly rather than letting them rest with the Secretary of State answerable to this Parliament; and, secondly, by attempting to enhance the powers of communities. I am grateful to the noble Lord, Lord Roberts, for identifying with great accuracy the enormous divergence of community councils in Wales. It is true that there is a great difference, but we are seeking to make provision possible. How far powers are exercised and the extent to which local community councils respond will depend on all the initiatives that I have indicated.

As the noble Lord rightly identified, some community councils are very significant indeed. We appreciate that Barry council is a pretty significant institution in its own right. Why is it so large and yet still a community council? Of course, it depends on the conurbation that one relates to. In the case of Barry and in other parts of Wales, by definition the authority to which the community councils relate are far distant and are not numerous in population, let alone at the level of the community councils. However, we are seeking an enhancement of the community councils.

The noble Lord, Lord Livsey, was optimistic about these proposals and supportive of them, for which I am grateful to him. I do not think that the issue of voting transparency crops up very much, nor does the issue of the methods by which councils are elected. I do not think that the Assembly thinks it necessary to have powers in this area to fulfil its obligation of enhancing the powers of community councils. It has not sought that particular power or competence. The noble Lord is of course fully entitled to his viewpoint, but it is not shared by the Assembly.

The noble Lord, Lord Glentoran, asked why the Welsh Assembly Government were not proceeding with a more voluntary approach, rather than this element of legislative competence. Rhodri Morgan made it clear, when he was concerned with the development of this competence, that he was very much in favour of it going forward on a voluntary basis. In a sense, this legislative translation is a back-up; it is a reserve power, where achievement may be at a lower level than one would otherwise want to see. There is the expectation, as in all relationships with community councils, that a great deal of initiative has to come from the councils. It is collaborative with the Welsh Assembly Government, in a way that is similar for community councils throughout the United Kingdom. We all recognise how important that aspect of local initiative is.

The noble Lord, Lord Roberts, was worried about whether we have inserted an additional tier of local government and I could see the demons that were beginning to lurk—extra bureaucracy and extra cost in difficult times. He warned us against the problems that we might create. I emphasise that this is not about an additional tier; it is about enhancing the competences of community councils where they wish to take initiatives. It is not about creating an additional tier.

The order should not create anxieties about additional bureaucracies or the notion that the difficult economic times that we are in would flatten aspiration. If the extension of democracy depended on levels of economic growth and levels of well-being, we would have to say that an awful lot of developments in democracy have taken place against economic backgrounds vastly different from the position that modern democratic states in the main enjoy today. After all, our own nation's democracy was scarcely won at a time of great economic flourishing and neither the American Revolution nor the French Revolution—steps forward in democracy—took place against a background of enormous optimistic hope. In fact, people were fighting against being taxed in periods of considerable economic difficulty. Therefore, I do not accept that argument, which is also too limited. The noble Lord, Lord Roberts, does himself a disfavour in these terms.

This is about creating a structure for the future, not just for the next six or seven years of economic difficulty while we pay off debt—I am all too well aware of the strains and stresses that face us in the relatively short term. This order is about enabling powers for the long term. I say to the noble Lord, Lord Roberts, that perhaps, having made his little jibe at the present economic circumstances, he needs a wider and more optimistic perspective on the virtue of this enhancement of democracy in Wales.

Motion agreed.

National Assembly for Wales (Legislative Competence) (Transport) Order 2010

Motion to Approve

12.40 pm

Moved By ***Lord Davies of Oldham***

To move that the draft order laid before the House on 4 March be approved.

Relevant Document: 12th Report from the Joint Committee on Statutory Instruments.

Lord Davies of Oldham: My Lords, the order was approved by the National Assembly on 2 March and in Committee in the other place this morning. The LCO was announced by the then First Minister, Rhodri Morgan, last July as part of the Welsh Assembly Government's third legislative programme. It does two things. First, it devolves legislative competence to the Assembly on concessionary travel. Secondly, it broadens the Assembly's existing competence in relation to learner transport.

The concessionary travel scheme in Wales provides free travel on local bus services for the disabled, their companions and those aged over 60. A rail pilot scheme is also in operation on certain rail lines. The LCO inserts a matter into field 10—the highways and transport field—of Schedule 5 to the Government of Wales Act 2006, to allow the Assembly to legislate about concessionary travel on bus services in Wales and rail services provided under a franchise agreement to which the Welsh Ministers are a party. Those are currently services operated in Wales under the Arriva Trains Wales franchise. Under current arrangements, Welsh local authorities negotiate directly with bus operators the amount of reimbursement due as a result of the scheme. The amounts are then paid by the Welsh Assembly Government, who believe that that arrangement does not build in sufficient incentives to control costs.

Competence, which this order provides, would allow the Assembly to legislate to exercise more rigorous control over the scheme, thereby safeguarding its longer-term viability. It could, for example, allow the Assembly Government to administer the scheme directly; enable the Welsh Ministers to negotiate reimbursement directly

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with operators; or allow the amending of all or part of the legislative framework for the scheme as a whole, including the process for appeals.

Perhaps it would help if I clarified what was meant by "learner" transport. We mean students, chiefly those in school but the concept relates to further education as well, so we are talking about support for those in education. The LCO would allow the Assembly to legislate in relation to the kinds of vehicles used by local authorities to provide learner transport and the safety and security features they should have. For example, local authorities could be required to use only vehicles that had certain characteristics, such as being single-deck vehicles fitted with seatbelts and closed circuit television.

There is cross-party support for this proposal in the Assembly following consultation on, and scrutiny of, the Learner Travel (Wales) Measure 2008. The proposal supports Welsh Ministers' policy objective to reduce car use to and from school by improving the security, comfort, convenience and safety of school buses, and hence their attractiveness to learners. The Assembly already has competence over most aspects of learner travel, subject to a number of general or floating exceptions in Part 2 of Schedule 5. These include an exception relating to the regulation of the use and construction of motor vehicles on roads and the conditions under which they may be used, and an exception for transport security. Both those exceptions constrain the Assembly's ability to legislate in respect of the equipment in vehicles used for learner transport and the security of those travelling in such vehicles.

The LCO removes some of the restrictions, but only in relation to vehicles used specifically for learner transport. In other words, some of the restrictions placed on the Assembly's existing competence are eased by redefining the boundaries of the exception. It is important to be clear, however, that the LCO does not devolve competence in relation to the technical standards of vehicles. Those apply throughout Great Britain and will continue to be determined by the UK Government, often within the framework of European law.

Pre-legislative scrutiny of the LCO was carried out by the Constitution Committee of this House, the Welsh Affairs Committee in the other place and a committee of the Assembly. The Constitution Committee concluded that the LCO did not raise any issues of constitutional principle. As this is the last LCO from the Assembly Government's current legislative programme to be subject to pre-legislative scrutiny, on behalf of the Government I thank the committee for the scrutiny that it has carried out in relation to this and the other LCOs considered recently. The committee has played an invaluable role in the process of devolving legislative competence to the Assembly. The Welsh Affairs Committee recommended that the Explanatory Memorandum be amended to specify how the use of the term "bus services" in the LCO related to its use in other transport legislation. Paragraph 7.10 of the memorandum has been amended to make it clear that the term is compatible with that used in the Transport Act 2000. It potentially encompasses all bus services in Wales and is widely drafted to enable the Assembly to differentiate between services, or to specify in legislation particular services such as community transport or long-distance coach services.

I hope that the House will agree that it is appropriate that these powers in respect of concessionary travel and learner transport are devolved to the National Assembly to allow the Assembly Government to implement their policies.

Lord Glentoran: My Lords, that was another excellent explanatory speech from the noble Lord. I am glad that it is the last of these LCOs; they seem to have gone on and on, but we have had good times as well, and I am sure that it is all in a good cause.

This draft LCO makes provision to confer legislative competence on the Welsh Assembly in the field of transport by inserting matters relating to school transport and concessionary bus and rail travel. There has been considerable pressure in south Wales for improvements to safety standards in school buses since the unfortunate death over seven years ago of Stuart Cunningham-Jones in the Vale of Glamorgan. Safety standards on school buses should be the highest possible and, if legislation comes forward which achieves that, it will certainly be welcomed by all. Indeed, this cannot be said to be a Wales-only issue and it would be even more welcome if the Government had considered pursuing the issues addressed by this LCO on an England and Wales level. There will be some impact on the providers of school transport and, although no consultation has taken place before this LCO, extensive consultation will clearly have to take place with transport providers before any measure is produced pursuant to the competence transferred.

So far as the question of concessionary transport is concerned, the Explanatory Memorandum indicates that the competence is sought to enable the Assembly to legislate to exercise more rigorous control of the scheme—for example, by allowing the Assembly Government to negotiate directly for the reimbursement of operating costs with operators, and to administer the scheme directly rather than through local authorities. The memorandum points out that the current mechanism of reimbursing operators via local authorities fails to build in sufficient incentives to control costs, since local authorities are reimbursed by the Assembly Government for the full cost concerned. Clearly that must be a significant problem if the Assembly Government seek legislative competence to address it. Can the Minister give any indication as to the extent to which the Assembly Government consider that local authorities are not sufficiently controlling costs?

It is unfortunate that the Assembly Government seem to consider that the only solution to the problem is to centralise control over it. Paragraph 7.8 also points out that there is a potential conflict of interest in that, under the current range of executive powers, Welsh Ministers may negotiate reimbursement directly with local bus operators acting as the agents of local authorities, but are themselves the appeal authority in cases of dispute. What is envisaged to replace this procedure? Will there be, for example, a separate appeals panel, independent of Welsh Ministers?

The memorandum also indicates that the competence of the Assembly will be limited in relation to concessionary travel by restricting competence over rail travel to Welsh services provided under a franchise agreement to which the Welsh Ministers are a party—to all intents and purposes, Arriva Trains Wales.

Can the Minister indicate whether there is any possibility of extending the scheme to non-franchise companies in Wales—Virgin Trains, First Great Western and CrossCountry? If concessionary travel is confined to Arriva Trains, is there not a possibility that those services will be heavily overused?

Finally, perhaps I may gently complain that there are omissions in certain parts of the Explanatory Memorandum. Paragraphs 7.4 and 7.8 are incomplete. That is a little regrettable, given that those paragraphs are important.

I support the order and await the Minister's response.

Lord Roberts of Llandudno: My Lords, from these Benches we welcome the order also. We welcome the increase in the power of the devolved Welsh Assembly. We perhaps regret that such a power was not there at the beginning, but at least we are slowly getting these new powers.

The two main items relate to concessionary travel and learner buses. I declare an interest as someone who benefits from concessionary travel, as perhaps most of us in the Chamber do. Concessionary travel has been a tremendous success. Wales led with concessionary travel for the elderly and then for the disabled. It has kept routes open that otherwise would have been closed. It has provided new opportunities for people who were perhaps confined to their localities and could not afford to travel. It has filled those empty buses. I know that in my own area of Llandudno we have a 10-minute service along the north Wales coast—something that we never had before. It would be catastrophic if, because of cuts in funding—whether savage or not—the amount available for the Welsh Assembly to maintain the concessionary travel system were to be reduced.

One thing that the Assembly will have to do in consultation with this Government in Westminster is to tackle the question of cross-border travel. You can travel to the Welsh border—it is no longer at Offa's Dyke, but it might as well be—and thereafter you are on a different system in an English country. We have to think, "How on earth can we get a UK-wide concessionary scheme for those in Scotland, Wales and England who benefit only from their own national schemes?". We must look at that in Cardiff and here also.

Many matters are still to be resolved regarding the learner transport problem. The noble Lord, Lord Glentoran, has already mentioned the safety of vehicles. One Scottish border company on 24 December last year had its licence to carry children to school withdrawn because of serious defects seen in vehicles used as school buses. Are we certain that the inspection of school buses is sufficiently thorough? It has only recently been suggested to me that sometimes a lorry, a bus or even a car is taken with fresh tyres to an inspection. When it has gone through, those tyres are replaced with the previous tyres that were slightly defective. Do we need more spot checks, not only in Wales but elsewhere on not only these but all buses?

I wrote to the Minister a few weeks ago asking for the figures on school buses which have been forced off the road because they were defective. The answer I received was that there is no special category for school buses—but there should be. School buses carry people who are totally vulnerable and not adults who can keep an eye on them. We need a special category for school buses.

In order to compete, certain companies might also be using buses that are not the most up to date but have seen the wear and tear of many years. Should double-decker buses be used for school transport? Should pupils be urged to sit three to a double seat? That happens. Why are safety belts compulsory only for those over 14 years of age and not for those who are three years and older, as the British Safety Council urges? Should there be not only the driver but someone else on a school bus, especially if the use of double-decker buses is to continue? When there is a distraction or something else that needs attending to, the driver will be distracted from his duties.

I support the order and apologise for any unforeseen noise that might have emanated from my mobile telephone.

The Lord Bishop of Lincoln: My Lords, it may surprise you that an English Bishop from an English diocese rises to intervene in this debate. However, we represent in an indirect way our colleagues from the Welsh dioceses, and I know from prior consultation that they are grateful that these orders are before the House and wish them to be given a fair wind.

My second reason for intervening is a general principle. Devolution is a process, not a single act. We do not need to be too apologetic about any profusion of such LCOs—they are indicative of a process which continues in relation to how the Welsh Assembly Act evolves in practice. The process that we are undertaking today is welcome.

I am personally grateful for these orders because, thirdly, I declare an interest. I retire next year, and we have acquired a property in Haverfordwest in Pembrokeshire. Thereby I anticipate being a beneficiary—so the interest needs to be declared—particularly in relation to this order. Perhaps I may hark back to the previous debate. I anticipate also that I might want to get involved in some of those community activities that will now have a much more local accountability. For that I am grateful. It has often been said that Pembrokeshire is "Little England beyond Wales". I am glad that as a result of these orders, it will be a little less England and a bit more Wales.

Lord Livsey of Talgarth: Before the Minister responds, perhaps I may point out to him the context in which this LCO is being made. Yesterday, the National Assembly for Wales produced its transport policy. One of its main aspects relates to climate change and sustainability. I should point out that sections in the document address, "Transport across Wales", "The north-south corridor"—including air travel—and the east-west corridors. Wales has a very poor transport infrastructure;

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sometimes I refer to it as a third-world infrastructure. The document includes "Smarter Choices guidance" to,

"increase more healthy and sustainable travel";

measures to:

"Strengthen the role of transport planning … Introduce Welsh Transport Entitlement Card for bus and rail services (by 2014)";

and so on. This LCO is very important in that context.

With regard to climate change, I was approached by the former chief executive of the Environment Agency, the noble Baroness, Lady Young, who said that we should ban north/south air travel between Cardiff and Anglesey. I asked her whether she realised that 50 aircraft from Heathrow went over my house each day at 10,000 to 16,000 feet, crossed and dissected by aircraft from Leeds, Newcastle and Edinburgh going to the Mediterranean. I asked her whether, in this context, she thought that a single plane carrying 35 passengers from Cardiff to Anglesey would make much difference. Therefore, I am sure that the Minister would welcome this document because we have a long way to go on sustainable transport in Wales.

Lord Davies of Oldham: My Lords, I am grateful to all noble Lords who have participated in this brief debate. I begin with an apology on behalf of the Government. As the noble Lord, Lord Glentoran, accurately identified, we made an error in the Explanatory Memorandum. Due to a printing mistake, a sentence was accidentally omitted from the version of the memorandum first laid before Parliament. When officials became aware of this, the correct version was tabled, but I apologise that that sad event occurred.

The noble Lord, Lord Glentoran, began by saying that he was glad that this was the last of the Welsh LCOs in this Parliament. It certainly is, although, as the noble Lord would anticipate me saying, normal service will be resumed after the interruption of the general election. However, I think that he had his response from the right reverend Prelate, who said what is undoubtedly the case. Devolution was certainly sparked by that significant act of devolution, but it is a process and these LCOs represent the process. Therefore, I think that the noble Lord, Lord Glentoran, will have to contain his enthusiasm for when the next order is before us in what I am sure will be the not-too-distant future. He will appreciate that the Welsh Assembly and Welsh Ministers can readily identify areas in which enhanced competence will enable them to serve the people of Wales more effectively. Therefore, we expect that the process defined by the right reverend Prelate will assuredly continue.

The noble Lord, Lord Glentoran, raised several specific issues. It is true that there are anxieties about the concessionary scheme and its costs throughout the United Kingdom but the Assembly feels that the people of Wales will be better served if the Assembly Government can play their part in negotiations. It means that the Assembly will be able to amend the mechanism for reimbursing bus operators as policy developments. There are no issues with the administration of the scheme but there is always an issue relating to costs. The Assembly Government are seeking—and the noble Lord, Lord Roberts, enjoined them to do exactly this—to enhance the value of and protect the scheme because it is extremely valuable to the people of Wales. However, of course there are costs associated with it, and the Assembly Government are seeking to ensure that they are in a position to work with local authorities and bus operators to agree the reimbursement mechanism. That, I think, is a development which the noble Lord, Lord Glentoran, who is ever concerned about costs, should welcome.

We have no doubt that all aspects of the concessionary scheme raise challenging issues. The noble Lord, Lord Roberts, referred to the cross-border problem. When a concessionary scheme, rightly, is subject to individual decisions in Scotland, Wales and England, those countries will be bound to reach different decisions and there will always be the problem of the cross-border relationship. The answer given by the noble Lord, Lord Roberts, if I heard him correctly, was that there should be a UK scheme. However, there are also virtues in the more obvious country-by-country approach, because England, Scotland and Wales can have their own clear objectives.

This order is predominantly about buses. It relates to Wales in the restricted area that I identified but, with the exception of long-distance coach travel and rail, which I mentioned when introducing the order, it is predominantly about buses, which overwhelmingly are a local concept. Therefore, it is right, first, that local authorities should be concerned with concessionary travel and, secondly, that England, Wales and Scotland should, if they wish, have different schemes to meet the different priorities that they identify.

With regard to rail, the noble Lord, Lord Glentoran, asked why concessionary travel is limited only to Arriva. Welsh Ministers are able to grant concessionary travel only in relation to the franchise services to which they are directly a party, and of course the other rail services are not a direct party. Therefore, with this enhanced competence they are restricted to the one franchise to which they are directly a party. That is the nature of that problem.

Lord Glentoran: I thank the noble Lord for giving way. For clarification, is that because the remaining railway companies are all cross-border and operate on a much larger scale? If so, is it not possible to put some sort of an organisation together ?

Lord Davies of Oldham: My Lords, the noble Lord is right but I emphasise that it is certainly an aspiration of both the Government and the Welsh Assembly Government to see a mutually recognised travel scheme—an issue that was raised by the noble Lord, Lord Roberts. Regular discussions take place between the Department for Transport and the devolved Administrations on this issue but it is pretty complicated, and of course rail is even more difficult because of the nature of the franchises. However, I am saying not that the Welsh Assembly Government are not fully cogniscent of the issues that both noble Lords have identified but that they are seeking competence in the area where they can play a more significant part, and I think that that should be welcomed.

The noble Lord, Lord Roberts, was very concerned about the safety of the buses provided for learners. I declare an interest in that I once enjoyed filling the role of president of RoSPA and am still a vice-president. Consequently, I always tackle safety issues with the

greatest of interest and concern, and therefore inevitably I have a great deal of sympathy with the noble Lords, Lord Roberts and Lord Glentoran, when they raise these issues in the context of Wales. School buses are not a devolved matter. Questions of safety and the provision of safety, particularly seat belts—the noble Lord mentioned three children sitting on two seats, which does not sound particularly safe to me—all come within the remit of the UK Government. Vehicles are inspected by the Vehicle and Operator Services Agency and of course the MOT requirement applies across the whole country and is not at all a devolved matter. However, the noble Lord is right that we pay extra attention to the safety of school transport.

This LCO will enable the Assembly, if it wishes, to restrict the use of double-decker buses if it is decided that they involve safety factors because of the possible lower levels of supervision when two decks are involved. In addition, if the Assembly did decide that three children on two seats was dangerous enough to increase the number of accidents and injuries, the Assembly could take that power. We are giving the Assembly exactly the competence to address itself to the issue that the noble Lord has raised. With regard to seatbelts, that power already exists with regard to school buses and therefore there is no need for devolution in those terms. On the safety issues, I am with the noble Lords in expressing their concern and anxiety. This order gives the competence to the most appropriate authority for dealing with this in Wales; namely, the Welsh Assembly. Consequently we can anticipate that the kind of anxieties that noble Lords have expressed today about safety will be taken up by Members of the Assembly.

The noble Lord, Lord Glentoran, raised the issue of appeals. Currently the Welsh Ministers have power to regulate the process once an application has been made to them under Section 156(4)(c) of the Transport Act 2000. The basic mechanism that precedes a consideration of appeal is set out in the Transport Act 2000 and the Welsh Ministers have no competence to change these. In view of what the noble Lord has said about the question of appeals, it may be that that could be the burden of an early LCO to address itself to this competence as well. At the present time they do not have that competence in view of our national legislation with regard to appeals.

I am grateful to the noble Lord, Lord Livsey, for his contribution to the debate. Air transport did not figure too extensively in my brief but I hear exactly what he says. At times one can feel that Wales is such a small part of the total transport system of the UK that anything that is regulated on a United Kingdom basis—I am pretty sure he understands why air traffic control is—can raise particular difficulties for local services in Wales. He mentioned the Cardiff to Anglesey air route. The Government have no proposals—nor has the National Assembly for Wales put forward any proposals—for the division of air traffic control. The noble Lord will have to see that as a UK-wide issue. As he probably knows, it is a bit wider than just the UK when it comes to the very complex issues of air traffic control. I beg to move.

Motion agreed.

Social Security (Loss of Benefit) Amendment Regulations 2010

Motion to Approve

1.13 pm

Moved By ***Lord McKenzie of Luton***

To move that the draft order laid before the House on 20 January be approved.

Relevant Document: 7th Report from the Joint Committee on Statutory Instruments

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My Lords, I beg to move that the draft Social Security (Loss of Benefit) Amendment Regulations 2010, which were laid on 20 January 2010, be approved. I confirm that, in my view, the statutory instrument is compatible with the European Convention on Human Rights.

These amending regulations support the tough new powers introduced by Section 24 of the Welfare Reform Act 2009, which widened and extended the existing loss of benefit powers contained within the Social Security Fraud Act 2001. Section 24 introduced a new four-week loss of benefit or "one strike" sanction for all first-time benefit fraud offences, not just for cases which result in convictions but also those which result in an administrative penalty or caution.

The new "one strike" sanction is all about deterring people from committing benefit fraud in the first place. The Department for Work and Pensions paid out more than £135 billion in social security benefits last year. The vast majority of this money was paid out correctly to those who were entitled to it; however £1.1 billion is estimated to have been stolen through benefit fraud. So, although the department has an extensive and successful strategy to tackle benefit fraud, more still needs to be done. This new sanction will increase and strengthen the deterrent effect of the existing sanctions regime and stop more people committing benefit fraud in the first place. However, if someone does commit benefit fraud they will do so knowing that they face losing four weeks' benefit on top of having to pay the money back and the risk of a criminal record.

I reassure noble Lords that only benefit fraud cases which result in a conviction, an administrative penalty or a caution will be liable to the new sanction. Cases where the customer has simply made a mistake will not result in a loss of benefit sanction. Such cases are dealt with separately outside of fraud investigation. The existing loss of benefit sanction, sometimes referred to as "two strikes", will continue alongside the new provisions to maintain a tougher 13-week loss of benefit sanction for those few persistent repeat offenders who are convicted twice within five years.

I turn now to the provisions in the draft regulations which set out the details of how the new sanction for benefit fraud offences will work. Almost all of the amending regulations reflect the existing Social Security (Loss of Benefit) Regulations 2001 and merely insert

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references to the new sections in the Social Security Fraud Act 2001. In particular, the details of which benefits are disqualifying and/or sanctionable, which are withdrawn or reduced and the hardship provisions all remain the same. This means that the same safeguards exist for customers who are vulnerable or seriously ill, and that the sanction cannot be applied to bereavement payments, retirement pension, benefits paid for children or those that cover the extra costs of disability. In addition, entitlement to "passported" benefits such as housing benefit, council tax benefit and free school meals is also unaffected, with specific references in the new regulations to income-related employment and support allowance and pension credit to ensure that "passported" housing and council tax benefit are not sanctioned at the same time as those benefits. Additionally, the regulations allow for statutory adoption pay, statutory paternity pay and the health in pregnancy grant to be excluded from the sanction.

The introduction of the new provision also created an opportunity to simplify the existing process, and as a result the start date of the disqualification period for both one and two strikes has been aligned with the benefit payment period. The new sanction will apply only if a benefit offence was committed after the commencement of the new provision. There will be no retrospective effect. The new regulations also delete the reference in the existing regulations to a housing benefit sanction following eviction on grounds of anti-social behaviour, as this measure is no longer in force. Further changes take account of Section 33 of the Welfare Reform Act 2009, to explain when a jobseeker is not to be treated as a person in hardship. The new sanction will be included in a future Targeting Benefit Thieves media campaign, and customer notifications will be revised to ensure that customers are aware of the consequences of committing benefit fraud and the punishments that can be applied.

In conclusion, last year over 56,000 benefit thieves knowingly withheld information or deliberately failed to report a change in their circumstances in order to steal money from the benefit system that is there to protect those who are most in need. We have a duty to protect the integrity of that benefit system and we remain committed to improve and build upon the good progress we have already made by reducing benefit fraud to half the level it was in 2001. This new loss of benefit sanction will help us do this. I therefore seek approval for the regulations, and I commend them to the House.

Lord Freud: My Lords, I thank the Minister for introducing the regulations, as my noble friend Lord Skelmersdale did when the parent provision was discussed in this House last year. As the Minister said, it is important that benefit fraud is addressed quickly and effectively, not only to save the taxpayer—although such a motivation is of course enormously important—but to retain public confidence in the system and ensure that benefits are targeted accurately towards those who need them most. I echo the Minister's closing remarks.

However, I take this opportunity to probe a little further the statistics on just how prevalent benefit fraud is. In our debates on the Welfare Reform Act 2009, the Minister said that the Government had reduced fraud across all benefits to 0.6 per cent of benefit spend; he repeated that figure just now.

That figure sounds like good news, although it is rather less impressive when we learn the absolute figure, which he gave us earlier: that benefit fraud, although halved since 2001, still accounts for £1.1 billion. How much of that £1.1 billion is fraud within the working-age benefits system, and what percentage of working-age benefits is fraudulently obtained? That £1.1 billion is an enormous amount of money, but even so, it does not reflect the true cost to the taxpayer. Undeclared work while claiming unemployment benefit, for example, hits the taxpayers' purse twice: once in benefits wrongly claimed and, secondly, in income tax not paid. It is quite right, therefore, that the Government should take steps to deter claimants from fraudulent claims. Restricting benefits will, we hope, prove an effective method of achieving that.

I am reassured to hear the Minister say that administrative errors will not be penalised. Given the complexity of the benefits system, I would also be interested to hear whether there has been a similar improvement recently in the number of administrative errors made and the amount of money that they have cost the taxpayer.

Baroness Thomas of Winchester: My Lords, I, too, thank the Minister for explaining the regulations, which one might call "one strike and you're out" rules—in other words, a new four-week loss of benefit provision, or "one strike" sanction, for all first-time benefit fraud offences. As the Minister pointed out, the purpose of the new rules is to act as a deterrent to benefit fraud of all sorts.

We on these Benches are as keen as anyone to eliminate fraud in the benefit system. Those caught making fraudulent claims, if five or six-figure sums are involved, invariably make the front pages of the red-top newspapers and bring the whole benefit system into disrepute. The lurid headlines created tend to make many people think that all benefit claimants are fraudsters, so anything that can be done to stop genuine fraud must be a good thing.

At present, the two-strike rule enables benefit to be withdrawn or reduced for a period of 13 weeks where a person is convicted in a court of law of benefit fraud twice and the second offence was committed within five years of the date of conviction for the first offence. The new rules starting next month under the Welfare Reform Act 2009 apply to those whose cases—estimated to be about 50,000 a year—result in an administrative penalty or caution, not just to those prosecuted in court. I understand that, for certain more vulnerable claimants, benefits would be abated, not completely withdrawn. That is very important, particularly if there are children in the household, who will have to pay the price for a parent's fraudulent claim. I hope that those entitled to hardship payments will be told about them automatically, and that those genuinely entitled to benefits will be encouraged to claim. It is worth repeating that fraud is estimated to be 0.6 per cent of the amount spent on benefits, with underclaiming of benefits estimated to be 9 per cent.

Fraud is one thing, and misunderstanding is another. Error—both customer error and Jobcentre Plus official error—is yet another problem. When I spoke on the parent clause in the Welfare Reform Bill last autumn, I had evidence from Citizens Advice that a lot of claimants were being sanctioned for fraud when they had genuinely misunderstood the position, either through lack of adequate English or lack of a clear explanation of the situation from a benefits adviser. That is very worrying. Citizens Advice tells me that its evidence still shows that some vulnerable clients are sanctioned for failing to comply with benefit rules through a failure to understand what is required of them. Citizens Advice fears that, under the new rules, people may feel pressurised to accept a caution to avoid further penalties, and states that many people do not realise that the interview is "under caution" until they attend. Consequently, they may not ask anyone to accompany them or seek legal advice before attending the interview.

It is, of course, particularly important for people with learning difficulties or other mental difficulties to have the support of a representative, friend or family member. The full implications of accepting a caution should be spelt out to the client, and the letter informing them of their interview should ensure that they understand that they can take someone with them. By accepting a caution, under these rules, they could now lose benefit as well as being sanctioned. If someone simply receives a letter from the DWP requesting that they attend an interview "under caution", why would they know exactly what that meant? Finally, will the Minister confirm that if someone receives an administrative penalty, that will not count as a criminal record in future?

Lord Laming: I, too, support the regulations. The Minister made helpful comments about the extent of fraud referred to by other speakers—£1.1 billion. How much money, if any, is recovered once the fraud has been identified? Secondly, can the Minister confirm the point made by the noble Baroness, Lady Thomas, about the amount of unclaimed benefit? It would be very helpful to have that on the record.

Lord McKenzie of Luton: My Lords, I am grateful for the support that all noble Lords who have spoken have given to the regulations. I shall try to deal with each of the points raised. I agreed with the noble Lord, Lord Freud, when he said that this is not only a question of justice and stopping people taking from the system unfairly, it is about retaining public confidence in the system. That is important. He asked specifically about the extent to which fraud occurred in working-age benefits. The latest figures to March 2009 show fraud at 0.8 per cent of all benefit expenditure: £1.1 billion, as I explained. A breakdown by type of benefit—working age, pension, and so on—is published by DWP. I do not have those figures to hand, but I will be happy to provide them to the noble Lord and other noble Lords who have spoken in the debate.

The noble Lord also asked about what was happening about error: are we administering the system more effectively? We are now applying the same rigour to error as we do to fraud. Official error overpayments are at their lowest level since 2002-03, and the latest statistics show that overpayments due to official error have fallen, despite a background of significantly increased work pressures faced by the department and local authorities during the economic downturn. He again turned to the issue of undeclared income, which we debated in our recent deliberations on the Child Poverty Bill. I am not sure that there is much we can add to that debate today. Clearly, the issue of tax evasion is important and the Government have put significant resources into trying to clamp down on it. However, it remains for us all to be vigilant, just as we need to be vigilant around benefit fraud.

The noble Baroness, Lady Thomas, again supported these regulations and I am grateful for that. She referred, as did the noble Lord, Lord Laming, to the fact that we know that significant amounts of benefit are still not claimed. Again, I do not have that data to hand, but we discussed it on the Child Poverty Bill. For one more recent order, I think that we put some statistics on the record. I am happy to do that again in due course.

From recollection, those benefits where there is the lowest take-up are pension credit, council tax benefit and housing benefit. On the latter two, people often do not realise that those benefits can be claimed when you are in work as well as out of work. The Government have done a lot to focus attention on that, particularly by enabling claims for pension credit, council tax benefit and housing benefit to be made in one telephone call that covers them all. We are also looking at new ways of using the administrative data that we have, specifically to try and target people who we believe might be entitled to council tax benefit and housing benefit.

The noble Baroness, Lady Thomas, referred to interviews under caution. My information is that the letter which asks them to attend states that they can bring somebody with them. If the noble Baroness has any examples where that is not happening, I will be very happy to look into it. There is also a leaflet explaining those issues.

The noble Lord, Lord Laming, asked about recoveries of overpayments. The data which I have to hand for 2008-09 are that we have recovered something like £281 million, while £286.4 million has been written off. Obviously, there is still some way to go to recover the full amount due. The level and rate of recovery are limited as well, because it is generally, if not always, being recovered from people on low incomes.

Reverting to the point made by the noble Baroness, Lady Thomas, there are two separate interviews. In one, they are under caution and in another they are offered a caution, so a two-stage process is involved. I believe that that has dealt with each of the points that were raised. If not, I will be happy to try and have another go if noble Lords prompt me on it. Subject to that, however, perhaps we might move to acceptance of these orders.

Motion agreed.

Jobseeker's Allowance (Work for your Benefit Pilot Scheme) Regulations 2010

Motion to Approve

1.33 pm

Moved By ***Lord McKenzie of Luton***

To move that the draft order laid before the House on 24 February be approved.

Relevant Documents: 9th Report from the Joint Committee on Statutory Instruments

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My Lords, these regulations were laid in draft before the House on 24 February and debated in the other place on 23 March. I am satisfied that their provisions are fully compatible with our obligations under the European Convention on Human Rights. They lay out a legal framework for a Work for your Benefit pilot scheme in four Jobcentre Plus districts, which will constitute a six-month programme of externally provided work experience and employment support for those jobseeker's allowance customers who are not successful in finding a job during the Flexible New Deal stage.

The draft regulations state when a person must take part in the Work for your Benefit scheme and set out the sanctions regime which will apply should they fail to do so without good cause. They also contain a number of safeguards to protect our most vulnerable customers, while at the same time ensuring a continuation of the job search activity that is central to the jobseeker's agreement.

I know that noble Lords will be familiar with the scheme from our debates during the passage of the last Welfare Reform Bill, which received Royal Assent last November. Nevertheless, I will remind noble Lords of the details of the Work for your Benefit scheme, before outlining the specific provisions of the draft regulations which we are here to debate. At the heart of Work for your Benefit is the idea that the best way we can help the long-term unemployed is by keeping them as close to the labour market as possible. To this end, the scheme provides a programme of work experience and employment support for those JSA customers who face particularly challenging barriers to returning to work. It will serve as an additional layer of support beyond the Flexible New Deal stage.

The scheme will see external providers sourcing work experience programmes for jobseekers as a way of helping them to gain or regain the skills, routine and mindset required for their move into sustainable work. The nature of the work experience on offer will vary widely according to the needs of participants, but it will mean a working week of 30 hours for most people, as well as up to 10 hours of externally provided employment support. Any easements and flexibilities limiting availability for work within a customer's jobseeker's agreement will apply to the placements, so those available only for part-time work will have that commitment honoured.

The placements, however, are not jobs. They will exist over and above the staffing requirements of organisations. Safeguards will be in place to ensure that current or future jobs are not threatened, while organisations providing the placements will be required to sign declarations stating that this is the case. We envisage around 5,000 customers participating in the pilot scheme, who will normally be referred to the Work for your Benefit scheme after two years of unemployment. There will, however, be scope for up to 250 people to be referred to the scheme at an earlier point in their claim, should their adviser deem it beneficial.

Lone parents will not be subject to early referral, given their parenting responsibilities. Eligible lone parents will, however, be required to take part in the scheme if they reach the end of Flexible New Deal without finding sustained employment. We do not believe that it can ever be acceptable to write a person off as unemployable. We should continue to offer support, regardless of how long a person has been out of work, so we will expect lone parents to engage with the support on offer once their children become older. The requirement to participate in Work for your Benefit will only apply to lone parents claiming jobseeker's allowance—that is, lone parents with older children.

All the flexibilities we have put in place for lone parents within the jobseeking regime will of course continue to apply in Work for your Benefit. For example, lone parents may only be required to participate in term time. We have also recently introduced a new right for lone parents with a child of 12 and under, restricting their availability for work to their child's normal school hours. These protections continue this Government's commitment to helping lone parents achieve a constructive work-life balance.

Noble Lords may also be aware that yesterday we published *Building Bridges to Work: New Approaches to Tackling Long-Term Worklessness*. That paper includes a package of measures to support the long-term unemployed and those on sickness benefits getting back to work. One element of this package is a jobseeker's guarantee, giving jobseekers a guaranteed offer of a job, internship, volunteering placement or work experience after two years of being out of work. That guarantee ensures that we are supporting those who have been hardest hit by the recession. However, we still want properly to test and evaluate the approaches to support we will deliver in the Work for your Benefit pilots. The pilots will therefore run in parallel to the new guarantee in pilot areas, allowing us to gather evidence on the impact of full-time work experience to inform our longer-term strategy and further development of the jobseeker guarantee. It is right, however, that in this economic climate we do not wait two years for evaluation before we put in place extra support nationally.

The draft regulations will allow us to implement a pilot scheme in four English Jobcentre Plus districts. These are: Greater Manchester Central; Greater Manchester East and West; Cambridgeshire and Suffolk; and Norfolk. In particular, the regulations will state who will be required to take part in the Work for your Benefit scheme and establish a sanctions regime to underpin the pilots. Customers will be required to

participate in the scheme either when they are randomly allocated to that option prior to commencing the Flexible New Deal or when they are referred by their Jobcentre Plus adviser at an earlier point in their claim. Customers who fail to participate in the scheme without good cause will be subject to a regime of escalating sanctions. Jobseeker's allowance may be withheld for two weeks in the first instance of a breach of agreement, four weeks for a second breach, and two weeks for a third or subsequent act or omission.

For the new scheme to be successful, we must encourage those JSA claimants who are selected to participate to engage fully. Mandatory programmes engage greater numbers of people, and they are sometimes necessary to help those who face the greatest barriers to work. Those other benefits which a customer may be claiming will not be affected by the sanctions regime. Only jobseeker's allowance payments will be suspended in the course of a breach of the jobseeker's agreement for customers on Work for your Benefit. As in other employment programmes, the regulations provide for hardship payments to be available for customers in vulnerable groups to ensure they can continue to receive their jobseeker's allowance at a reduced rate.

These regulations also ensure that participants continue to meet the entitlement conditions for jobseeker's allowance while they are participating in full-time activity. Our external providers will facilitate a full range of job search support for up to 10 hours per week for the duration of the scheme, so by virtue of taking part in the scheme, customers will be actively seeking work. In addition, to provide flexibilities to smooth the transition to work, the regulations allow customers 48 hours to attend an interview and up to one week to start work.

I finish by restating the Government's commitment to helping into work all those who can work. We have revolutionised our service provision for jobseekers, and the innovative nature of the Flexible New Deal is an example of this. However, even the bespoke support offered by the Flexible New Deal cannot help everyone into work, so we want to trial the new Work for your Benefit scheme as an extra layer of support. Moving our most vulnerable customers as close to the labour market as possible is essential to realising their potential. This pilot aims to furnish long-term jobseekers with the skills and habits needed to re-enter the world of work, but it will also grant them access to externally provided job search support and advice.

I thank noble Lords for their valuable contributions during the passage of the Bill last year. I hope that they will agree to these regulations so that we may put our words into practice. I beg to move.

Lord Freud: My Lords, I thank the Minister for introducing these regulations, which we welcome. The merits and pitfalls of a Work for your Benefit scheme were closely scrutinised in this House when the Welfare Reform Act 2009 went through. Indeed, we spent many days on this matter assessing the potential unintended consequences it could have on the most vulnerable recipients of benefits. At the end of that process, we had a much clearer idea of the detail of who this scheme is intended to help, what safeguards there are to stop it requiring impossible steps and the help it would provide to those participating. That help is desperately required. There are still 1.5 million people claiming jobseeker's allowance, and even worse, a record 8,160,000 economically inactive people.

The Government like to come up with all sorts of productive activities that a person no longer claiming unemployment might be doing, but with employment levels at the lowest they have been for 16 years, it is clear that those people are not getting back into work, and with the already hugely oversubscribed higher education sector facing £1 billion of cuts over the next three years, I doubt very much that all those economically inactive people are improving their chances via further education. This scheme provides another stage at the end of the Flexible New Deal and provides another route for a recipient for whom the system has already been proven to have failed. With fewer than one in four people in 2009 leaving Labour's New Deal to find a job, we welcome this scheme as a route to engaging a recipient with workplace activity.

1.45 pm

As such, I could wish that the Government had found a way to roll out this scheme on a faster timetable than is currently their intention. As noble Lords know, consultation on these proposals was carried out nearly two years ago, and yet the vast majority of those who will benefit from this scheme will not have this option available to them for more than four years. The Explanatory Memorandum makes it clear that interim evidence will not be published until the summer of 2011 and that the full evaluation will not come out until late 2013 or, possibly, early 2014.

Of course, it is valuable to discover how well Work for your Benefit will perform in this country, but the considerable time that the Government have insisted on before we have the answer means that the Government—whoever that might be—will be flying blind on how this element of their programme fits in with other elements for many years to come. Quite apart from the Government's guarantee, which the Minister mentioned a short while ago, I am thinking, in particular, of the "invest to save" approach on the Government's model and the work programme on a future Conservative Government's model. In each case, we are looking at programmes in which providers are incentivised to individualise their offering to clients and to work with them for an extended period. The issue I have a concern with is that this entirely separate pilot will not give us information on what is likely to be the real world post-2013. Participants in these pilots will not have experienced the "invest to save"/work programme approach, so the findings may not tell us all that much about what happens in a future world. I would be most grateful for the Minister's views on how the Government's programmes in this area might interrelate.

Baroness Thomas of Winchester: My Lords, I, too, thank the Minister for explaining these regulations, which bring in four pilot schemes—two urban and two rural—for the controversial Work for your Benefit provisions starting in November this year for two years.

[Baroness Thomas of Winchester]

It is important to be sure just what the pilots are intended to show. The Explanatory Memorandum states:

"The aim of the scheme is to test whether mandatory work experience, coupled with job search support, helps the long term unemployed find and sustain work".

By "work", I gather that we are talking about a minimum of three months, after which the provider will be paid for getting that person into work. We have heard the view of the Official Opposition again today. I do not know whether they think that we do not need this pilot at all. They certainly think that we do not need a two-year pilot but should just get on with the scheme. "Further and faster" seem to be their watchwords, but the evidence from other countries, as the Government have acknowledged, is mixed about whether a Work for your Benefit scheme increases the likelihood of a long-term unemployed person finding work.

There is a view that such schemes can even reduce employment chances by limiting the time available for job search and failing to provide the skills and experience that are valued by employers. One finding from DWP research report 533, *A Comparative Review of Workfare Programmes in the United States, Canada and Australia*, by Crisp and Fletcher, is not a surprise. It was that workfare, which is similar to Work for your Benefit, was least effective in getting people into jobs in weak labour markets where unemployment was high.

We have had the argument endlessly about whether this is the time to be introducing the Work for your Benefit scheme. The Government have consistently said that this is exactly the time to give people more support in looking for employment. No one can possibly argue with providing more genuine support for jobseekers. However, if the jobs are not there, they are not there, and no amount of Jobcentre Plus smoke and mirrors can find them. I wonder what sort of work placements will be offered to Work for your Benefit claimants. We simply do not know. I understand that companies have to sign a declaration that the placement will be in addition to existing or expected job vacancies.

We fear that there are likely to be cuts in the near future in public sector employment. Perhaps these work placements will be in that sector. The Minister in another place spoke about the strong recovery in places such as Cambridge, because of all the new technology there. Cambridgeshire is certainly one of the pilot areas for this scheme. The others are Suffolk, Norfolk and Greater Manchester. Has the department made any assessment of the likely strength of the jobs market in all the pilot areas?

Perhaps one sign of a confusion of policy is that, as the Minister said, Jobcentre Plus officers are encouraged to identify for early access to the Work for your Benefit scheme some claimants who have been unemployed for less than two years, if they think that they will benefit from it. However, these people, who might think that they are being singled for preferment or extra help, will actually be in a sanctions regime, as though they were demotivated and work-shy.

Another finding from the Crisp and Fletcher report is that workfare is least effective for individuals with multiple barriers to work. These are, of course, precisely the people who are likely to be unemployed for two years. Several employment providers, in responding to the *No One Written Off* consultation, were concerned about the inflexible six-month running period of the Work for your Benefit scheme, making the point that it should be individually tailored to suit the individual's needs.

WorkDirections, which is a well respected provider, suggested designing the length of the placement by asking the clients some simple questions at the action-planning stage. For example, what are the constraints that the clients are facing? What does the client need to gain? How long will it take to gain the relevant skills, knowledge or experience? How can progress be verified? In other words, a six-month one-size-fits-all placement is too inflexible.

If it is clear after, say, three months that the particular placement is not suitable for a particular individual, and may even be counterproductive, what will happen to that individual? Will JCP monitor the progress that is being made by individual claimants throughout the 26 weeks? Will the claimant have any choice over the work experience that they undertake, or will they be left to do the whole six months, come what may? I know that the phrase "good cause" will be used by the Minister as a reason why a claimant could stop a placement, but I do not think that "good cause" encompasses unsuitability of the work placement. If the claimant knows that the particular placement that they have been allocated is not giving them the right sort of experience, for example, will they be able to take the matter up with the provider or should they take it up with Jobcentre Plus? The last thing that we want is for claimants just to default on a placement and, by doing that, to receive a sanction because the particular placement was totally unsuitable for them. I am all for the personalisation agenda and for work experience placements, especially their length, being designed to suit an individual, but this is not what we are getting with this pilot.

Finally, I am disturbed that claimants will be allocated randomly to the pilots. This seems totally at odds with the whole tailored-to-the-individual approach that the Flexible New Deal was supposed to give people. My honourable friend Steve Webb in another place, who is a social scientist, makes the point that a Flexible New Deal provider should already have given the claimant work experience during the two years that the claimant was unemployed. It seems distinctly odd that such a claimant might be randomly assigned to a Work for your Benefit scheme when their only problem is that there is no suitable job available. I wonder whether part of the reason for this whole scheme is to clamp down on those who are suspected of moonlighting—claiming and working on the sly. The noble Lord, Lord Freud, mentioned this.

This may be the last time that the Minister and I are sparring across the Chamber on DWP matters and I should like to end by thanking him for all his hard work in this rather unfashionable area of government activity. I also thank him very much for his unfailing courtesy in the way in which he has fulfilled those duties, particularly answering all our questions, however difficult. We are most grateful to him for all his work.

Baroness Wall of New Barnet: My Lords, I, too, thank my noble friend for bringing forward these regulations. I should like to add a little more optimism to the debates. I recognise that there are many complexities in the jobseeker's allowance Work for your Benefit pilot scheme, but does my noble friend accept that, in working with DWP, as many of the sector skills councils are, there are opportunities for private employers that are already expressing an interest to ensure for the longer term that these young people—they are mostly young people, although some are older—are brought into the sector of work? In this way, the understanding of going to work, getting up and all the interests that we know employers have are fulfilled.

I seek a couple of assurances from my noble friend. First—I think that he has already stated this—I hope that the pilot will not have to run its full length before we start to look at increasing the opportunities. Secondly, I hope that there is a clear understanding of how this will work, so that individuals know that this is not a job but an opportunity for a placement and so that employers clearly understand that what they are bringing for these young people is the opportunity to understand the world of work, without necessarily guaranteeing employment. There has been some confusion over that. Certainly I welcome this opportunity on behalf of many of the sector skills councils.

Lord McKenzie of Luton: My Lords, I start by thanking the noble Baroness, Lady Thomas, for her kind remarks. I would not necessarily accept that this might be my last time in this role at the Dispatch Box, but we will have to see. I thank all noble Lords who have spoken in the debate. I have to start off with the confession that in my opening presentation I made an error when I said that the sanction for a third act or omission was two weeks, when in fact it is 26 weeks. My apologies for that; it ought to be put clearly on the record.

The noble Lord, Lord Freud, gave us his view of where we are in terms of employment and unemployment statistics. He will be aware that the latest figures showed that there were 2.4 million more people in employment than there were in 1997. The employment rate is 0.5 percentage points lower, at 72.2 per cent, but the long-term claimant unemployment count is 58 per cent lower and the long-term youth claimant unemployment is 28 per cent lower. That shows that a Government who are active in looking at employment policies can make a difference. In particular, if you look at the expectations that pundits have around unemployment, given the recession, you see that unemployment is half a million lower than was expected last year, with 365,000 more lone parents in work and 600,000 more disabled people in work. The noble Lord made reference to the inactivity rate—the figure of 8 million, I think—but he will know full well that this is partly attributable to the fact that there are more people and so there will inevitably be a higher number. Also, the figure covers many more students than there used to be in full-time education, which is something that I am sure we would both welcome.

The noble Lord asked about the evaluation of the work programme. We are already testing a cross-benefit approach through the personalised employment programme from spring of next year. That includes the new funding model, which of course will be familiar to him. He asked how this fits in with our other schemes. Work experience is only one element of the potential support. It is important that we test this element and ensure that it is as good as it can be. We will include work experience as part of the wider support that is included in the jobseeker's guarantee, which we announced yesterday.

2 pm

The noble Baroness, Lady Thomas, asked whether this is the right economic climate for these proposals. We need to keep people who are out of work as close to the labour market as possible, regardless of economic conditions. This gives them the best chance of capitalising on the recovery when it occurs. We will not repeat the mistakes of the past and ignore unemployed people when they most need help.

The noble Baroness also referred to research reports on workfare. The research shows that similar programmes in other countries have had varying success. However, we do not intend blindly to mirror what has gone before. We want to learn from others' experience and to develop a programme that meets our own needs and moves people into work. This is why the programme includes up to 10 hours per week of additional support from the provider.

The noble Baroness asked where these placements will come from in the current economic climate. I will also deal with the point made by my noble friend Lady Wall. Work for your Benefit placements are not permanent jobs; they are work experience placements and can be located in any number of organisations, including in the public sector, where appropriate. We do not expect the number of participants to be large and we will run pilots in limited areas, but we will ensure that placements are in addition to any existing or expected vacancies and that they do not result in companies taking on Work for your Benefit customers at the expense of recruitment. All employers who offer work experience placements must sign a declaration—the noble Baroness sought confirmation of this—that states that the placement is in addition to existing or expected vacancies in their organisations. It is very important, as my noble friend says, that this is a transparent process.

The noble Baroness also asked about the work that people will do. The type of work experience will be different for everyone. We will ask providers to source individual work experience placements that are based on the needs and aspirations of the individual. This bespoke work experience will have a far more realistic chance of helping jobseekers into work. It is therefore not a one-size-fits-all approach; it is very much to the contrary. In comparison, workfare tends to be work experience in isolation and is without the additional employment support and training that are included in the Work for your Benefit programme. In addition, workfare placements have tended to be one-size-fits-all, which is not what is intended here. Work for your Benefit will provide work experience that is based solidly on the needs and aspirations of participants, so their aspirations will be taken into account.

[LORD MCKENZIE OF LUTON]

The noble Baroness also asked about random allocation. Random allocation is the most robust method of evaluation, as we are testing two different options against each other.

I hope that I have dealt with each of the points that noble Lords have made. My noble friend Lady Wall made the point that the pilots will proceed over a couple of years, but our announcement yesterday means that we will proceed with the job guarantee for everyone who has been out of work for two years, and we will not await the finalisation and the evaluation of the pilot, as I explained in my introduction. With those comments, I seek approval for these regulations.

Motion agreed.

Mortgage Repossessions (Protection of Tenants Etc.) Bill

Second Reading

2.03 pm

Moved by ***Lord Best***

That the Bill be read a second time.

Lord Best: My Lords, I am honoured to be taking forward this Bill, which was introduced in another place by Dr Brian Iddon, Member of Parliament for Bolton South East. I pay tribute to his diligence and hard work in steering this Private Member's Bill through all its stages in the other place, liaising with the Government and working with all the various bodies concerned with the issues covered by the Bill. I also thank the four charities that have campaigned for this legislation—Citizens Advice, Shelter, Crisis and the Chartered Institute of Housing—and I declare my own interest as chair of the Property Ombudsman Council, which seeks to resolve disputes between tenants, landlords and managing agents, as well as handling complaints against estate agents.

I am also extremely grateful to the government Whips for finding the time for the Second Reading of this Bill, which should enable its progression into law before the end of this Parliament. The good that I believe will flow from the enactment of this legislation can be attributed to Dr Iddon, to the charities that have persisted in arguing the case and to the genuinely honourable politicians from all parties who have given it their support.

Fortunately, my comments on this Bill can be brief, first, because consultation on the Bill's content last summer, which was organised by the Department for Communities and Local Government, took on board important points raised by relevant professional bodies and associations—the Bill has the backing of the Residential Landlords Association, the British Property Federation, the National Housing Federation, the Royal Institution of Chartered Surveyors and the National Landlords Association, among others—and, secondly, because the Bill has strong cross-party support: the Government have given their full backing and the CLG has given expert input; the Liberal Democrats in this House have urged progress in bringing forward this legislation; and the Conservatives in the other place have been extremely supportive of the measures in the Bill. I will therefore confine myself to a short description of the significance of the Bill and I will be very willing to respond in my closing remarks to any points raised by your Lordships.

The Bill seeks to protect the so-called unauthorised tenants of residential-turned-let—RTL—tenancies who are at risk of sudden eviction because their landlord has fallen into arrears and the lender has commenced repossession proceedings. In these cases, the landlord has rented out a property without the consent of the lender, who is almost always an owner-occupier who pays a lower rate on their borrowing than buy-to-let landlords. The tenants are unprotected by the relevant legislation and, when the lender seeks to repossess the property, tenants may be given no notice, even if they are only part-way through the fixed term of a tenancy agreement.

Citizens Advice has furnished me with numerous examples of the problems that this brings. A citizens advice bureau in the north-east reported a client who was given 24 hours to vacate the property. He was a single man in receipt of incapacity benefit with no savings. The bailiffs arrived before he could even get all his possessions out of the house and several precious items were lost in the process. A CAB in the north-west reported the case of a couple who received a visit from the bailiffs, without any prior notice, to repossess their flat due to the landlord's mortgage arrears. Their possessions were locked inside and they had to spend the night in a hotel.

Tenants who have been required to pay rent in advance face the added blow of standing to lose substantial sums. A Surrey CAB reported the case of tenants who had paid not only the deposit but six months' rent in advance. When they returned from overseas, the locks had been changed and their belongings were locked in the flat. The landlord promised to refund the rent, but this did not happen. Sometimes, unbeknown to the tenant, the landlord has already been in serious arrears before letting the property. A Wiltshire CAB reported the case of a couple with two children who took on a 12-month fixed-term tenancy in September 2009, unaware that the landlord was in mortgage arrears of some £6,000. The couple are now awaiting the outcome of possession proceedings.

The Department for Communities and Local Government has estimated that there could have been more than 2,500 repossession cases of this kind last year, but advice agencies think that this is the tip of an iceberg. CLG estimates that some 330,000 RTL households are at risk of short-notice eviction if their home is repossessed. Since many of these households will never apply to a local authority for housing, they are unlikely to end up in any official statistics. There seems a real danger in these difficult economic times of more repossessions in the owner-occupied sector. If so, the number of RTL evictions could rise further.

The Bill does not provide any long-term security for RTL tenants, but it does allow the courts to delay evictions for up to two months. First, the Bill provides that after the notice of court proceedings is sent to a

property informing any occupier that repossession is a possibility, tenants who pick up this letter, usually addressed to the tenant or occupier, will have the right to be heard at the possession hearing. The Bill gives the judge discretion to delay the repossession for up to two months at that hearing.

Secondly, it is possible that the tenant did not see the notice, which may have been missed among the usual junk mail; perhaps, following reassurance from the landlord, the tenant did not expect a possession to be granted and has taken no action; or, indeed, the tenancy may have started after the notice was served. The Bill therefore requires the lender to give notice at the property after an order for possession has been granted by the courts and before it is executed. This allows tenants who did not apply for a two-month postponement at the possession hearing to do so at this later stage. It is entirely at the discretion of the judge whether any period of notice will be granted and the court may make this conditional on rent payments continuing between the tenant and the lender. Alternatively, the lender may agree to the tenant continuing in situ and can appoint a receiver of rent to manage the property. The Bill does not inhibit them from doing this.

The Bill will protect thousands of RTL tenants from becoming homeless by providing a breathing space of up to two months for them to search for alternative accommodation. In every respect, this seems a much needed and significant reform to end an unintended injustice. I strongly commend the Bill to your Lordships. I beg to move.

2.11 pm

Lord Scott of Foscote: My Lords, I support the thought that lies behind the Bill and I have one or two short points to make about it. The first point is that the Bill achieves for unauthorised tenants the sort of delay that has been available under rules of court for a long time in relation to squatters and their unauthorised occupation of premises.

There is an important distinction between an order for possession and a warrant for possession. An order for possession is binding on the parties to the litigation—in the ordinary case where it is a mortgagee's application, the party will be the mortgagor—but it is not binding on anyone else. A warrant for possession, on the other hand, is binding on everybody in occupation of the property. A litigant, a claimant, who gets an order for possession has then to go and obtain a warrant for possession in order to execute the order that he has. All one really needs in order to control an unreasonable use of the eviction procedure is to require notice to be given to everyone in occupation, with a delay to allow them to intervene in the proceedings and to assert, if they wish to do so, a right to be there which the claimant—in the case we are considering, the mortgagee—is bound to respect.

Of course, there will be some who cannot do that, and the Bill provides for a delay of up to two months in that category. However, all of this could, I respectfully suggest, have been achieved quite easily through amendment to rules of court. It may be that it is simpler now to proceed with the Bill, but it could have been done by rules of court without bothering Parliament to legislate on the matter.

My second point is that the Bill is directed to the position of persons claiming to be tenants but not to have tenancies which are binding on the mortgagee. The persons in occupation may claim to be tenants, but the putative landlord through whom they claim may have nothing whatever to do with the mortgagor. It is not necessarily going to be the mortgagor who granted the tenancies; it may be some unauthorised person, some squatter in the first instance who, finding the property empty, has moved in with friends and then purported to grant tenancies to others.

The Explanatory Memorandum proceeds on the footing that it is going to be the mortgagor, or somebody claiming under the mortgagor, who has granted the unauthorised tenancies, but it is important to recognise that that may not be the case. The tenancies may have their origin in some other source; from a squatter or someone who has simply moved in, finding the property empty. The language of the Bill draws no distinction between those two categories, but the Explanatory Memorandum and the Short Title to the Bill appear to do so. I wonder whether the drafting needs to be looked at again, either to make it clear that it comprehends both types of unauthorised tenants—those claiming through the mortgagor and those claiming through a person unconnected with either mortgagor or mortgagee.

Those are the only two points I wanted to make on this otherwise entirely supportable Bill.

2.15 pm

Lord Addington: My Lords, I cannot follow the noble Lord in matters of law. Looking at the intention of the Bill as it has been presented to me, the possibility that a legal process might unintentionally make people homeless, or at least involve them in great expense or inconvenience, is something that, where it can be avoided, should be avoided. I believe that the intention behind the Bill is to prevent somebody finding themselves, at sometimes only a few hours' notice, thrown on the streets. That is something we should all support. People employed in our Whips' Office have experienced this: through no fault of their own, they suddenly discover that the property they thought they had legal possession of is being taken away and they are exposed—this is somebody who has been paying rent.

This is a comparatively modest measure and if I had to quibble at all, I would say that three months would be better than two. Possibly on a short-term tenancy, two months might be adequate, but three months might have given more flexibility. That would seem to be a very sensible course of action. It may also end up saving the Government money, since they would not have to worry about emergency accommodation, although, as has been pointed out, many of those affected by this are probably sorting things out themselves, but probably at considerable expense. The loss of deposits and, indeed, rent already paid, will happen, as the noble Lord, Lord Best, said. Somebody who has got themselves into arrears on a mortgage is probably not the best person to chase up for a lost deposit, which is a common area of disagreement between tenants and landlords.

[LORD ADDINGTON]

I suggest that the Bill be given a fair passage, as a very sensible way of dealing with a very real problem. If we have it in place, we may well be able to avoid a degree of discomfort and probably homelessness as well. I recommend that we give it all speed.

2.18 pm

Earl Cathcart: My Lords, I declare that I have interests in property rental. I, too, welcome the Bill of the noble Lord, Lord Best. I shall keep my comments brief, because the Bill is largely uncontroversial and, indeed, passed through the other place with cross-party support. My honourable friend Stewart Jackson MP described the Bill in Committee as,

"very much for the public good".—[*Official Report*, Commons, Mortgage Repossessions (Protection of Tenants Etc.) Bill Committee, 10/2/10; col. 6.]

As the noble Lord, Lord Best, made clear, the Bill is required because circumstances in the housing market have moved on a bit since Parliament last legislated for the protection of tenants, and a loophole has become apparent. That loophole may affect around 2,000 to 3,000 people a year. That might not seem like very many, but given that the consequences may be a family being thrown out of their home on to the street, it is extremely important that we move to close it. As has been said, estimates from the homeless charities Shelter and Crisis put the figure at a possible 224,000 unauthorised tenants who are at risk. If the figure is accurate, it makes the case for this Bill even more pressing.

As the noble Lord has explained, the Bill is designed to protect a category of tenants who are renting properties which they should not be because the landlord has acted in contravention of his agreement with the mortgage lender. If the landlord defaults, the mortgagee will begin to claim possession against the property, leaving any tenant in a difficult position. The problem will not be the same with buy-to-let properties because the mortgagee will know at the outset that there is going to be a tenant in the property and therefore protections will apply.

Where the mortgagee is ignorant of the tenants, perhaps because of bad faith on the part of the landlord mortgager, the noble Lord, Lord Best, is asking that we approve a two-month notice period to be given to the tenant. We fully support that idea because two months does not significantly delay the mortgagee's claim on the property. It would be different if the tenant could apply repeatedly for a stay under the Bill, and I understand that both the noble Lord and the sponsor of the Bill in another place, Brian Iddon, have worked closely with the department to get the wording right. Only one postponement is permitted on an application by the tenant to the court. In order to make an application, of course, the tenant will need to know that moves on the property are afoot. I am pleased to see that the noble Lord has considered that point because under Clause 2, the mortgagee must give the tenant notice of the execution of any possession order, and specifically he must give notice,

"at the property of any prescribed step taken for the purpose of executing the order".

But the prescribed steps are to be defined by the Secretary of State, so can the noble Lord, Lord Best, or the Minister give some indication of what those prescribed steps may be?

Despite that request for clarification, I can give the Opposition's support for the Bill and I congratulate the noble Lord on bringing forward these sensible proposals. We hope very much that this Bill will be allowed to pass into law.

2.22 pm

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My Lords, I am grateful to the noble Lord, Lord Best, for bringing forward this measure. The Government became aware of the issue of unauthorised tenants and short notice evictions just over a year ago, and since then have been 100 per cent supportive of any measures to ensure that tenants who find themselves unexpectedly subject to short notice eviction as a result of landlords' arrears and repossessions have adequate time to find an alternative home and move into it. It is a testament to the robustness of the legislation that this Bill has come from another place unchanged from when it was first published. It has not had to be redrafted to take account of any amendments, and this in itself says something about the need for and urgency of this legislation.

The noble Lord, Lord Best, has explained why it is needed and I do not intend to repeat that, but the Council of Mortgage Lenders has recently revised its forecast for possessions in 2010 to 53,000. The Government have a package of support in place for home owners who are in arrears and under threat of repossession. Help is available to ensure that repossession is always a last resort. However, some of these repossessions will be from landlords unable or unwilling to meet their mortgage payments, and some of these properties at risk will contain tenants where the landlord has not obtained consent to let from the lender. This makes the tenant unauthorised and puts them at risk of losing their home in a very abrupt manner. It is only by legislating in the way proposed in the Bill that unauthorised tenants will be protected if their landlord falls into arrears and is subsequently repossessed by the lender.

An unauthorised tenant is often stuck in a form of no-man's-land where neither the mortgage lender nor a judge in a possession case is able to recognise the tenant's existence or take account of them and their circumstances. This is a strange, historical quirk of our mortgage and property law that can easily be resolved by the Bill before us. As we have heard, the legislation will give unauthorised tenants affected by landlord repossession an opportunity to seek a delay to that repossession in order to find an alternative home. If they are a genuine tenant, they should find a lender who is sympathetic to their situation. The Bill gives some protection to tenants in that if the lender in question is less than sympathetic and refuses to recognise the tenant, they have the ability to engage with the court to resolve the issue. This offers a level of comfort and assurance to any tenants in this position that there

are means for fair consideration and, if necessary, an independent process to consider and remedy their situation.

This same process will of course protect lenders from spurious and vexatious applications by individuals who do not have a genuine tenancy. The Bill will put unauthorised tenants on a level playing field with authorised tenants, giving the former the rights that they have always believed they had. It is unfair that unauthorised tenants should have to suffer short notice eviction or the risk of it where the situation is not of their making, but that of a landlord who has failed to comply with the terms of his or her mortgage.

Perhaps I may pick up on a couple of points that have been made. The noble and learned Lord, Lord Scott of Foscote, suggested that these amendments could be made by rules of court rather than by legislation. We have been advised that this would be a lengthy process and we could not take that route as it would not be appropriate to confer benefits on tenants through court rules. This has to be done through legislation. He also asked whether the Bill applies to all types of unauthorised tenant, those who have a relationship with the mortgagee and mortgager and those who do not. I should say that squatters, who he mentioned, are excluded by Clause 1(8) because unauthorised tenancies are defined as those tenants who have an agreement with their landlord that does not bind the lender. Obviously, squatters would not have any agreement on which they could rely to use the protections of the Bill.

Lord Scott of Foscote: My Lords, the problem arises where an original squatter purports to grant tenancies to others, who take him to be a person who can grant the tenancies.

Lord McKenzie of Luton: My Lords, I think it is a question of with whom the tenancy agreement is made; that is the advice I have received.

The noble Earl, Lord Cathcart, asked whether we could give an indication of the prescribed steps. These are outlined in the draft secondary regulations and explain the time periods for all parties to follow in serving the notice and acting upon it. It is not intended to be burdensome or difficult.

The decision to legislate is not one that should be taken lightly. Unfortunately, regulation and good practice are inadequate in this case, so legislation is the only way to remedy the legal gap in protection for unauthorised tenants who find themselves being evicted as a result of their landlord's arrears and repossession. The Government therefore continue to support the Bill and I commend it to the House.

2.27 pm

Lord Best: My Lords, I am grateful for the support expressed on all Benches for the Bill, and perhaps I may respond to some of the points that have been made. The expert input of the noble and learned Lord, Lord Scott, has been answered at least in part by the Minister. I think he would agree that even if an amendment to the rules of court might have been a better route, at this stage in the proceedings it is probably best to do it in the way being proposed.

I take the point that if a squatter entered empty premises and then issued something that appeared to be a proper tenancy agreement to others, those others would not be covered by this legislation. I suppose that such cases are relatively rare, and perhaps the Bill cannot do everything that it might. I fear that under Clause 1(8), it is likely that they would be ruled out when the case went to court and the two months' period was asked for.

Lord Scott of Foscote: Surely these people would not be ruled out; rather that they would fall within it. I hope that the intention is that they should.

Lord Best: The point is that the judge has absolute discretion in these matters and would probably interpret his responsibilities as not giving, in those cases, the period of two months' grace before an eviction took place. But the noble and learned Lord, Lord Scott, is absolutely correct to say that perhaps it would be up to the judge to make a decision on the merits of the case before him or her.

The noble Lord, Lord Addington, expressed his support for the Bill and made the point that possibly a period of three months would be better than two months. However, the two-month period at least has symmetry with assured shorthold tenancies which have the opportunity, once the tenancy is running, for two months' notice to be granted. It is the same period as for tenants in those circumstances, so there is logic behind it. Again, I am grateful to the noble Lord for his support and that of his Benches.

The noble Earl, Lord Cathcart, made the point that this absolutely prevents repeated postponements, which was an anxiety of those representing lenders; this allows a two-month postponement and no more. He also asked about the prescribed steps for notifying occupiers the second time around. I know that there has been debate as to whether, for example, the envelope should say on the outside that it has come from the courts—drawing special attention to it—or whether that would be rather alarmist; should it instead be in a plain envelope? It will at least be addressed to the tenant or occupier, not just to the occupier, which may slightly distinguish it from other mail. We are yet to have the full details, which will be in regulations, and these will give us an opportunity to ensure they come out correctly.

I am also very grateful to the Minister, not just for his comments but for giving this Bill the Government's absolute backing from the beginning, without which it would not have been possible. I conclude by asking the House to give the Bill a Second Reading.

Bill read a second time and committed to a Committee of the Whole House.

Sunbeds (Regulation) Bill

Second Reading

2.31 pm

Moved By ***Baroness Finlay of Llandaff***

That the Bill be read a second time.

Baroness Finlay of Llandaff: My Lords, this Bill would protect children, it has government and cross-party support, and it applies to England and Wales. It is important because it would prevent children from accessing sunbeds and could enable adults to make fully informed decisions about their sunbed use. The Bill gives local enforcement officers powers to inspect salons and to penalise salon operators if under-18s are found to be using their sunbeds.

The Bill also contains provisions to bring forward regulations to ensure that under-18s are not able to hire or buy sunbeds; all sunbed salons are staffed; and clear and accurate health information is displayed in all salons and other places where sunbeds are being used for commercial purposes. It also allows for such regulations to prevent operators from making unsupported claims about sunbed use benefits.

I must thank Julie Morgan and Siân James for their tireless work on this important Bill in the other place and for the privilege of asking me to take it forward. I am also grateful to Cancer Research UK for its support in communicating the strong evidence base behind this Bill, and the Chartered Institute for Environmental Health, which advised on the practical implementation measures associated with the Bill.

Why this Bill, and why now? In the past year, the evidence for the carcinogenic effect of sunbeds has come together conclusively. Malignant melanoma is the most common cancer in the 15 to 34 age group, and it kills more than 2,000 young people each year. In August 2009, a comprehensive meta-analysis, published in *Lancet Oncology*, concluded that the risk of skin melanoma,

"is increased by 75 per cent when use of tanning devices starts before 30 years of age".

Following this, the International Agency for Research on Cancer upgraded its assessment of sunbeds to its highest level of cancer risk. In November last year, the independent Committee on Medical Aspects of Radiation in the Environment—COMARE—also assessed the evidence and concluded that legislation is needed to prevent the commercial use of sunbeds by under-18s. This concurred with the same earlier conclusion from the World Health Organisation and the European Scientific Committee on Consumer Products. The US Food and Drug Administration is considering strengthening its measures on sunbeds.

We now lag behind Belgium, Finland, France, Norway, Portugal, Spain, Sweden, USA, Australia and New Zealand, where specific legislation is already in place to protect under-18s from the dangers of sunbeds. Here in the UK, the Scottish Government's Public Health etc. (Scotland) Act 2008 includes a ban on under-18s using sunbeds. The Health Minister in Northern Ireland announced last week that as soon as possible he would be bringing forward strong legislation on sunbeds. The Secretary of State for Health in England and the Minister for Health and Social Services in Wales are committed to bringing regulations forward straight away when this Bill's passage is successful.

There has been wide consultation on the Bill. In the other place, 215 MPs signed the EDM on under 18 year-olds and sunbeds, showing massive support for this Bill from across all parties. This Bill is needed because voluntary regulation has failed. The Bill is proportionate to the problem.

The Sunbed Association has over 1,100 members, including retailers, distributors and salons. Representatives met me to discuss the Bill and have been most helpful trying to clarify issues around regulation of the industry. It has its own code of conduct that is compatible with the Bill and has emailed me to say:

"The Association totally supports the Bill, in terms of a ban on sunbed use by anyone under 18 years, and a ban on unsupervised tanning (unstaffed tanning salons). A minimum age restriction and the need for tanning salons to be manned by trained staff at all times have always been requirements in the Association's Code of Practice. Our Code also requires the provision/display of health and safety information".

The association has sent me this code of practice, which is based on the European standard; it will be most helpful in drawing up guidance on implementation of this Bill. The association raises concerns that the output standard from Europe, which states that the output from a sunbed must not exceed a maximally weighted irradiance of 0.3 watts per square metre, is not universally observed. This standard is a living document which is due for revision from this June, and I know there are ongoing discussions with the industry about this.

I visited a supervised salon in Cardiff recently, owned by a family with teenage children. They do not allow children to use their sunbeds and they welcome legislation as it will support their high standards of practice. Unfortunately, not all salon owners are so responsible. Many tanning salons are unsupervised or operate on only the most cursory checks, if any, on young people before letting them use the sunbeds. Cancer Research UK commissioned a piece of focus group research with under-18s in 2009. The following quotes are shocking, but far from unique:

"I just walked in and she was, like, 'Have you got your coins for the machine?' and that was that",

from Stoke-on-Trent;

"They didn't ask my age because we went with my friend's sister",

from Bushey;

"I think they're just not bothered about the money and they're under-age too",

from Newcastle.

Research commissioned by CRUK found that more than a quarter of a million children have used sunbeds in England. Among 15 to 17 year-old girls, sunbed use was particularly high, especially in Liverpool and Sunderland, where half of the girls in this age category use sunbeds and 18 per cent of young people who have not used a sunbed would consider doing so in the future. Voluntary regulation of tanning salons has clearly failed.

Professor Lesley Rhodes at Manchester University tells me they are now seeing a rapid rise in melanoma in young people and severe photodamage to skin collagen, which causes premature ageing, in early adulthood. Professor Paula Grey, director of public health in Liverpool—the city with the big problem—in welcoming the Bill and highlighting their upward trend in malignant melanoma, wrote:

"In Liverpool the voluntary code has not worked. The evidence from local surveys and questionnaires highlights that, in many salons, there is a lack of skin typing, no advice on goggles, no warnings of overuse and no age restrictions on under-16s. In Liverpool, 49 per cent of young people between the ages of 14 to 17 years are using sunbeds. Thirty per cent of young people are using them more than three times a week and this equates to 150 sessions per year—eight times the World Health Organisation's recommended adult exposure limit".

The COMARE report concluded that poor compliance is found against a variety of control measures where strict legislative controls do not exist. COMARE and WHO are clear about the proportionality of stricter controls on sunbed salons. Local authorities already visit sunbed salons but at present they do not have the powers to ensure that salons are operating responsibly. The Bill would redress the balance and give them powers to ensure that under-18s are not using sunbeds and, further to the introduction of associated regulations, to ensure that a number of other good practice guidelines are adhered to. The key point is that the legislation will not place a major additional burden on local authorities in terms of extra workload as these businesses are already being inspected. Rather, it will ensure that current working is more effective and safeguard the health of young people.

I should make it clear that this Bill would not prevent adults using sunbeds, but the responsible side of the industry agrees that sunbed salons should be supervised to protect children and that providing information to sunbed users should not be optional; adults need to be able to make informed choices about decisions that affect their health. Under-18s are not allowed to buy alcohol or knives, so the Bill would bring the age at which one can use commercial sunbeds in line with other age restrictions across the UK. It is practical and ensures clarity of message.

In conclusion, the Bill would protect our children; it is necessary, workable and enforceable; it could save lives. I commend it to the House.

2.41 pm

Baroness Barker: My Lords, I congratulate the noble Baroness, Lady Finlay, on this typically thoroughly-researched, targeted and focused legislation for which she is rightly known. On a day when it is snowing in Scotland, I was preparing for this debate and I thought about my Scottish childhood—I freely admit it—when beachwear consisted of Aran jumpers because it was so cold. However, it was not so many years ago that friends of mine suffered badly from sunburn in Aberdeen, which was previously unheard of. So the background to the Bill is one in which our climate is changing, which adds some weight to the debate. We on these Benches welcome and support the Bill. Like all legislation, it could perhaps do with some revision but, as a first step, it is a sound basis on which to proceed.

In my research for the Bill I was glad to see a paper from the British Association of Dermatologists; its acronym is BAD but, from its briefing, it seems a very good organisation. It is absolutely unequivocal in calling for a ban on coin-operated and unmanned sunbeds. Its reason for doing so is that the evidence base is so strong. In this House in recent times we have debated different measures to tackle the issue of cancer prevention and sometimes we have disputed the evidence, but this time the evidence from this country is clear and unequivocal.

The British Association of Dermatologists makes a good point when it indicates that many people are completely unaware of the risks of these machines—indeed, some people labour under the impression that they are beneficial to health—and it cites the moves in Scotland towards licensed premises and licensed machines as being of benefit. It is right that local authorities should be given powers to ensure that there is compliance with a licensing regime and that standards are met. There is a responsible end of the industry which deserves to be supported. As the noble Baroness said, a great many people go about their business in a perfectly reasonable and honest way and we would not wish to prevent them doing so.

I was particularly taken by a study in Northern Ireland. I know that the Bill applies in England and Wales but, although I am not keen on legislation which seeks to go into other jurisdictions and choose examples of how one might selectively go about doing things, it seems to me that this study is highly relevant and very valuable. It was conducted by a team led by Mr Art O'Hagan and studied 322 tanning salons in Northern Ireland over an eight-week period in July and August 2007. It came up with some remarkable findings. Over a quarter of the premises used type 4 sunbeds, which are for medical and not cosmetic use, and it is possible that many others were using sunbeds which emitted UV rays way in excess of those. Most of the salon owners—62 per cent—did not know what level of radiation was being emitted by their machines; 39 per cent of the premises reported that they did not regularly test their devices and did not know when the last inspection had been; and in 71 per cent of tanning salons the operating manuals for the beds were not available and there was no reliable oversight of the machines. Faulty machines can produce very high levels of radiation, cause burning of the skin and potentially lead to skin cancer.

It is interesting that in one-fifth of the tanning salons, the customers' skin type was not discussed with them. Of the indigenous population of Northern Ireland who felt that they had very dark skin, 40 per cent were skin types I and II—light-skinned people who are particularly at risk. People with skin types V and VI—dark Asian or black skinned—are much less open to damage from UV rays. If you combine badly managed enterprises with people who do not know their own risk factors, you could end up with a potentially lethal situation.

Worryingly, the study found that in 38 per cent of cases people were charged for using protective eye goggles. We know that these machines can cause severe damage to eyes and, particularly, cataracts. All in all, the findings from Northern Ireland are very relevant to England and Wales.

Other studies, such as the one carried out at the Ninewells Hospital in Dundee which was a precursor to some of the Scottish measures, have also found that the levels of UVB radiation from machines were increasing; the machines are becoming much stronger than they were in the past.

[Baroness Barker]

I said that I do not like cherry picking from other jurisdictions but in America, William James, the president of the American Academy of Dermatology, said that his group has seen a startling increase in skin cancer among women in their teens and twenties. He went on to say:

"What was formerly considered a disease of older men is ballooning in young women, the very target audience and the number one customer of the tanning industry".

My colleagues in Liverpool, where we know there is a particular problem, are very supportive of the Bill. Ron Gould, a Liberal Democrat councillor, has been working for a number of years to try to bring about exactly the sort of measures contained in the Bill. He wishes to see them on a statutory basis so that local authorities can go after unlicensed premises which are acting unsafely and target particularly vulnerable groups within the city's population. There are more than 300 premises with sunbeds in Liverpool and across the Mersey on the Wirral, and an outbreak of dermatological problems at some of them is becoming very serious.

The evidence base is sufficiently strong for us to accept the Bill; it may not be perfect but it is a good way to proceed. It does not, for example, limit the access of children and young people to private sunbeds—that is outwith its ambit—but it makes a start. I have one reservation. We are placing yet another duty on local authorities, albeit not one of the biggest. The duty will also fall disproportionately on different local authorities. I therefore ask the Minister whether the department might work with those local authorities in which there is a particular incidence and prevalence of the problem not only to assist them with ensuring that there is compliance but in funding targeted awareness campaigns. One thing that is becoming very apparent is that we do not just have the broad headlines on health and illnesses associated with this; we are getting very good at mapping to a high level the incidence of this in the most vulnerable communities.

All in all, this is a good piece of legislation and I am very pleased to lend support from these Benches.

2.51 pm

Earl Howe: My Lords, I begin by saying that I have nothing but praise for the noble Baroness, Lady Finlay, for bringing forward this Bill today and for introducing it so powerfully and so well. In adding my strong support for all that she has said, I declare an interest as chairman of RAFT, the Restoration of Appearance and Function Trust, a medical research charity which for many years has been carrying out ground-breaking research into the prevention and treatment of skin cancer. The work of RAFT, which incidentally runs much wider than just skin cancer research, is unique in the medical research world, and I am proud to be associated with it. The entire board of trustees at RAFT is, needless to say, behind this Bill to a man and woman.

Whenever we regulate to prohibit an activity we have to ask ourselves two key questions. The first question is whether the case for prohibition is based on good scientific evidence of actual harm being done; and the second is whether the aims underlying the regulation could be achieved equally effectively by other means. I am absolutely clear that this Bill passes both tests. The science behind it is now indisputable; we know that melanoma is now the most common cancer in young people aged 15 to 34 and that it kills more than 2,000 people every year. Its incidence is doubling every 10 years. Although women are more likely to contract it, men are more likely to die from it. Its incidence is associated with affluence, and is highest in south-west England, though it is also high in much of Scotland, Ireland and southern England, perhaps because of the high numbers of fair-skinned people in those areas.

We also know that sunbeds contribute to the annual death toll from skin cancer. The International Agency for Research on Cancer recently stated that there is, "no doubt sunbeds cause cancer", upgrading sunbeds to be definitely "carcinogenic to humans", with a 75 per cent increased risk in melanoma in people who started using sunbeds regularly before the age of 35. The new assessment puts sunbeds on a par with smoking or exposure to asbestos. Sunbeds emit high-intensity radiation over a short time, which is predominantly UVA. Those intensities can be equivalent to or higher than midday Mediterranean sunlight. A study last year by DeAnn Lazovich et al, based at the Division of Epidemiology and Community Health in the United States, concluded:

"Melanoma risk was particularly pronounced among users of high intensity … devices and high pressure … devices. Risk increased as the total years …, total hours … or total sessions increased … Conclusions—Because prevalence of exposure was high and detailed lifetime information about indoor tanning use and potential confounders were collected, this study overcomes many of the limitations of earlier reports. Our results provide strong evidence that indoor tanning is a risk factor for melanoma".

In a large cohort study conducted by the Karolinska Institute into indoor tanning and melanoma risk, the authors conclude:

"Solarium use in early adulthood and midlife increased the risk of melanoma in this large cohort study".

Sharply increased numbers of melanoma cases in Iceland have been associated strongly with sunbed use in a recent international study, which concludes:

"It is highly plausible that the high prevalence of sunbed use contributed to the sharp increase in incidence of melanoma in Iceland, especially of trunk melanoma".

While it is right for me to add that the three papers I have mentioned have not yet been peer reviewed, they were all presented at the 7th world melanoma conference in Vienna last year. All of them confirm what Cancer Research UK and the WHO have been saying for a considerable time on the basis of quite separate evidence. The recent COMARE report has added to that evidence. The bald fact is that the use of sunbeds by those under the age of 35 significantly increases the risk of developing skin cancer later on. In England, more than a quarter of a million children have used sunbeds. In some areas of the country, as we have heard, sunbed usage among teenage girls is extremely high, at around 50 per cent. It is clear that a lot of this usage is completely unsupervised, with coin-operated machines being accessible in some tanning salons without any restrictions or questions being asked. One should say here that members of the Sunbed Association take a responsible approach and abide by a very clear code of practice on

these matters. However, members of the Sunbed Association account for only 20 per cent or so of all sunbed outlets; the rest are not subject to any controls at all.

This is the point at which we have to look at regulation as being the only answer. Self-regulation and guidance simply have not worked, as the noble Baroness, Lady Finlay, said, because too many businesses operate outside it. Such self-regulation as there is in the sunbed industry is not for the most part subject to independent supervision. The Bill before us therefore takes what I believe is a proportionate approach by focusing on the risks to young people, in whom there is clear evidence of actual harm now being done, and in whom the most harm is done by sunbed usage, and by homing in on young people's access to commercial tanning salons. As we have heard, however, the regulation-making powers in the Bill would enable appropriate restrictions to be extended in due course to the hire or purchase of sunbeds by young people. It would be helpful to hear from the Minister whether the Government intend to consult on implementing measures in this context.

As we debate this Bill today, it is not possible for us to say whether we shall be able to scrutinise it in detail in Committee, because of the possibility that Parliament may be dissolved during the next couple of weeks. In these circumstances, I hope I may be allowed to ask one or two Committee-type questions relating to Clause 5 of the Bill and the power to require information to be provided to sunbed users. I welcome the clause, but seek guidance on its practical implications. Regulations under the clause could bring advertisements by sunbed operators either wholly or partially under statutory control, rather than being subject to control by the Advertising Standards Authority as they are at present. That concerns me, because advertising controls are one area of non-statutory regulation that is working well.

All the media channels that are currently being used by sunbed operators are subject either to the Committee of Advertising Practice's code, known as the CAP Code, or the Broadcast Committee of Advertising Practice's radio advertising standards code, which are both adjudicated upon by the ASA. The CAP code will shortly be extended to other business websites and other online space. These codes reflect the provisions of the Consumer Protection from Unfair Trading Regulations 2008, including those on misleading or aggressive advertising. An advertisement may be considered misleading either by containing false information or else by omitting pertinent information. The codes also contain rules that advertising should not be a cause of harm, and there will shortly be additional rules relating to social responsibility. On top of that, under the current system there is proactive daily monitoring of advertisements in all relevant media to check on their compliance with the codes.

Both the Government and the Office of Fair Trading regard the ASA as the "established means" for enforcing the consumer protection regulations. Will the Government therefore consider issuing guidance to the Sunbed Association to make compliance with the CAP code a requirement of their own code in respect of on-premises advertising material as a means of helping sunbed operators comply with the legislation? For non-broadcast advertising, I am aware that there is a wealth of free advice available to businesses from the Committee of Advertising Practice, which would make this an attractive way forward for the industry. Broadcast advertising of sunbeds is in a different category, but there is no reason why radio advertisements should not be made subject to advance mandatory clearance by the Radio Advertising Clearance Centre.

With regard to the age restriction contained in the Bill, does the Minister acknowledge that the advertising codes are already capable of reflecting the law where access to products is restricted by age, which suggests that they could do so equally well and equally effectively in this context? What consultation will the department engage in to clarify the role of those responsible for regulating advertisements in this area?

On the face of things, part of Clause 5 looks otiose in that the existing advertising codes effectively prohibit sunbed operators from making claims about unproven health benefits in their advertisements. Am I right about that?

I end by expressing the hope that the Bill reaches the statute book. As a means of protecting the young, especially those from deprived backgrounds, it is a public health measure of the greatest importance. The provisions of the Bill enjoy the support of the BMA, the Local Government Association and the Chartered Institute of Environmental Health, and they have been subject to consultation. I believe that the Bill will enjoy wide public acceptance. I therefore wish the noble Baroness, Lady Finlay, all success after today in taking it forward to its parliamentary conclusion.

3.02 pm

The Parliamentary Under-Secretary of State, Department of Health (Baroness Thornton): My Lords, I welcome the opening remarks of the noble Baroness, Lady Finlay, and I am delighted that she is taking this Bill through your Lordships' House. I am happy to be speaking to it today and I repeat that the Government support it.

The Bill is about tackling a public health issue and protecting young people. As a result of this Bill, people will have a greater awareness of the risks of using sunbeds and of sun damage generally. It seeks to prevent under-18 year-olds from using sunbeds by making it a criminal offence for sunbed businesses to offer them sunbeds. There are also provisions that set the scene for future regulation of sunbed use. The Government have already made clear our commitment to consult on the further regulations as soon as possible after the Bill passes.

I join the noble Baroness in thanking Julie Morgan MP and Siân James MP for their work in getting the Bill through another place where it was clear that it had cross-party support. I am pleased to see that this is reflected in your Lordships' House today. Quite simply, the Bill could save lives.

The noble Baroness has already outlined the scientific evidence and other noble Lords have given us the benefit of research. I do not intend to repeat all that,

[Baroness Thornton]
but it clearly shows that the evidence is there that sunbeds are a health risk when misused, and the risks are greater for young people. That is why there is a case for legislation.

Skin cancer is on the rise. Estimates suggest that skin cancer rates will triple over the next 20 to 30 years. Malignant melanoma is the most common cancer in young adults aged 15 to 34. One study estimated that melanomas from sunbed use cause around 100 deaths a year in the UK.

The International Agency for Research on Cancer now classifies the use of sunbeds in its highest risk category, category 1—carcinogenic to humans. That is the same category as tobacco. Research commissioned by Cancer Research UK found that in England 6 per cent of 11 to 17 year-olds had used sunbeds. These findings show that voluntary self-regulation by the industry has not worked and point to the need for legislation.

The evidence is clear and I hope noble Lords will agree that this is an important piece of legislation that will contribute to improving cancer outcomes and reduce the incidence of skin cancer. However, the dangers from using sunbeds are not only linked to skin cancer; as noble Lords have mentioned, there are other health conditions such as eye damage, photosensitivity and premature skin ageing.

Short-term ideas of beauty can have severe long-term costs. We need to challenge the idea that being tanned means being beautiful. As someone who is very light-skinned and burns easily in the sun—I get my sunhat out at the first sign of sunlight—I think it is important that we challenge this on the grounds that we can show that we are not prematurely aged because we protect ourselves from the sun. The Bill will raise awareness of the dangers of using sunbeds and protect young people.

In response to the questions put by the noble Baroness, Lady Barker, we will be working closely with the representatives of local authorities about all the issues to do with enforcement. Indeed, we have been liaising closely with the Local Authorities Co-ordinators of Regulatory Services regarding the costs of enforcing the Bill, and the costs were quoted on the basis of estimates provided by LACORS in the impact assessment that goes with the Bill. Obviously, much of the enforcement work can be carried out as part of routine inspection activity, and compliance and enforcement visits can be carried out on a risk-assessment basis.

Both the noble Baroness and the noble Earl mentioned the issue of raising awareness. The department has been involved in the SunSmart campaign for several years now, a campaign that is done jointly with stakeholders such as Cancer Research UK and which is designed to raise awareness of the risks of radiation and the risks linked to that from sunbeds. If the Bill is passed, it will ensure that there is a specific focus on sunbeds in future campaigns.

The noble Earl spoke about the regulation-making powers regarding sale or hire. There will be consultation on this because it is a statutory obligation. The noble Earl raised several questions about advertising. The noble Lord, Lord Smith of Finsbury, also wrote to me about precisely this matter. I reassure the noble Earl and the noble Lord that we will ensure that regulation-making powers, particularly under Clause 5(3), and associated enforcement activity do not duplicate legislation or enforcement regimes that are already in place and are already working well. We will not compromise the important role of the Advertising Standards Agency in this matter.

The noble Earl made an interesting and useful suggestion, which we should like to consider, about how to integrate the different regimes as we move forward. We will take note of that and investigate it. We are taking regulation-making powers on this but we will not be duplicating existing regulations, so we do not think that Clause 5 is unnecessary. I hope that that will reassure the noble Earl.

I am pleased to give the Government's support to the Bill. I thank the noble Baroness, Lady Finlay, for championing it through your Lordships' House, and I wish it well as it moves forward.

3.09 pm

Baroness Finlay of Llandaff: My Lords, I am grateful to all noble Lords who have spoken for the almost unanimous support in the House for the Bill.

I am grateful to the noble Baroness, Lady Barker, and to the noble Earl, Lord Howe, for having cited some of the dermatological research—I should perhaps have declared at the outset that I am married to a dermatologist, although he has not had any input into this Bill. This is a problem particularly of the fair-skinned, who burn much more easily and who are much more liable to be the group that, sadly, are caught up in the tanning culture. They get exposed to sunbeds as well as to the sun.

My other comment relates to the local authority burden. One has to remember that when a young parent dies of melanoma, leaving an orphaned child or two orphaned children, the cost to the local authority is massive. These costs are in completely different budgets but if we can cut down the mortality rate in young people and all that goes on afterwards, I suggest that a little bit of investment in driving up standards and inspections would be well offset, and probably more than offset—although, as far as I know, nobody has actually done the sums.

If I may comment on my visit to the salon, the information is not in the advertising. There is another layer of information that has to be much more personalised. It is usually women, but not always, who come in to use a sunbed. They misclassify their skin types, as was said so eloquently by the noble Baroness. They think that they are a darker skin type than they are. They are unaware of the number of moles that they may have. Those who have a lot of moles, or who have moles of different sizes and shapes, and pigmentation moles in particular, should not be using sunbeds. The appropriate use of eye protection is important. In the salon that we visited the salon owners had themselves made a face protector that people could use as one was not commercially available. They were aware of the risk to some people of parts of the face, which was good practice and we welcomed it. The information falls into many layers. It is not just the broad information that may be covered in advertising.

I am grateful to the Minister for her support for the Bill. I now simply ask the House to give it a Second Reading.

Bill read a second time, and committed to a Committee of the Whole House.

Manchester City Council Bill [HL]

Commons Amendments

3.13 pm

Motion on Amendment 1

Moved by ***Lord Bradley***

That this House do agree with the Commons in their Amendment 1.

Lord Bradley: My Lords, the two Bills that are before us today—the Manchester City Council Bill, followed by the Bournemouth Borough Council Bill—were deposited before Parliament as long ago as November 2006. While I will speak to the first Bill, I put on record that I do not intend to do the same on the second Bill, which I am dealing with on behalf of the noble Lord, Lord Eden, who sends his apologies that he is unable to be in the House this afternoon.

Since these Bills were deposited, they have taken up an enormous amount of parliamentary time and have been scrutinised in great detail by Select Committees in both Houses. There was a good debate in your Lordships' House on Third Reading back in November 2007. Since then, there have been five separate occasions when the Bills have together exercised Members in the Chamber of the Commons. Commanding majorities in favour of the Bills were obtained on the numerous Divisions that were required in the other place. In both Houses, individual pedlars presented detailed evidence in support of their petitions. Both Houses have listened to the petitioners. The House of Lords Select Committee, chaired by my noble friend Lord Harrison, in allowing the Bill to pass, requested and obtained undertakings from the councils that their officers would be properly trained to enforce the Bills. The Commons Select Committee went a stage further and made a significant amendment. That is Amendment 1 in the Marshalled List, which is the only amendment in this first group of amendments.

Before turning to the amendments, I give a brief reminder of the purposes of these two Bills. They both deal exclusively with street trading and they are both well precedented. The most contentious elements of the Bills have been the alteration of the pedlars' exemption, which I shall come to shortly. The Bills also extend the street-trading regime to the provision of services, which, I am informed, includes henna tattooing in Bournemouth and teeth whitening in Manchester. The Bills would also enhance the enforcement powers of council officers and the police by allowing them to seize articles in cases where they believe that unlicensed street trading is being carried out, and they would allow the court to forfeit those items.

Amendment 1 is the only amendment that was made in the other place by the Select Committee, after it had heard detailed representations from the promoters and the petitioners. Amendment 1 rewrites the key provision of the Bills—namely, Clause 5. As introduced, the Bills followed a fairly long line of precedents promoted by other local authorities. The provision would have placed a restriction on the exemptions that pedlars enjoy from the street-trading licence regime under the Local Government (Miscellaneous Provisions) Act 1982. The exemption allows pedlars to trade under the authority of a pedlar's certificate, even in streets where the council has prohibited street trading. The Bill, as originally introduced and as passed from this House, would have restricted the pedlar's exemption so that it applied only where the pedlar was trading from house to house. In other words, unless he was trading from house to house, he would need to obtain a street trading licence in controlled streets and would be prohibited from trading in prohibited streets.

In addition to allowing house-to-house trading, the amendment allows pedlars to trade in licensed and prohibited streets so long as they comply with a number of detailed restrictions. To some extent, that seems to put in statutory form the common-law rules that generally require a pedlar to travel as he trades. The councils accept that, with the amendments, there is now clear guidance for pedlars in Manchester and Bournemouth about many of the issues with which the councils were concerned, particularly those about pedlars who did not move on at all and would stay in the same street or use large barrows to display their goods.

Noble Lords may wish to know the councils' views about the recent government consultation on pedlars and street traders in the context of this discussion. The councils welcome the fact that the Government have taken the matter up at a national level and wait to hear what proposals emerge. Of course, there is no certainty about what will emerge and, more importantly, when. If the Government take the view that the Bournemouth and Manchester Acts need amending as a result of their proposals, of course that can be achieved through government legislation.

Lord Lucas: My Lords, I am grateful to the noble Lord, Lord Bradley, for the explanation of the amendments. We have had a stream of such Bills coming through the House over the years. I very much hope that these will be the last of them. As he said, consultation is taking place at central government level out of which will come—I hope, because it is not a politically contentious matter—an agreed programme to be enacted when whatever Government we have have the time. It has long been inappropriate that we should deal with such local Bills on what is essentially a national issue. Now that consultation is in place, it seems entirely inappropriate that we should deal with any further Bills on the subject. We should wait for the national consultation to finish and proceed down that route. I hope that promoters of similar Bills that are on the stocks will not proceed with them in the new Parliament, or that if they do they will be given extremely short shrift. We have much better things to

[LORD LUCAS]
do with our time than to go through this tortuous private procedure in respect of stuff that is being dealt with at a national level.

That is not least the case because the human rights implications of such Bills are not properly dealt with in private Bill procedure. They are not dealt with by the Joint Committee and our own committee—the Opposed Bill Committee—refused to look at the subject. Particularly when we are clearly dealing with the human rights of pedlars and others in the Bill, it seems inappropriate that there be no proper consideration of the matter.

The original attempt—it has now been amended—by Bournemouth and Manchester to tie up pedlary was inappropriate when it was made, and is certainly inappropriate now. At this stage of the economy, we ought to encourage people to take up their own enterprises—to get involved in business and do something to help themselves out of the situation in which they find themselves. Being allowed to trade house-to-house and on the streets is a way in which some big businesses have been founded, as I am sure that the noble Lord is aware. We should not close that option out for people, merely for the sake of tidiness.

I am grateful to the other place for having made this major amendment. It improves the position considerably, but there are a few detailed matters on which I would be grateful for the detailed guidance of the noble Lord, Lord Bradley. Does "location" mean a static location—in other words, that I am standing five feet outside No. 15 Portobello Road, for example—or does it have a wider sense? Are we dealing with a point? What is the technical interpretation of the word?

What is the exact definition of a "bona fide customer"? If someone is inquiring about a pedlar's wares, is he a bona fide customer or does he have to do something more to establish himself as one? Is anyone a bona fide customer who is in some way not a false customer—some aide of the pedlar who rushes up and starts inquiring about the goods whenever the local authority's officials pounce?

What is the definition of "trading"? When these local authority officials are trained, what will they be told that trading consists of? A pedlar, as I am sure the noble Lord is aware, will spend a lot of time displaying and talking about the wares that they are selling. Is that trading, or does that require some active exchange of goods and money? I should be very grateful for the noble Lord's help on those points.

Lord Bradley: I am grateful for the contribution from the noble Lord and I share his views regarding the desirability of national legislation on these matters. As he and I have rightly pointed out, a huge amount of parliamentary time has been taken up with a whole series of Private Bills of an identical nature which have tried to achieve the same objective for different councils around the country.

On a number of occasions the noble Lord has raised these technical and detailed matters, and they have been very carefully scrutinised by the Select Committees on issues of trading, location and suchlike. Guidance has been emanating from local councils to ensure that these definitions can be properly pursued in due course. I am sure that he will have looked carefully at those deliberations and that as these Bills come into force, we will be able to look carefully at the issues he raised and ensure that they are properly progressed by those local authorities.

Motion agreed.

Motion on Amendments 2 to 10

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendments 2 to 10.

Lord Bradley: My Lords, I move on to the second and final group of amendments, Amendments 2 to 15. All were made at consideration stage in the other place and were tabled by the honourable Member for Christchurch, Christopher Chope. Mr Chope has been a gritty champion of the petitioning pedlars' cause over the past few years. The promoters, in wishing to draw the remaining stages of the consideration of the Bills to a close, decided to agree to a number of Mr Chope's amendments, with which we are now dealing.

In short, these largely technical amendments have four main purposes. First, Amendments 2 to 8 alter the test that a council officer or constable must satisfy before taking action under Clause 6 to seize items connected with unlawful street trading. In general terms, before the amendments were made, the test was that there had to be reasonable grounds to "suspect" that an offence had been committed. With these amendments, the test is that there should be reasonable grounds to "believe" that an offence had been committed.

Secondly, on Amendment 9 to Clause 7, if the council seizes an item under Clause 6, it has to be returned at the end of the relevant court proceedings unless certain circumstances apply under Clause 7. One of those is that any award of costs made in favour of the council has to be paid within 28 days. Amendment 9 removes a clarification which stated that those costs must include removal, storage and disposal costs.

Thirdly, on Amendment 10, Clause 9 sets out circumstances in which compensation is payable for unlawful seizure of items under the Bill. One of the circumstances, unsurprisingly, is that the defendant in the proceedings has been acquitted. As the Bill stood, this was qualified, in that the defendant would have to wait for any compensation until the time allowed for appealing against an acquittal had expired. That qualification is removed by the amendment.

Finally, Amendments 10 to 15 have the unfortunate effect of removing Clauses 10 to 14, but again, that is a sacrifice that the promoters were, in the end, content to make. Those clauses would have enabled the councils and the police to deal with street trading offences by way of fixed penalty notices.

At this point, I should mention the consequential amendments in my name. As a result of the late concession to Mr Chope on the deletion of Clauses 10 to 14, there was no opportunity to make the amendments

necessary elsewhere in the Bill where the fixed penalty notice clauses are mentioned. Therefore, my Amendments 11A to 11F would achieve that tidying-up exercise. I beg to move.

Motion agreed.

Motion on Amendment 11

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendment 11 and do propose Amendments 11A to 11F as consequential amendments to the Bill.

11: Leave out clause 10

11A: Page 4, leave out lines 26 to 28

11B: Page 4, leave out line 39

11C: Page 4, line 40, leave out "(b)" and insert "(a)"

11D: Page 4, line 42, leave out "(c)" and insert "(b)"

11E: Page 6, line 6, after "seizure" insert "and"

11F: Page 6, line 8, leave out from "seizure" to end of line 10

Lord Bradley: My Lords, I spoke to these amendments with Amendment 2. I beg to move.

Motion agreed.

Motion on Amendments 12 to 15

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendments 12 to 15.

Lord Bradley: My Lords, I spoke to these amendments with Amendment 2. I beg to move.

Motion agreed.

Bournemouth Borough Council Bill [HL]

Commons Amendments

3.30 pm

Motion on Amendment 1

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendment 1.

Lord Bradley: My Lords, I have already spoken to this amendment, having referred to it in the previous debate. I beg to move.

Motion agreed.

Motion on Amendments 2 to 10

Moved by ***Lord Bradley***

That this House do agree with the Commons in their Amendments 2 to 10.

Lord Bradley: My Lords, I beg to move.

Lord Lucas: My Lords, I take this opportunity to say that I think this House should be grateful to my honourable friend Mr Chope for what he has done to this Bill. Perhaps when time permits, we should contemplate our own procedure on private Bills to see why it is so difficult to achieve something like that in this House, which should be the contemplative and practical House. Pedlars have been very lucky to find a friend in Mr Chope but I think that our own procedures have not stood the test.

Motion agreed.

Motion on Amendment 11

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendment 11 and do propose Amendments 11A to 11F as consequential amendments to the Bill.

11: Leave out clause 10

11A: Page 4, leave out lines 26 to 28

11B: Page 4, leave out line 39

11C: Page 4, line 40, leave out "(b)" and insert "(a)"

11D: Page 4, line 42, leave out "(c)" and insert "(b)"

11E: Page 6, line 6, after "seizure" insert "and"

11F: Page 6, line 8, leave out from "seizure" to end of line 10

Lord Bradley: My Lords, I spoke to these amendments with Amendment 2 on the previous Bill and do not intend to repeat my words. I beg to move.

Motion agreed.

Motion on Amendments 12 to 15

Moved by ***Lord Bradley***

That the House do agree with the Commons in their Amendments 12 to 15.

Lord Bradley: My Lords, I spoke to these amendments with Amendment 2. I beg to move.

Motion agreed.

House adjourned at 3.33 pm.

Grand Committee

Tuesday, 30 March 2010.

Noon

The Deputy Chairman of Committees (Lord Geddes): My Lords, since we can now hear Big Ben striking 12 o'clock, and before the noble Lord, Lord Foulkes, moves the first report to be considered, I remind the Grand Committee that in the case of each report the Motion before the Committee will be that the Committee do consider rather than approve the report in question. Further, in the unlikely event that there is a Division in the House, the Committee will adjourn for 10 minutes.

Intelligence and Security Committee Annual Report for 2008–09 (Cm 7807)

Considered in Grand Committee

12.01 pm

Moved By ***Lord Foulkes of Cumnock***

That the Grand Committee do report to the House that it has considered the Intelligence and Security Committee Annual Report for 2008–09 (Cm 7807).

Lord Foulkes of Cumnock: My Lords, this is the second opportunity I have had to report on the work of the committee to this House and to open the debate as the Lords member of the Intelligence and Security Committee. It is a welcome innovation that we now have debates on the report of our committee in both Houses. I have had the rare privilege of representing your Lordships' House on the committee since 2007 and I have found it a most interesting and rewarding responsibility.

I also wish to put on record my particular thanks to the chairman of our committee, the right honourable Dr Kim Howells. I and the rest of the committee are particularly grateful to him for his leadership and even more so for his good humour during what has been a very busy, difficult and challenging year, as noble Lords will know if they have read the reports—as I am sure that they have.

I also wish to acknowledge the contribution of those members of the committee from another place, particularly those who are standing down at the forthcoming election. They have all taken their duties very seriously and added enormously to the important work of the committee. They have done so—indeed, we all have—in a spirit of cross-party consensus and with very little public recognition of the hard work that has been done. I can honestly say that it is one of the best-attended committees on which I have served in nearly 30 years in Parliament. I am sure that the noble Lord, Lord King, will testify from his own experiences as chairman of the committee that the members are very diligent in their attendance. We are also served by a loyal and diligent band in our secretariat. We are particularly grateful to them in what has been a challenging year.

Finally, I pay tribute to the men and women who work for the intelligence agencies. While we have at times been critical of the agencies—as noble Lords will see—we nevertheless recognise the vital importance of the work that their officers do in safeguarding this country. It is important for us all to put on record our thanks to all those who carry out this challenging and sometimes very dangerous work. In doing so, we can remember our recently departed dear friend Daphne Park—Lady Park of Monmouth—who served so well in the service and in this House.

I remind the Committee that the Intelligence and Security Committee has a statutory remit to examine the administration, policy and finance of all three of our security and intelligence agencies. We report on these annually to the Prime Minister and meet with him to discuss our findings. The two annual reports that we are discussing today cover the periods between December 2008 and July 2009 and between August 2009 and March 2010 respectively. During those periods the committee had a total of 41 formal meetings and 19 other meetings—60 in total, including a number of visits to the agencies. However, it is unfortunate that there has been such a delay in the publishing of our 2008-09 annual report, which occurred some eight months after the reporting period had concluded. This meant that the report was considerably out of date by the time it was published. Of course, it was followed very shortly afterwards by our 2009-10 annual report. That is why we are considering them together today. The committee has made it clear to the Government that such delays are unacceptable, since it does not enable this House or indeed the other place to discuss the committee's work in a timely fashion. We welcome the fact that our 2009-10 annual report has been published much more quickly and we trust that this quicker turnaround will be continued.

During the period of our 2008-09 annual report, much of the committee's work focused on the essential workings of the agencies—their finance, their administration and their policy. This is central to our oversight role, and increasingly important as we seek to ensure that the considerable, and considerably increased, resources given by the Government to the agencies are properly deployed and accounted for.

However, although the committee's official remit covers the Security Service, the SIS and GCHQ, it is clear that those agencies cannot and do not work in isolation. Given the challenges that they face, constructing close partnerships with the wider intelligence community is essential. Therefore, in overseeing the security and intelligence agencies, we also examine the work of the wider intelligence community. This includes the Defence Intelligence Staff; some areas within the Office for Security and Counter-Terrorism in the Home Office; the intelligence structure in the Cabinet Office, including the Joint Intelligence Committee—which the noble Baroness opposite knows something about; and the assessment staff, the Joint Terrorism Analysis Centre and the Centre for the Protection of National Infrastructure. Our work therefore goes well beyond our statutory remit. That has happened over time and is a welcome development.

We do not shy away from criticising either the agencies or the wider UK intelligence machinery if we

[Lord Foulkes of Cumnock]
think that it is justified. For example, in our 2008-09 annual report, we strongly criticised SIS for the loss of data on a camera memory stick; we criticised GCHQ for the loss of laptop computers; and we criticised both the Security Service and SIS for poor record-keeping. We have also consistently pressed the agencies on the need for robust business continuity arrangements.

The primary focus of all the three intelligence and security agencies, both last year and this, is rightly on international counterterrorism work. However, they also dedicate resources to countering further threats, including those posed by the proliferation of weapons of mass destruction, by regional instability and by espionage. In addition, the agencies continue to provide unprecedented operational support to United Kingdom military operations overseas. We have been able to examine some of that work very closely.

The current threat to the UK from international terrorism is assessed as "severe". This means that there is a continuing high level of threat to the United Kingdom and a high likelihood of a terrorist attack in this country. The threat of international terrorism comes from a wide range of sources, including al-Qaeda and its associated networks and those who are inspired by its twisted ideology. The source of these threats is constantly evolving. Recent events such as the Christmas Day bomb plot in Detroit highlight the continuing and shifting nature of the threat. The Detroit bomb plot has led the intelligence agencies to focus increasingly on al-Qaeda in the Arabian Peninsula. They have been able to respond and adapt quickly to those new and emerging threats, which is encouraging.

The past 18 months or so have sadly seen an increase in the threat within the UK from dissident republican terrorists in Northern Ireland. This threat remains very real. The director-general of the Security Service told us that the largest number of life-threatening investigations being conducted by the Security Service in January 2010 related to dissident republican terrorists in Northern Ireland. It is reassuring that the service has been able to adapt its priorities in line with this ever-changing threat.

The threat from espionage also remains high. Several countries—I shall not spell them out—are actively seeking UK information and material to advance their own military, technological, political and economic programmes. This threat comes from both traditional espionage and, now, new technological espionage. Electronic attack is an example of one important area that the committee recommended in its 2008-09 annual report should be given higher priority. We are reassured that there have been developments in this field during the past year, with the publication of the *Cyber Security Strategy of the UK* and the creation of a number of new bodies. We are glad that this threat is now being taken seriously, although we also caution against an apparent proliferation of new bodies in this field, since it is vital to avoid duplication of effort.

The committee also addressed issues that affect the intelligence community as a whole. For example, in both annual reports we strongly criticised the failure of phase 2 of the SCOPE IT programme. As we indicated in our 2008-09 report, we had hoped to report substantively in our 2009-10 report on the reasons for that failure. The committee took detailed evidence on the failure of phase 2 of SCOPE and we have formed clear views on the reasons for it and where responsibility lies. However, we have been advised—and we have accepted the advice—that because of ongoing commercial arbitration proceedings, publication of our detailed comments at this time could jeopardise the process of arbitration. Therefore, solely for reasons of public interest, we have removed that detail from our 2009-10 annual report. We will, however, pass on our findings to the next committee for it to publish as soon as the legal proceedings are concluded.

During the period up to July 2009, the committee also spent a considerable time on two separate investigations. First, on 20 May 2009 we published our updated review of the intelligence on the London terrorist attacks on 7 July 2007 to reflect developments that, for legal reasons, we were not able to cover in our original report on the attacks.

Secondly, following new information coming to light in the Binyam Mohamed case, we took further in-depth evidence from the intelligence and security agencies and from the FCO. We reported our findings on a number of aspects, including the issues raised on the policies of the UK security and intelligence agencies, and we wrote to the Prime Minister on 17 March 2009 with our recommendations. The letter has been included as an annexe to our review of the Government's draft guidelines on detainees which we hope will be published shortly. Today, however, I urge noble Lords and people beyond this Room not to jump to conclusions based on claims made by one individual and his representatives.

Following that letter to the Prime Minister, he wrote to the committee inviting us to review the UK intelligence and security agencies' guidance regarding the treatment and interviewing of detainees overseas. Unfortunately the consolidated guidance was not provided to the committee until 18 November 2009 and we could not comment on that work in our 2008-09 annual report. However, during 2009-10 we spent a large proportion of our time taking evidence on the guidance. Our findings were submitted to the Prime Minister on 5 March 2010, along with our 2009-10 annual report.

We were initially assured that both reports would be published before 18 March for the debate in the other place. We are therefore disappointed that that has not been possible, although we understand that the Government have delayed publication to give serious detailed further consideration to our comments, and we understand the reasons for that. We hope that the Government will publish both our review of the draft guidance and the revised guidance itself in the very near future. I hope that the Minister can give an indication on that.

The other major issue that has preoccupied the committee in the past year is the important matter of its independence. The committee is confident in its ability to hold the agencies to account and to do so independently of government. The Intelligence Services Act 1994, which established the committee, allows us to set our own procedures. Over the past 16 years, as I indicated earlier, these procedures have evolved. That

has happened naturally through both written agreements and verbal assurances. However, events in the past year have made it clear that corporate knowledge of these procedures within government has been lost. There was little awareness of our procedures, some of which date back to when the committee was first established in 1994, as the noble Lord, Lord King, will recall. In some cases this has led to serious misunderstandings by civil servants about the statutory independence of the committee and its work and the nature of the relationship between the committee and the Prime Minister.

As the chairman of the committee said in another place, these misunderstandings relate to,

"the nature of the ISC's relationship with the Whitehall administrative machine".

He went on to say that,

"there are some within the Whitehall bureaucracy who, for reasons of their own, have not understood or refuse to accept that the independence of the ISC is sacrosanct".—[*Official Report*, Commons, 18/3/10; col. 996.]

In order to ensure that the bureaucracy is clear about the committee's evidence, and for the avoidance of doubt, we have revisited and clarified the principles, policies and procedures that have governed, and continue to govern, the work, status, remit and responsibility of the committee. As the noble Lord will see, these are included as an annexe to our 2009-10 annual report.

Lord Campbell-Savours: My noble friend referred to paragraph 11 of the report. If there was a misunderstanding in the bureaucracy, can he explain, within the confines of what he is allowed to say, what happened? Was there a series of incidents that might further reveal the nature of the difficulty that arose?

Lord Foulkes of Cumnock: I am grateful to my noble friend for that question. There were a number of indications that led us to believe that there was a lack of awareness. There was one incident in particular, but I will not go into detail because it involves members of the Civil Service and it would be invidious to name them. I am sure that my noble friend and other noble Lords will understand.

We have included the details of the principles, policies and procedures in an annexe to our report, and we trust that this will ensure that there is no scope for confusion in future about the independence of the committee and the ownership and nature of its work, data and staff.

Lord King of Bridgwater: Following on from the question of the noble Lord, Lord Campbell-Savours, and without wishing to cause embarrassment to any individual, it would be helpful to know what form this misunderstanding took when it somehow jeopardised or threatened the independence of the committee.

Lord Foulkes of Cumnock: What I can say—I must choose my words carefully—is that certain officials in the Cabinet Office treated the staff of the committee as if they were their line managers. The line manager of all the staff of the committee is the chair of the committee. That misunderstanding had to be resolved. However, I make it clear that the problems have not arisen because of difficulties in the relationship between the committee and the intelligence agencies. The agencies recognise that proper, effective and robust oversight is in their interests, and have made no attempt either to challenge our independence or to interfere with our work. I should also make it clear that in referring to the Whitehall machine, I do not include our staff. Members of our secretariat are fiercely independent and work extremely hard on behalf of the committee, even to the extent of perhaps jeopardising their own careers. As a previous chairman of the committee—I think it was the noble Lord, Lord King—said, if they are doing their job well, they will not be popular in the rest of Whitehall.

It has become very clear to us from the difficulties that we and our staff have experienced over the past 12 months that it is no longer appropriate for the committee to be based within the Cabinet Office, where it has been hosted since 1994. The original arrangement was made for ease of administration, as the Cabinet Office was a central department that was used to handling classified material, suitably cleared staff and so on. However, the intelligence role of the Cabinet Office, as the noble Baroness will know, has developed substantially since then, as has the remit of the committee, since we now oversee those parts of the Cabinet Office. As a result, we find ourselves in a difficult position. We sit in a government department that has a significant role in the UK intelligence community and which we oversee. I am sure that the noble Lord will see how conflicts of interest arise, especially since we sometimes criticise that part of the Cabinet Office.

The fact that the Cabinet Office decides and allocates the committee's budget and employs our staff is another area of potential conflict of interest. Separation and independence are the key issues here. We strongly believe that the committee, its work and its staff, must be placed on a firmer footing and its independence safeguarded as it looks to the future and seeks to build on the hard work done, and progress made, over the past 16 years. As a result, we recommended to the Prime Minister and to the Cabinet Secretary in November last year that the ISC be moved to another government department—one without a central role in security and intelligence matters. We suggested that the Ministry of Justice would be a suitable alternative. We also recommended that our budget should be based on a set percentage of the single intelligence account, which would provide the necessary flexibility to enable the committee's activities and capabilities to reflect those of the services that it oversees.

We did not make this request lightly. We are therefore disappointed that the Government's response to our report, which noble Lords will have seen, to some extent kicks the issue into the long grass. The Prime Minister has clearly affirmed the committee's independence and appears to be strongly behind us, but it is clear that Cabinet Office officials are less prepared to release their grip. That is why we have taken the unprecedented step of raising the issue publicly—some Members opposite might say that it is unprecedented for me to be criticising Her Majesty's Government.

[Lord Foulkes of Cumnock]

We urge Ministers to take the matter into their own hands and to ensure that officials do not continue to obstruct the committee. I am encouraged by the Foreign Secretary saying in another place that he had previously been unaware of the strength of feeling about this matter on the committee.

I can assure the Committee that we take seriously our responsibility for holding the agencies to account in an independent manner. Given the sensitive nature of the work and the information to which we are privy, we cannot, however, publicise every detail. Nevertheless, where we do not believe that we have been given proper access to information, we say so and openly criticise the agencies for it. Such public criticism ensures that the agencies take seriously their responsibility to keep the committee informed. For example, we strongly criticised them in our 2008-09 annual report for poor record-keeping, because all the relevant information was not provided to the committee in a timely fashion. Our criticism of the agencies has led to significant improvements in their record management. In our 2009-10 annual report, we criticised GCHQ for not providing the committee with sufficient detail on its major SIGMOD programme. We do not settle for superficial information, and the agencies now know better. Further detail on GCHQ's SIGMOD programme has now been received by the committee, for which we are grateful.

I can assure noble Lords that we ask many challenging and difficult questions of all our witnesses in our evidence sessions. We press for detailed explanation and justification, and I am confident that none of the witnesses who have appeared before the committee would describe their evidence session with us as comfortable or cosy. We also spend many hours pursuing points, examining evidence and considering our comments. We are a robust group, which takes its work seriously.

Lord King of Bridgwater: The degree to which questioning is robust depends on the information available to members of the committee. The provision of that information, certainly in our time, was greatly assisted by an investigator who worked for the committee. Since we had started along that road, I expected the strength of that part of the committee's support to have been increased. Does the committee now have an investigator? The report states that it does, but my understanding is that although somebody has just been appointed, the announcement has not yet been made.

Lord Foulkes of Cumnock: I am grateful to the noble Lord, particularly since I had anticipated his asking that question. I can confirm that we now have three investigators to augment the work of our secretariat. They provide us with expert legal and financial advice and investigative capacity, although I am disappointed to say—I hope that the Minister will reply—that the Cabinet Office is currently obstructing the progress of our general investigator, refusing to allow him to work during the election period, despite there being clear precedent for that. I hope that the Minister will be able to provide a more positive response than was available in the other place, so that our investigator can work during the recess and the election period and make available his report on vetting, which we have asked him to do, for the new committee when it takes over.

Lord Campbell-Savours: I follow the comment of the noble Lord, Lord King of Bridgwater. Under the new arrangement, will the investigator have exactly the same level of access as did the investigator who was dismissed in the early 1990s; or has the Cabinet Office managed in some way to restrict the nature of that access? Has a system been established whereby evidence can be taken formally on the record when members of the committee visit the individual agencies and have access to staff at a lower level than the officials who usually account directly to the committee?

Lord Foulkes of Cumnock: Perhaps I may deal with the second question first. There are problems with taking evidence officially from lower-level people in the agencies. It has been the practice of the committee to take evidence from the heads of the agencies, supported by the other officials who then give evidence. It has also been our practice to record all the evidence in detail. When we visit the agencies, we talk informally with staff and pick up a lot of useful background information, but this cannot be considered as evidence.

Lord Campbell-Savours: I am sorry to press my noble friend, but surely the argument over record-keeping which has surfaced in the national media might have been avoided if formal evidence had been taken from people lower down the ladder.

Lord Foulkes of Cumnock: The noble Lord has a point. As I said earlier, the operational arrangements of the committee have developed and will continue to develop. That is something that the new committee could look at in more detail. The noble Lord asked about access for investigators. As the noble Lord, Lord King, rightly said, the investigators were appointed only relatively recently as part of the expansion of the work of the committee, and we are in the process of discussions with the Executive about arrangements for access. I hope that the new committee will take that up vigorously with the Executive, because we must ensure that the committee's independence and standing are safeguarded for the future. The development we need is for it to be moved away from the central intelligence co-ordinating machinery. I hope the Government will agree and that we will get some indication of that today.

The Foreign Secretary helpfully stated in the debate in another place that although the reaction of officials to proposals to enhance oversight might be a default "no", Ministers,

"do not want to go with the knee-jerk reaction and say no, but want to go with the drive to have a strong accountability system. That is certainly what the Prime Minister, the Home Secretary and I want".—[*Official Report*, Commons, 18/3/10; col. 1007.]

That is very encouraging.

Lord Hamilton of Epsom: I am grateful to the noble Lord for giving way and apologise for arriving late. Does he think that there is a role for a Secretary of State for homeland security who would have responsibility for all the agencies?

Lord Foulkes of Cumnock: That is an interesting suggestion which has come up on a number of occasions in a number of venues. I do not think that it is something that the Intelligence and Security Committee has a view on. We have not discussed it, and it would probably be better to discuss it in other places first. I would be happy to enter into a debate and discussion on it.

In conclusion, the Prime Minister has clearly and personally confirmed to the ISC the value and importance that he attaches to its independence and work. The intelligence agencies want and need robust and independent oversight. The committee has made carefully considered proposals to enhance the current arrangements so that its independence is clear for the future. The obstinacy of a few officials must not be allowed to frustrate Ministers' desire to see proper, effective oversight of the intelligence agencies by the ISC continue. As I said, it has been a challenging and interesting year, and I hope that I have been able to convey it fully to noble Lords. I look forward to a very interesting discussion and to the opportunity to reply to the debate. I beg to move.

12.29 pm

Baroness Neville-Jones: My Lords, this debate is always welcome; indeed I would say it is a necessary opportunity to acknowledge the important role of and work done by the intelligence and security agencies, the staff of which work tirelessly, day and night, often in pressing circumstances, to safeguard our way of life. In a very illuminating comment, the noble Baroness, Lady Manningham-Buller, said recently that they are,

"men and women of different backgrounds, beliefs and ethnicity who wish to work, without any chance of personal fame, or recognised success, because they believe in the UK, its rights and freedoms and because they wish to protect it, as far as they are able against threats".

I think that that tells us something about the motivation of those who are engaged in the tasks we are looking at today.

I thank the noble Lord for his substantial and illuminating report. I also acknowledge the work done by the members of the Intelligence and Security Committee. As the noble Lord rightly said, they do a great deal of work that is largely unseen and pretty unheralded—partly because of the nature precisely of what they do—but that, in a sense, is all the more valuable for that. A number of them are stepping down at this election, so thanks are very much in order.

The committee does important and solid work. As I said last year, I rather regret that more of it does not enter the public domain and help to increase our understanding of the agencies and the work they do. It is not so much this Committee or the Houses of Parliament: I think that a wider understanding in the country as a whole is important. As we have to take measures that impinge on our liberties in society, it is extraordinarily important that the general public should have insight into the security threat that this country faces so that they actually understand what we are up against. Our ability to get that message across is at the moment somewhat deficient. I would like to see that improved, and I am quite certain that the committee has an important role to play in that.

I want to say something about finances to begin with and then a little bit about policy issues that have arisen. I would also like to comment on the question of the role and status of the committee. First, on money, and as with all other departments, the agencies are operating within an increasingly constrained resource environment. The single intelligence account has increased year on year and will do so again next year, but there are three particularly important points to note.

First, there is no funding in the short and medium term for a fully resilient data centre for GCHQ. The question is whether in a sensible economy we can really afford to be without resilience in the data centre. The problem we face in trying to answer that question is that we do not have information about costs and therefore are not able to conduct an intelligent discussion on whether this is a correct thing to be doing. I would be grateful if the Minister will write to me with more information on that if he cannot reply at the end of the debate.

Secondly, funding across the board for the ever-growing cyber threat is a third below the planned level, which itself is quite modest. The noble Lord, Lord Foulkes, rightly referred to that. He was also right to point out that the committee's remit has of necessity expanded beyond its original domain because we are faced with a whole series of issues that are closely related to our security and cannot now be separated from each other. The role of CSG is a perfect example. It is part of the cybersecurity machinery operating within one of the intelligence agencies.

That is the third thing that I want to say. There are problems with the operating model of CSG. I have no doubt that it performs an invaluable information-assurance function across government, but GCHQ, perhaps not surprisingly, as a result of that, wants to see it funded centrally. I do not want to comment on that point but I do want to say that I think that the information-assurance and cybersecurity agendas need to be brought together more closely than they are at the moment. Perhaps the Minister can say why the Government seem to think it advantageous to keep the two separate. In our view, CSG ought to have more of a front face in Whitehall to be effective in the role it is being called on to play.

Just because the agencies operate in a difficult and challenging environment does not mean that there are no legitimate questions to be asked about their work and the value for money they offer. This is not easy to do from outside because relatively little information, either financial or on tasking the agencies, is provided, which means, as I say, that it is quite difficult to know how to conduct any value-for-money assessment from outside. I believe that this assessment is necessary. The ISC's report last year on the 7/7 attacks made clear that the issue is not simply one of the volume of the resources available but also their best use. I underline "their best use". So the question of how the agencies use their money, particularly as they now have very sizeable budgets, is a real issue of public interest.

I know that a cross-agency spending review working group is in existence to facilitate discussion with the Treasury and to produce a co-ordinated single bid for the next spending round. It would be helpful if the Minister could comment on the extent to which this

[Baroness Neville-Jones]
will cover the scope for shared support services and for joint if not integrated teams and strategies. Most of those who follow these issues will be aware of the fact that there are moves in this direction between the agencies. They are separate bodies and have separate remits but I think that it is fairly clear that there are services which could be brought together and operated more in common, reducing underlying costs. We believe that there should be determined progress in this direction. I do not think that I am saying anything which is not accepted by the agencies themselves, but it does require the effort to be put into making this a reality.

It is not only the resource environment that poses a challenge to the intelligence community; some policy problems also have arisen. I should like first to comment on the Butler inquiry—and I see that the noble Lord, Lord Butler, is with us. I think it is clear from all of the committee's annual reports since the noble Lord, Lord Butler, reported that not all of the recommendations have yet been taken fully on board. Last year I said that this could negatively affect the functioning of the central intelligence machinery and the UK's analytical capability, and I think that that point still stands. The 2008-09 annual report—which, as the noble Lord, Lord Foulkes, pointed out, we are also debating—raises concerns about the role of the professional head of intelligence analysis and the location and place of the "challenge team" and the Defence Intelligence Staff.

Can the Minister tell us what has actually been achieved by the professional head of intelligence analysis and, in particular, what work has been undertaken to develop a professional career stream for analysis? I think that this is a road down which the UK does need to go. It is certainly one that the Americans have travelled. There is no point in having the capacity to collect without that being matched by the capacity to analyse—otherwise you do not know what the material means and, frankly, it is a waste of effort. It is just as important, if not more so, to put effort into understanding what the material one has collected means as it is to put it into collecting material. It would be very helpful to receive illumination on how far this has developed. In the case of the professional head, it would be helpful to know how much time is spent on career development and developing the analytical capability of the intelligence community as opposed to chairing the Joint Intelligence Committee.

Secondly, the Government have to some extent allowed a climate of uncertainty to develop. There are a number of outstanding issues on which Parliament, the public and indeed the intelligence community itself await answers from government, and the noble Lord, Lord Foulkes, alluded to some of these. The Government undertook to report on the work of the National Security Forum this month, although the noble Lord did not mention that point. Given that the intelligence machinery these days is an absolutely central and integral part of our whole national security framework, that the Government have set up the National Security Forum and promised us a report, and that I will not have many other opportunities to ask the Government this question, it would be helpful to be given an answer to it—namely, will the National Security Forum report come forward this month?

The Government also undertook to report before Easter on the use of intercept as evidence. I should be grateful to know whether this will happen. Unlike the ISC—I am afraid that I disagree with the committee on this point—I do not believe that a negative report should close the option of using intercept as evidence. Frankly, the issue is too important. Given the pace of technological change, the use of intercept as evidence should be kept under review on a regular basis. We do not know what the outcome of the latest work is and any information that the Minister can give us regarding progress on that front, and whether we are likely to receive a report before Easter, would be very helpful.

Thirdly—I have mentioned this already—there is confusion about the Government's approach to cybersecurity. The noble Lord, Lord Foulkes, talked about the structures. There is overlap and a lack of clarity about what the structures do and how they work together and inadequate information about the operating capabilities of the Office of Cyber Security, or the Cyber Security Operations Centre, and what their functions should be. It is very clear that the security of our communications is nothing short of vital. Indeed, it affects government, national resilience and the critical national infrastructure of the private sector. It also has international implications. Therefore, certainty and a strong sense of direction on cybersecurity are very important.

Uncertainty is not a good quality in this area of our national business. Meeting an undoubtedly uncertain strategic context by muddling along is not a posture that this country needs. Last year I said that there was a lack of strategic direction from the centre. By that I mean government; I do not mean another committee. The ISC's annual report for 2008-09 says that the updated national security strategy, which should be the governing vehicle, has had little impact on the focus or nature of the work of the agencies. Given what the noble Lord, Lord Foulkes, said when he described in detail the relationship between the work done by the agencies and the conduct of major government policies, including, for instance, that on nuclear proliferation, it is curious to say the least that the national security strategy does not relate to the role of the agencies, as they are central to the way in which we implement our national security strategy. It would therefore be helpful to know what the Government think should be the right relationship between the national security strategy document and the agencies.

There also remains an issue which, if not closed, could become one of serious morale within the intelligence community. There are now, sadly, multiple allegations of complicity in torture and of cruel, inhuman and degrading treatment. I absolutely take the point made by the noble Lord, Lord Foulkes, about not taking at face value the allegations and comments of one individual. A serious situation is clearly developing and the Government have failed to draw a line under it. The wider issues thrown up in the course of these events include the irreplaceable intelligence relationship with the United States and the balancing of the needs of national security with the requirements of accountability. These go to the heart of the protection of the security of our nation. We need to focus on how to keep those things in balance. Despite the very good efforts of the

committee so far, there is still a lack on the accountability side of the balance. I shall say something about that in a moment.

The release of redacted paragraphs as part of the Court of Appeal judgment in the case of Binyam Mohamed drew a strong response from the US Director of National Intelligence. We on these Benches argued that the control principle could have been upheld while seeking an exception from the United States in this specific case. That was not a course that the Government chose to pursue, and we would not know whether it would have succeeded. We cannot know because it was not tried, but it remains our view that it could have been a preferable course of action rather than having the matter dragged through the courts, as has happened, which has had the effect of fuelling the accusation that the Government were withholding evidence. That in turn has had the effect of exposing our relationship with the US to particular strain.

It is important now to try to draw a line under what has happened. I hope that the Minister will comment on whether the Government see any need to take further action to reassure the House and the United States about upholding the principle of control. Does the Minister agree that the UK should now be in a stronger position as the control principle and public interest immunity are both contained in a legal judgment? That is a strength in itself, but I want to know what further action the Government intend to take.

In another place, the former Foreign Secretary Sir Malcolm Rifkind pointed out that when we are dealing with issues raised by allegations of torture and mistreatment we need to look not only at the detail of individual cases but at the processes within the agencies. We have to assure ourselves through the ISC—or possibly, as my right honourable friend the shadow Foreign Secretary suggested in another place, through a judge-led inquiry—that we have been able to draw a line under previous allegations and that we have systems in place to ensure that we are true to the values and standards which we champion in the world and to which we expect others to adhere.

In respect of the allegations of complicity and torture, in March of last year the Prime Minister said that he would work,

"to protect the reputation of our security and intelligence services and to reassure ourselves that everything has been done to ensure that our practices are in line with the United Kingdom and international law".

He said that we would,

"put beyond doubt the terms under which our agencies and service personnel operate".—[*Official Report*, Commons, 18/3/09; col. WS18.]

It is urgent that that happens. So far, the procedure has not been reassuring.

The Prime Minister committed the Government to publishing the guidance given to agencies about the standards to which they should adhere during detention and interviewing of detainees overseas. He said that the guidance would need to be consolidated and reviewed by the committee, as the noble Lord, Lord Foulkes, pointed out, before publication. The noble Lord also said that it took another eight months before the committee saw this guidance, despite repeated requests to the Cabinet Office. He also said, rightly, that it arrived only on 18 November, well after the date on which the committee could scrutinise it as part of its annual report. Ministers have not even attempted to explain why the delay was so long, except to say that the whole matter has been very difficult.

On 11 March, the Prime Minister assured the committee that the guidance would be made public in the 2009-10 annual report, which would be published in good time for the debate in another place on 17 March. This still has not happened. I understand that this is because there has been a difference of opinion about something that the committee wrote in its report. Perhaps the noble Lord can enlighten us on this. Will the Minister give an absolute assurance that the Government are not trying either to block the report or influence its conclusions? The noble Lord, Lord Foulkes, referred to this. I hope that he is right in his confidence that in the end we will have the report with the committee's comments. Will the Government commit to publishing the report before the election? It is because the Government have failed even to begin the process of drawing a line that there have been calls for further investigation. This issue will not go away by itself, so it is important that the Government do something about it.

Finally, I will say a few words about the relationship between the ISC and the Government. The noble Lord pointed out that it is not acceptable for the Government to delay publication of ISC reports, which is why we have ended up debating two together. Certainly it is not acceptable to fail to assist the committee properly and in a timely way. The noble Lord talked extensively about this, and I will not go over all the ground. However, it is fair to say that because the committee's work is done in the way that it is, with much of it not reaching the public domain, it gets less credit than it should for the quality of the work that it does. Now we face a situation where there appears to have been a breakdown in confidence and trust between the committee and those parts of the government apparatus that have contact with it. It is very important that the committee is seen to have the independence that its statute should give it.

Last year I criticised the Government—as the committee did this year—for giving only cursory responses to the committee's conclusions and recommendations. These should be taken seriously, and I hope that the Minister will take this observation away and look to see how the Government can better respond in future—if they have the privilege—to the committee's reports.

We have heard about the worrying issue of independence potentially being compromised, as it appears to have been over the past 12 to 18 months. The chairman said in another place that,

"life for the ISC secretariat has been distinctly uncomfortable and, at times, very unpleasant and threatening".

That is strong language. He also said that,

"there are some within the Whitehall bureaucracy who, for reasons of their own, have not understood or have refused to accept that the independence of the ISC is sacrosanct"—

the word used by the noble Lord. The chairman went on to say:

"Some of them have given the impression that they regard the ISC as an irritation—a problem that they could well do without".—[*Official Report*, Commons, 18/3/10; col. 996.]

[Baroness Neville-Jones]
The ISC is not an irritation, but a very important part of our public accountability machinery. The noble Lord warned about the bureaucracy interfering with the committee's secretariat in the intervening period before a new committee is appointed. I note what he said about not being able to continue to work during the election period. I do not know exactly what aspect of work he was referring to.

Lord Campbell-Savours: Will the noble Baroness tell us her view on making the committee a committee of the House of Commons, or a Joint Committee of the House of Lords and the House of Commons, whereby it would be directly accountable to Parliament?

Baroness Neville-Jones: I was just going to say that as the committee currently reports to the Executive, it seems rather odd that it cannot continue its work while Parliament is not in being. On the broader point, in a report which I wrote for my party I suggested that the committee's future should be as a parliamentary committee and in that sense have a more normal relationship to the normal processes of accountability in our constitution.

As I was about to say, we have not taken a view within the Conservative Party on whether we should introduce primary legislation, which is what that would involve. That is clearly a major issue. If we are going to do that, we need to get it right and look at all the issues. We came to the conclusion that this is not something that you can do until you can examine it from inside government, so we hope very much that we will be able to do it.

Lord Campbell-Savours: I am sorry to intervene like this. However, when we did some work on this some years ago we found that it was not necessary to introduce primary legislation. The ISC would simply slip into abeyance and a committee of Parliament would be established. It would simply take on the role with the agreement of the Prime Minister.

Baroness Neville-Jones: I take note of what the noble Lord says and we will certainly look at that. Even if one did not change the statute of the committee, many things could be done to strengthen its role. It can have a better public face. It could certainly report more often to the public in terms that do not compromise security but that do increase understanding. I believe that it should have the ability to call for papers. It should be able to conduct investigations on its own terms and issue its own reports. I suppose that I am saying that there should be a combination of less self-censorship by the committee itself as well as a rather freer relationship perhaps with the Executive. It must also have good access to and information about the financing and resourcing of the agencies. That is something which it must have and which, increasingly, should also be out in the public domain. I cannot see that there is a case in national security for not understanding how these moneys are spent and the volumes thereof.

As I said, more can be done. I would put this under the heading of unfinished business. We are in an evolutionary situation. I believe that this committee has a long-term and very important function to perform and that we will continue to develop it with time.

My conclusion on that is that the committee needs to be upgraded. I believe that certain forms of upgrading have happened as a matter of urgency, not just as a matter of long-term destiny. It needs to be able to do its work and duties effectively because, frankly, its public credibility is at stake. I would add that the agencies themselves want to be able to report to a committee that is seen to have credibility. The fact that they account to a body which itself is well regarded and understood is part of their ability to defend their status. I think that there is a recognition inside the agencies that this is in their interests as well.

I would be grateful if the Minister could now or in writing respond to the points about financial information on business continuity; confirm when the Government will report on the National Security Forum and intercept as evidence; confirm when the Prime Minister will publish guidance on detainees and whether it will be before Easter; and confirm what the Government will do to restore relations between the ISC and officials.

12.59 pm

Lord Wallace of Saltaire: My Lords, I am very much an outsider on this matter compared with the previous speaker although for many years I have had professional relations with people engaged in these activities—indeed, since the early 1970s when I first met a rather determined and impressive young diplomat called Pauline Neville-Jones.

I am impressed by the evidence of hard work which we have heard about—30 meetings a year is roughly one for every week that Parliament meets. My respect for the noble Lord, Lord Foulkes, goes up when I remember that he is also involved in parliamentary duties in Edinburgh. Therefore, he takes on a very large number of activities.

I support very strongly what has been said about the status of the committee and the importance of preserving and strengthening its independence. This is a very odd committee in its current set-up. We live in a constitutional system in which we are told that Parliament is sovereign, but in which there remain a very large number of areas of government that are handled under the royal prerogative by the Executive. There are many other areas in which Parliament needs to strengthen its position vis-à-vis the Executive. There are also many other areas of the royal prerogative which this Government have abused—particularly, in my opinion, under the prime ministership of Tony Blair. It is high time that this committee became fully a parliamentary committee. Under the next Parliament, I look forward to many of us working together to push further in that direction as part of the necessary process of constitutional reform.

Some of the expressions used by the noble Lord, Lord Foulkes, in referring to the difficulties that we have experienced in the past 12 months suggested that the committee has encountered real difficulties. If that is the case, clearly it needs to be looked at a good deal further and the committee needs strong support from across the parties in Parliament to enable its independence to be strengthened. I also support strongly what the

noble Baroness has said about the need to ensure that the public are informed about and have confidence in our security and intelligence services so that they will support them adequately. We are all conscious that some of the allegations about the treatment of detainees, extraordinary rendition and awareness of what was happening at Guantanamo and elsewhere have damaged the reputation of our security and intelligence services. Ministers have—including, on occasion, when answering questions that I have posed—assured us that things have not happened with reference to Diego Garcia or elsewhere only for us to discover, some time afterwards, that they have happened. That has shaken our confidence in the ability of our Government to keep a check on what is going on.

It is particularly important that we maintain a clear responsibility for parliamentary scrutiny because, as both of these reports say, there has been a very substantial increase in resources and personnel in recent years. The noble Baroness referred to entering a harsher resource environment, but over the past three to four years these services have necessarily done very well, as evidence in the reports indicates. Therefore, we need to know as much as possible about this if we are to assess whether we should defend them against the harsh cuts that will take place across government, whoever wins the election, or whichever combination of parties comes out of it.

Languages expertise comes up in various reports. Speaking as an academic, I argue that we are as a country losing our languages expertise. The extent to which languages expertise is falling back in schools and universities is appalling. I understand that Oxford University now gives remedial grammar courses to its first-year French students. That tells us something about how far expertise is slipping back.

I moved from a think tank to Oxford University in 1990. I recall people from the Foreign Office coming to see me and saying, "Do you know anyone in the academic community who knows anything about central Asia?" It was not a resource that they had thought to be highly necessary for the previous 20 or 30 years, but, all of a sudden, having expertise on obscure cultures and languages within our broader academic community was appreciated. In terms of cross-departmental contacts and coherence of government, I say to the Minister that, as cuts are imposed on universities, it is precisely those skills in marginal languages and knowledge of marginal foreign cultures that will be cut. It has happened on a number of occasions during the past 60 or 70 years, only for us to discover about 10 years later that it would have been quite useful to have people who understood Dari or Somali, for example. We need to maintain that expertise outside government, because it is a resource for government.

I note with concern the references to China and Russia at various stages in the report. We now have a substantial and very rich Russian community in this country; we also have a large number of people who divide their time between Moscow and London. There is concern as to where some of their money has come from and whether it has been entirely legitimately obtained.

Lord King of Bridgwater: Probably none of it.

Lord Wallace of Saltaire: The police, the Financial Services Authority and others need to keep a very active watch on what goes on. I also note in the report important remarks on the growing problem of cyber attacks and on it not always being easy to tell whether they come from private or state-sponsored sources.

Since I do my politics in Yorkshire, I am closely aware of the problems of, and have very close links with, Pakistan and Somalia, and the extent to which the high level of movement of people between this country and those countries—and, on a rather smaller scale, Yemen—creates problems for all of us. The line between what is domestic and what is international is not always easy to draw.

Intelligence co-operation with other countries is not flagged actively in either report, although it is referred to in the second report. We are all conscious of the importance of the relationship with the United States, as the noble Baroness remarked. I happened to be at a transatlantic conference in Brussels over the weekend where this was one of several subjects discussed—the noble Baroness, Lady Neville-Jones, was there, too. I had conversations with a number of people about expectation on the part of the Americans that they will receive more information and co-operation from European Governments than they give us in return. The imbalance of that relationship extends across intelligence to a range of other areas. On the US-UK relationship, if the UK Independence Party and the noble Lord, Lord Pearson, were really concerned about the maintenance of British sovereignty, I would look forward to accompanying him to the gates of RAF Menwith Hill and seeing how easily he would be accepted in there. I know that the ISC is now allowed to visit US intelligence sites on British soil; it was not for its first few years. At least we have gained that. While driving back from Harrogate to Saltaire last summer, however, I witnessed both the Union Jack and the Stars and Stripes being taken down with great reverence by US Air Force personnel. There are large questions there about whether we are happy with the incursions into British sovereignty of some of these US installations on British soil.

I also note that, in paragraph 141 of the 2008-09 report, the Foreign Secretary referred to,

"the British representative on Diego Garcia".

I recall on occasions being assured by Ministers that we are in command of Diego Garcia, and that nothing happens there without the British being fully informed. The Foreign Secretary's remark to the committee was perhaps a little more honest than the replies that are sometimes given.

The last thing that I will say, in a rather shorter speech than we have heard so far, concerns the question of security and new threats—the broader issues around the fact that many of the external threats facing Britain do not fall within old state to state military dimensions. I am talking about the overlap between criminal and terrorist networks, the extent to which almost all serious crime is now international, the fact that the smuggling of people, drugs and weapons is often conducted by the same networks, and the fact that the funding of terrorism and piracy, and the dispersal of those funds,

[LORD WALLACE OF SALTAIRE]
also overlap. Co-operation between our intelligence services, our Serious Fraud Office and SOCA is an important part of how we respond to this nexus; but how we follow it up is also a problem for Parliament.

An official of the African Union whom I met recently talked about Somali piracy, and how a remarkably large number of mansions are being built in Mombasa. We agreed that one needs to combat piracy through financial as well as other investigations. The overlap is important. Perhaps the Minister will tell us how Her Majesty's Government manage this growing overlap and increasing internationalisation. I recall looking, when I was chair of a sub-committee of the European Union Committee, at the expansion of police liaison officers in our embassies abroad. It is a very important part of how SOCA links to the police authorities in other countries, in order to combat serious crime such as people smuggling.

Some months ago, I was fascinated to be invited to sit in on a discussion of the European assessment centre; and even more fascinated to discover a number of people with experience of British intelligence agencies telling us how immensely helpful the European assessment centre is to British intelligence and to the British pursuit of transnational crime. This is something that the Conservatives might like to communicate to those in their party who think that, if they form the next Government, they should withdraw from all the police and intelligence co-operation networks, including Europol and the Schengen information system, because these are incursions into British sovereignty. We now recognise that crime and threats to Britain overlap our national boundaries, that many of them do not come from foreign states, and therefore that the interface between our domestic security bodies, including our police force, and our intelligence agencies and those who represent them abroad, is important, delicate and difficult to manage. I look forward to hearing the Minister's reply on these various points.

1.14 pm

Lord King of Bridgwater: My Lords, I shall speak briefly in the gap if I may. I thank the noble Lord, Lord Foulkes, for the way in which he introduced this most interesting debate and for speaking for the committee. I reassure the noble Lord, Lord Wallace, that I remember our committee visit to Menwith Hill, which I much enjoyed. The idea that we were not able to go there is news to me.

Having been the chairman for the first seven years of the Intelligence and Security Committee, I think that it has lost some of its momentum. I sense that it is perhaps just picking it up now. I have been very concerned that it has not had an investigator. The noble Lord, Lord Foulkes, is absolutely right. We started off with fairly limited official terms of reference and we gradually expanded them. We did so originally with the good will of Ministers such as Robin Cook and Jack Straw, and we gradually spread our wings and covered the whole remit of intelligence security, as the Minister remembers well, because he was one of the witnesses who came—not under our area of responsibility, but as Chief of Defence Intelligence, which was a critical part of the intelligence picture.

Considering the concerns of the committee, and picking up on something that my noble friend said—the noble Lord, Lord Campbell-Savours will be surprised to hear me say this—I think that with the problems that are emerging, the case for a Joint Committee of both Houses is getting stronger. One thing that worried me when I was chairman, and which has continued, is the question of what happens to the staff of the committee. They were seconded from departments and had the devil's own job in getting back into any career stream. They had been isolated; they were viewed with some distrust; and they were not welcomed back by accounting officers who did not want to add to the numbers when they were trying to slim down. Considering their loyalty and the arrangements, there is a strong argument for moving in that direction. I am not impressed by the suggestion to move from the Cabinet Office to the Ministry of Justice—that is out of the frying pan into the fire. It still leaves behind the basic problems.

I have two points to make on my hobby horse. I care passionately about the reputation, independence and integrity of the Intelligence and Security Committee. It is of great value to the intelligence agencies and should not be seen as a threat and a menace to them. I remember the Mitrokhin inquiry, when the committee dug the SIS out of a deep hole because it had credibility. No Minister could have done that by saying, "There is no problem; there is nothing to answer for here". However, an independent, all-party committee with full access to all the information beyond what the Act officially said we could have was able to do a proper job. At the moment there are eight Members of Parliament and one Peer on the committee. When we consider the shape of a new Parliament, with goodness knows how many new Members with no experience in this area, there is a strong argument for a significant increase in the number of Members of the House of Lords who serve on the committee. The Act allows it; it does not specify the number of Peers or MPs.

My other hobby horse, which is a brave statement considering that I am looking forward to a triumphant Conservative victory in the forthcoming election, is that I believe strongly that the chairman of the committee should be a member of the Opposition. I look with despair at previous chairmen—not with criticism of any individual, but because if we treat the post as a consolation prize for losing a place in the Cabinet, there is no continuity. I did the job for seven years, and I think that I am right in saying that we have had three different chairmen in the past four years. That is not the right way to run it. There would be added credibility if the chairman were a member of the Opposition. I hope that we will bravely adopt that approach.

1.19 pm

Lord Campbell-Savours: My Lords, I chime with the noble Lord, Lord King, in his view that the chairman of the committee should be in the Opposition, as happens on the Public Accounts Committee of the House of Commons. The chairman is invariably a prominent member of the Opposition.

I will concentrate my remarks on the question of accountability to Parliament and on the question of a Joint Committee of both Houses. As the noble Lord,

Lord King, will recall, in 1998 during my membership of the committee I was constantly arguing the case for the committee structure to change to that of a Joint Committee of Parliament. At the time, the argument that the Conservatives had to consider about whether primary legislation was necessary was used to counter my case. I had discussions with the Clerks in the other place and we worked out that the committee's powers could be circumscribed by a series of special resolutions which would apply only to the committee so that it would not enjoy all the powers of existing Select Committees. Those powers were modified to deal with its special conditions, particularly the fact that it reports primarily to the Prime Minister. At that stage I did not depart from the principle that the committee's report should go first to the Prime Minister before being reported to Parliament. I still believe that that is an important principle to preserve.

It is also worth noting that in the House of Commons generally—what has happened over the past 12 months with the Cabinet Office serves only to confirm this—the committee is seen as a creature of the Executive. I know that people in the departments do not like to hear this. I remember conversations with Kevin Tebbit, who was very hostile to the proposals that I made in 1998. Stephen Lander was more open-minded about the matter, and the MI6 people maintained a discrete silence on my arguments but were clearly equally hostile to the proposals for change. However, they all failed to recognise the attitude of Members of Parliament and the fact that the committee was not reporting to committees of the House of Commons. I hear that over recent years members of the committee have argued for evidence to be given to the Foreign Affairs Committee, the Home Affairs Committee and the Justice Committee. Indeed, it was even suggested to me the other day that they should have access to the Public Administration Committee—the high-profile committee that spends most of its time undoing reputations, in many cases quite validly. But the point is that there should be a structure within Parliament to take evidence. I am sure that the great body of Members of Parliament—certainly in the Commons—would accept such an arrangement.

I understand that my views are now reinforced by a recent contribution to the debate by the noble Baroness, Lady Manningham-Buller, the former head of MI5. I understand that she is in favour of a Joint Committee arrangement being established. Therefore, I hope that we can move forward, whichever Government are in power. I think that many of the original papers that I wrote on these matters in the late 1980s still circulate around Downing Street. I even went as far as the Prime Minister in the late 1990s and the early 2000s to plead my case on the need for this change to be made.

I remember that there was a lot of resistance to taking evidence from officials lower down the line. However, I never doubted the word of those who gave evidence to the committee. I always felt that the power of a Select Committee, whereby if a person gives false evidence they are in contempt of Parliament, was a very strong one—in other words, they would be held in contempt. I always felt that that would impose a discipline on officials. The notorious case that has run through the press recently is an example of where better arrangements for accountability would have been more appropriate. The reference to poor record keeping is something that I find very hard to believe. In fact, to be frank, I do not believe it.

The Deputy Chairman of Committees: My Lords, with great respect to the noble Lord, perhaps I might remind him of the Companion where, at 4.34, speakers in the gap are restricted to four minutes. The noble Lord is already in his sixth minute. Perhaps I may invite him to wind up.

Lord Campbell-Savours: Forgive me; I did not realise we were in the gap. I take my place immediately.

1.25 pm

Lord Hamilton of Epsom: My Lords, perhaps I, too, may crave the indulgence of the Committee to make a short contribution in the gap. I was disappointed by the answer to my intervention on the noble Lord, Lord Foulkes, who suggested that it was not the responsibility of his committee to make any recommendations about ministerial responsibility. The Intelligence and Security Committee that I sat on, under the chairmanship of my noble friend Lord King, had no such worries. We produced a report some time in the 1990s stating that there should be a Minister of State answering for the Cabinet Office who would be responsible for all of the intelligence agencies. Quite clearly, that was not acted upon.

It was interesting because another member of the committee at that stage was the noble Lord, Lord Gilbert, who was then Member of Parliament for Dudley East. Shortly before the 1997 election, he was rung up by the office of the Leader of the Opposition, Mr Tony Blair. It was suggested that it would be a good idea if he moved out of his seat in Dudley and went to the House of Lords. The noble Lord, Lord Gilbert, was not very impressed by that argument and did not think it a compelling case, so another telephone call came through in which he was asked, "Would you think of giving up your seat in Dudley if you were offered a post in the Government"? "Ah", said the noble Lord, Lord Gilbert, "now that is entirely different. There is one post which I would accept in the Government: Minister of State in the Cabinet Office answerable for the intelligence services". "Deal done", they said. "Will you now stand down?". He did, and some Blair acolyte was stuck into Dudley.

Then in 1997 came the question of confirming all of that. I am sorry that the noble Lord, Lord Butler, has now left and is no longer in his seat, because I believe that he came in at this point and said, rather as in the television programme, "Very brave, Prime Minister". The whole idea was kiboshed and, as we know, what actually happened was that the noble Lord, Lord Gilbert, ended up as Minister of State for Defence Procurement—a job that he had done either 18 or 19 years earlier. I thought that it was worth recounting that story, because our committee thought that it was important to bring all the intelligence agencies together.

I do not think that anything has changed, except that the terrorist threat is now much worse. People say that we live in a very dangerous world. I would argue that the territorial integrity of the United Kingdom

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has rarely been safer in the past 100 years. Clearly, however, we are threatened in a way that we never have been before by terrorism. Therefore it is absolutely critical to have somebody responsible in government to counter that threat. The intelligence agencies should be brought together so that the whole exercise is co-ordinated and we do not have the agencies answering to different Secretaries of State in the Cabinet. That cannot do anything for the co-ordination and unity of purpose needed to counteract the terrorist threat to this country.

1.27 pm

Baroness Hamwee: My Lords, this has been a fascinating debate. I had few expectations when I came to it, other than that there would not be a speakers list—so I have sympathy with the noble Lord. I come to this subject without the background which other noble Lords have, and I am ashamed to say that I have never before given particular thought to the role of this committee. I now realise what a difficult job it has, and I thank the noble Lord, Lord Foulkes, and his colleagues. I had not realised either how much I would be echoing what other speakers have been saying. Perhaps I might start with a few general words on what, to me, are the first principles of scrutiny—because this is scrutiny, albeit highly specialised.

Before I say that, I should declare an interest as joint president of the Centre for Public Scrutiny, which has identified four principles of scrutiny: being a critical friend; challenging executive policy and decision makers; enabling the voice and concerns of the public and their communities to be heard; and that it should be carried out by independent-minded people who lead and own the scrutiny process, and who drive improvement. All of those principles are extremely apt and have been referred to, if not in those words, by pretty much every speaker in today's debate.

Intelligence and security, by its very nature, must be secure, confidential and below the radar, while at the same time reassuring the public. The committee has a role which reflects that, but with particular weight—and this seems to have come out as the debate has gone on—on the public-facing roles of critical friendship, expressing the concerns of the public and, of course, holding the Executive to account.

I am not sure that I am entitled to speak for my party on this, but I personally would be enthusiastic about the committee morphing into a Joint Select Committee of Parliament, because the parliamentary role is to hold the Executive to account. Holding to account means shining a light on the Executive, and persuading or requiring them to describe and explain things, which they might prefer not to do. They would thereby be brought into the public arena, which by definition with this subject is particularly difficult. My experience of scrutiny has been domestic and much lower key, but it has included hearing from people affected by the Executive's actions and decisions. I am interested in comments about the views of the staff of the agencies. Sometimes even refereeing an exchange of views brings a lot of information to the surface and enables one to assess the evidence that one hears. For many years, I have refused to be told something in private that cannot be told in public, so I have particular admiration for those who juggle these responsibilities.

I will add to the mix the public's expectations of technology and of techniques that they think are now close to magic, and of individuals who either act as individuals or, when in a team, have particularly complex personal relationships. There are only a handful of them and they solve every problem, with no obvious back-up, in the space of an hour less seven minutes for commercial breaks. It must make the job really difficult for those who know what it is like at the coal face. I am particularly interested in these perceptions, of which the committee has shown itself to be aware.

There has been discussion about the host department. How it looks to the world is important. I see the Government's point about complicating accountabilities with another department, and it does not seem that the MoJ is the obvious candidate, because it, too, would have a conflict of interest if matters came before the courts, as increasingly they seem to do. The annex to the report suggests to me something that is more stand-alone—we have developed the idea of a parliamentary Select Committee.

The committee refers to a potential conflict of interest over the budget. The Government say rather defensively in their reply that the committee is well resourced compared with other scrutiny bodies. As I read the report, that was not what the committee was talking about. Perhaps this is the same point: I am not persuaded that it would be appropriate for the committee's budget to be a percentage of the budget of the organisations that it oversees or scrutinises. The committee itself might then have a conflict of interest when it considers the value for money and expenditure of those organisations.

The Government's response to the ISC on some of these points was masterly. Sir Humphrey is alive and well, and passing on his skills. The committee considered that the funding arrangements for information assurance should be,

"resolved as a matter of priority".

The Government's response was:

"The Government welcomes the Committee's recognition of the importance of Information Assurance and its support for a new funding model".

As I said, Sir Humphrey is doing jolly well.

Among the most startling points in the latest report were the increases in spend compared with the previous year—an increase of 25 per cent by the Security Service and 57 per cent by the Secret Intelligence Service. We do not know what the base budgets are as this information is redacted, but the rising trend, including into the future—which is reported on—is notable.

I move on from what I might call the infrastructure. Others have been much better placed than me to comment, but it is clear that cybersecurity, the exchange of intelligence and interceptors' evidence are live and developing matters. On cybersecurity, someone of my generation can hardly comprehend the astonishing pace of the development of technology. The Government stress the role of the public—business and individuals—and talk of a collaborative approach. Since my experience

of technology is using the parliamentary system and I am not aware of what is around, I would welcome some fleshing out of that by the Minister. As an individual, I had not noticed that the public were being encouraged to pay attention to it as a matter of general security.

The exchange of intelligence is a highly political issue that will run and run. The revelations of what went on after the High Court's recent rulings on US intelligence material have brought the matter into the public domain. That is hugely important because of the knock-on effect on public support. It is all a clear reminder that security is in our name and needs public consent. The noble Baroness mentioned intercept as evidence. The Minister's Written Statement last week told us that,

"the Advisory Group has suggested further, more focused work building on that undertaken previously and intended to establish whether the remaining approaches could be implemented in way that is operationally sustainable and affordable".—[*Official Report*, Commons, 25/3/10; col. *WS* 62.]

I suggest that affordability should be considered after sustainability. It should not drive the process although it is hugely important.

I want publicly to thank the Minster and the Home Office for arranging a briefing that I attended a few days ago and which put flesh on the bones of what I had heard. I am encouraged by the statement that despite the difficulties, which I now understand a bit better, the Government have not given up on the issue. I look forward to reading the report that the Minister tells us he has placed in the Library.

I hope from reading the Government's response to the two reports that they are not kicking issues into the long grass. It is sometimes difficult to know how to read some of the language. My noble friend Lord Wallace talked about the committee referring to matters beyond the narrow scope of security. I hope that there can be some public development of debate about the skills required by the agencies, because their ability to recruit those with the necessary skills—in IT and languages, for example—is important. My noble friend did not tell your Lordships whether there are remedial classes in English grammar as well as French grammar. Perhaps they are required.

The closed world of the security services is becoming more open—a Radio 4 programme on GCHQ tonight has been heavily trailed. The noble Baroness, Lady Neville-Jones, reflected on the point made by the noble Baroness, Lady Mannigham-Buller, about the thankless task undertaken by the staff of the agencies. There cannot be public thanks, except in a generalised way. I echo the noble Lord in saying how glad we are to have this opportunity to thank those staff.

1.41 pm

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My Lords, I thank my noble friend Lord Foulkes for opening the debate, as I do others who have spoken today for their informative and incisive points. Before I respond, I, too, should like to express my deep sadness at the death last week of Lady Park. She has given me some very sage advice during my time here, with her specific interest in intelligence. She was an amazing woman, and her good humour and deep knowledge of intelligence and security will be much missed.

I add my thanks to those already offered to the chairman of the ISC, the right honourable Member for Pontypridd, Dr Kim Howells, who is retiring this year. My noble friend Lord Foulkes spoke highly of his time in the role. I am sure that noble Lords will agree that he has done an excellent job during the past 18 months. I also express my appreciation for the work of other members of the committee who are leaving.

I am grateful to the committee for the reports that it has provided for 2008-09 and 2009-10. They are impressive pieces of work and underline the expertise, rigour and diligence of the ISC. As noted by my right honourable friend the Foreign Secretary in the other place, it is a myth that the security and intelligence agencies are not subject to rigorous scrutiny.

I reject recent criticism of the independence of the ISC in the media and elsewhere. It is a paradox that the secrecy that enables the ISC to carry out its role effectively is also a source of criticism in the media and elsewhere. The fact that the committee is able to have access to highly classified material and freely to question witnesses on the most sensitive issues enables proper oversight of the agencies, whose work is carried out overwhelmingly in secret. There is a balance to be reached between demonstrating that the agencies are subject to robust oversight and allowing them to maintain the confidentiality that allows them to fulfil their statutory role.

We are happy to look at the committee's independence, but as my right honourable friend the Foreign Secretary also said, these are not the issues that go to the heart of the current debate on intelligence scrutiny. This Administration have a good record on strengthening intelligence scrutiny. Some reforms, such as giving the House of Commons a greater say on the membership of the committee, have been implemented. Others, such as inviting the committee to hold public hearings, have yet to be taken forward—although work on that is ongoing. We need to look at all these issues in the round, which is what the Government are committed to doing with a new committee.

The committee notes that its proposed move to another department—it has suggested the Ministry of Justice—is being blocked by officials. That is not the case. The Government's view is set out in our response to the committee, published in the name of my right honourable friend the Prime Minister. I make it entirely clear that Ministers, including the Prime Minister, have total confidence in the professionalism and integrity of the Cabinet Office staff who advise us and liaise with the committee. I am not aware of any adviser of the committee having had their career jeopardised, although I listened with interest to the noble Lord, Lord King, who said that they are sometimes cut off. I shall look into that to make sure that it does not happen, as it would be quite inappropriate.

Noble Lords should be aware that the changes proposed by the committee need to be examined carefully. They go against the normal model for funding and staffing even the most vigorously independent organisations. For example, the staffing and budget of

[LORD WEST OF SPITHEAD]
the Supreme Court sits with the MoJ. This reflects the normal constitutional position whereby independent bodies are linked to the department or institution responsible for the policy area that they supervise, providing a shared understanding of the area, access to a pool of suitable staff and clear lines of accountability. No one would say that the Supreme Court is a patsy for anyone who is trying to run it. Breaking this principle and adding another Secretary of State to the chain, rather than having the Cabinet Office reporting directly to the Prime Minister on intelligence, has to be considered very carefully. The MoJ shares these reservations—as, clearly, do the noble Lord, Lord King, and the noble Baroness, Lady Hamwee.

Lord Campbell-Savours: Perhaps I may make one point. In the event of a Joint Select Committee of Parliament being set up, there would be no need for a sponsoring department at all.

Lord West of Spithead: I thank my noble friend for that. He pre-empted exactly what I was about to say. Creating a committee of the whole House would avoid this obligation, but would have significant implications. A number of committee members with whom I have spoken were not in favour of this move.

Lord Campbell-Savours: They go native.

Lord West of Spithead: I will not comment on them going native. The Prime Minister is committed to considering further reform in the new Parliament. That is necessary, but we need to think this through carefully, because a number of issues come into play. I reiterate that the Government are committed to publishing as soon as possible our consolidated guidance to personnel on required standards for the detention and interviewing of detainees overseas. That the guidance has not been published does not mean that officers are currently operating in a policy vacuum. Consolidated guidance is based on the principles set out in previous documents. It differs in that it is intended to be applicable to both MoD and agency officers, and aims to set out publicly the responsible and lawful way in which we approach these difficult issues. Our policy across government remains clear. We stand firmly against torture and cruel, inhuman or degrading treatment or punishment. We do not collude in, solicit, or participate in mistreatment. As the ISC has reported, operations have been blocked on the grounds that the risk of mistreatment is too high—this really happens. Careful judgments must be made, and we owe it to the personnel involved to provide clear advice.

I thank the ISC for its review of the draft guidance. Its thorough and insightful report has raised a number of issues that require further and detailed consideration. I regret that this will result in a delay in publication of the guidance, but it is more important to ensure that we deal properly with the important points and get it right than that we rush it through on a self-imposed deadline. These things are too important: we owe it to our agents and to members of the MoD and the Armed Forces who are involved in this arena. Our aim is still to publish the guidance as soon as it is ready, but I do not know exactly when that will be.

The report before the Committee provides an indication of the range of threats to the United Kingdom's national security, and of the tireless work of the security and intelligence agencies in combating them. Areas highlighted by the report include cybersecurity, which I will come back to in a minute, counterespionage and the continuing threat of Irish-related terrorism, which has been worrying me over the past 18 months. International terrorism remains a key priority for the agencies. That the UK has not suffered a successful international terrorist attack since July 2005 is not down to luck, although I always touch wood and am not in the least complacent: it is a measure of the outstanding efforts by the staff of the agencies and others who played a crucial role in disrupting the plans of those who wished to cause us harm. I am afraid that a number of people wish to do that.

The Government are committed to ensuring that the agencies are able to maintain capabilities commensurate with the threats that we face. As the ISC's latest report makes clear, the single intelligence account was increased by 15 per cent in 2008-09 and by a further 8 per cent in 2009-10. We have not normally allowed to be shown the amount of capital spend—this question was raised by one noble Lord—because if one uses that with other information in the public domain, one can draw conclusions. Perhaps we should look at this more carefully to see if we could expose a bit more. That has always been our rather glib answer. I tried to see it from the point of view of someone looking in, because I was CDI for three years and also director of naval intelligence for three years. Possibly there is scope for doing something here: we need to look at that. I am sure that all noble Lords recognise that these increases are substantial sums and proof of the Government's commitment. As a couple of speakers have said, it is absolutely right that we should have done that, and I thank all speakers for their support for the individuals involved in the agencies who deserve our full support.

Since the publication of the 2009-10 ISC report, the results of further work on the feasibility of allowing intercept as evidence in the UK have been published, following the Privy Council review of January 2008. I welcome the Committee's recognition of the comprehensiveness of the work on this issue, led by the Home Office, which has concluded that none of the approaches identified in the further scoping analysis is capable of meeting both the operational and fair-trial requirements. This conclusion has been supported by the Advisory Group of Privy Counsellors, which includes my noble and learned friend Lord Archer of Sandwell. It remains the Government's desire to find a way to implement intercept as evidence, provided that that does not jeopardise the protection of the public or national security.

The sharing of intelligence with partners—a number of speakers raised this—lies at the heart of the agencies' ability to carry out their work. Huge amounts of information are shared every day on the basis of trust and the assumption that sensitive material will be protected by those who receive it. I share the ISC's concern that the principle of originator control of intelligence material is upheld—a couple of speakers talked about this—and I welcome the Court of Appeal's

recognition and reaffirmation of the control principle in the case of Binyam Mohamed. That was slightly missed in the media frenzy around other aspects of the case.

Links with the United States are still good. Do we need to do any more post all this? I think not; things have settled down remarkably. I have had more than 20 years of very close links with people in all the US intelligence agencies—I have grown up with them, in a sense—and I am not unusual in that. There are a lot of us like that, which allows us to have this amazingly close link. I have been very privileged in my career to have gained an insight into the importance of the work of the security and intelligence agencies to our national security and I am second to none in my appreciation of it. Indeed, I was deputy chairman of the Joint Intelligence Committee for just over three years, just after the noble Baroness was chairman of it, and chaired a number of meetings.

The staff of the agencies play an invaluable and often unsung role in ensuring our security and safety, as we have said, and I am sure that all in the House, not just in this Committee, will join me in paying tribute to their dedication, resolve and expertise.

My noble friend Lord Foulkes talked about the delay in publication. This was extremely unfortunate. I will not go into when the drafts were received by the Prime Minister, as that would be nit-picking. One could say that this happened and that happened, but that is not important. The important thing is that these things come out in a timely way, and we must ensure that that happens in the future.

As for the SCOPE project, the Cabinet Office is now working with the contractor to resolve issues arising from the termination of the programme. The aim of the work is to ensure that the Government and the taxpayer recover appropriate value from the supplier. The details of the discussions are obviously bound by commercial confidence and have to remain so, so I cannot say more.

My noble friend Lord Foulkes and the noble Baroness talked about cybersecurity and duplication. There is some risk of duplication and cybersecurity because things are moving so quickly. The Office of Cyber Security in the Cabinet Office is looking at all the mechanisms in place that deliver the national cybersecurity strategy, and we are making sure that they are joined up. The office is working very hard. I have put it under immense pressure. It worked right up to Christmas and after, with very little break because we need to deliver stuff now, and we are working very hard on that.

I touched earlier on the Northern Ireland issue, which worries me immensely. About 13 per cent of the security services' resources were allocated to that in 2008-09. The amount went up to 18 per cent in 2009-10, and it is a real concern. One hopes that this will ease as a result of some of the recent political moves, but we need to watch this very carefully.

My noble friend also touched on the loss of laptops. There is no evidence that any of the classified data on them have been compromised. It is likely that most of them were destroyed in GCHQ, but it is quite clear that the accounting controls were not adequate and there must be no complacency. This is a good wake-up call. Again, although this is a small thing, it is the sort of thing that the ISC can do.

I was asked specifically about the investigator. My right honourable friend David Miliband has written to the committee and said that the Government will be happy to co-operate voluntarily with the investigator if he pursues the two politically non-sensitive topics that it has proposed during the election period, so that will be moving ahead.

Lord King of Bridgwater: Why does it matter what the investigator is tackling? He reports to the committee, and the committee will not be sitting anyway so there will be no risk of a leak. We know that the Government have put an embargo on journalists being out in Afghanistan—is that right?—so we seem to be getting completely neurotic about the ordinary progress of work.

Lord West of Spithead: My Lords, if the noble Lord is right, I am not aware of the embargo on journalists. It is amazing quite how often leaks happen—that is probably because we do not chop people's legs off enough when they do, but that is another issue—but I slightly share the noble Lord's view. However, that is the letter written by my right honourable friend, and that is where we stand. I am not the Minister responsible for this; it is the Foreign Secretary.

There is no basis for the accusations that the Security Service has withheld documents. The agencies co-operate fully with the ISC, and considerable investment has been made and continues to be made in all our agencies to improve IT and record-keeping systems. A noble Lord raised how extraordinary it was that records should not have been kept correctly. I have to say that after many years being involved in Whitehall, with various government departments and in the MoD, it is definitely not a surprise to me that sometimes they are not kept as well as they should be. That is not an excuse; that should be done better. Some departments, though, in my experience over the past 25 years or so, can occasionally be quite shambolic. We have to get better.

The noble Baroness, Lady Neville-Jones, raised the issue of the fully resilient GCHQ data centre. There is a programme on this tonight, and I will be interested to see if that says anything about it—I have no idea what it is going to say. I will write to the noble Baroness about the detail, if I may; I do not think it is appropriate to go through it here. I know that GCHQ is looking at a number of options, including the increased use of other UK sites and possibly joining in with the Security Service and SIS joint data centre later. That is an option, although there are issues of cost.

I touch again on the cyber threat, which is extremely daunting; in fact, it is horrifying. I became aware of this at the end of the 1990s when I was CDI and started trying to do some work on state-on-state issues, to stop some states doing things. That is quite difficult because of attribution. When I came into this post two and a half years ago, I was intent on ensuring that we did something. We now have a cybersecurity strategy. I want to see CSG more and more linked in through

[LORD WEST OF SPITHEAD]
CSOC, which will be doing this difficult work. This is a difficult and complex area and we have to do something about it.

The number of attacks on a daily basis on all our systems in this country are mind-boggling, and the state-on-state ones are terrifying in terms of both the skill of some of them and what they achieve, particularly in terms of getting intellectual property rights out of very large UK firms. When it comes to serious organised crime, we see only the tip of the iceberg; we are talking about £50 billion a year globally in terms of the money coming from this. This is a big and current issue, which is why, when I set up the OCS and CSOC, I said, "Let us not look at an IOC or an FOC for you chaps. You are to start working today to resolve this". That is what they are doing on a daily basis—tackling these issues.

It is interesting to look at the Americans, who have their Cyber Czar, Mr Schmidt. I think that they now have nine people working in the west wing on this issue, which is slightly fewer than us in the OCS. They have even greater problems than us but the Americans are always very good, when they finally get to grips with something, at throwing resources at it. We must be locked in so that when they throw those resources we can get a hike-up, and we must be slightly ahead of them to achieve that.

The noble Baroness raised the cross-agency spending review and the joint bid to the Treasury. We are looking at shared services and things like that. It is always amazing how difficult these things seem to be, but it is something that we have to try to achieve.

I could not agree more about analytical capability. When I was Chief of Defence Intelligence, I became aware that because of changes in the Foreign Office, I had the largest group of analysts in the United Kingdom. As the noble Baroness said, that is crucial because we need accurate and clever analysis. I am not sure where the professional head of intelligence analysis, the chairman of the JIC, has got to on a number of these areas. There are areas to do with how open source can be analysed and worked on. I shall write to the noble Baroness on that.

We reported on the National Security Forum on 22 March in the Written Ministerial Statement about the national security strategy. We have done a huge amount of work. I am pleased because it has achieved more than I thought it would. It has done some very valuable work on nuclear issues, energy supply, space security and the defence Green Paper. It gives us a link to IISS, Chatham House, RUSI, academe and the universities and has been very useful. The noble Baroness said that there is confusion over cybersecurity. I do not think there is. I agree that it is highly complex, but we are getting a focus and moving ahead on it. On the national security strategy and the agencies, the agencies, in a sense, take direction on what they are looking at. RFIs help in terms of the work on the national security strategy, but I shall say a little more about that in a minute.

The noble Lord, Lord Wallace of Saltaire, talked about US rendition flights via Diego Garcia. We reported them as soon as we became aware of them. We had been assured beforehand by the US that there had been no flights. The US then went through some old records, found them and told us. As soon as we knew, we said it. We make every effort to verify assurances, but we cannot work on the basis that we do not trust our allies. They are aware of how upsetting that was for us and of what a terrible business it was. That is how that occurred.

The noble Lord, Lord Wallace, is right about languages and expertise. When I was Chief of Defence Intelligence, we did not have numbers of people who could the Balkan languages and we were deeply involved in fighting there. We had lots of very good Russian speakers, and we even had Columbian speakers—people who could speak dialects—because we had been doing stuff in the drug war out there, but no speakers of Balkan languages. When we went into Afghanistan, I had hardly anyone who could speak Pashtun and all the dialects there. The noble Lord is right that we need to look at this carefully in terms of academe, universities and our language training. We need more Farsi speakers. It is always a real problem.

The noble Baroness, Lady Hamwee, talked about remedial teaching of English. All I know about that is that when I was First Sea Lord, we had to institute it at Dartmouth because, believe it or not, we found that some people coming out of universities could not write a proper letter, so it may be that some English remedial work has to go on.

The noble Lord, Lord Wallace, also touched on terrorist funding. We have done a huge amount with the Terrorist Finance Action Group in looking at this and have had a real effect. The AQ leadership in Fatah is really suffering on funding, partly because some has gone to the Taliban but also because of the huge pressure we have put on. We are keeping this going. I have told the team. We now have a smaller group that looks at this all the time. It is rather like when you are boxing: if a chap has a slight cut on his eye, you keep whacking it. That is what we have to do with these people. Similarly, we are now putting huge pressure on Taliban funding because that can have an impact on our men and women who are at risk on a daily basis in Afghanistan. We can do things such as find ID routes and spares and how items get there by squeezing the funding. It is very important, and we are focusing on it.

I touched a little on international co-operation. The US is obliviously the closest and the 5Is community. We talk with the EU a lot. I have been over there a number of times and have talked about cyber. I do not think the EU had realised what a threat it is, but now it does and has asked us to do certain work for it. But sometimes we have difficulties. For example, on the SWIFT issue to do with funding, it does not see things the same way as we do, often because it does not appreciate the risks. I think what is needed is for us to explain these things in more detail, and, of course, we have one-to-one links with others.

As an admiral, I was a little shocked to hear the Union Jack story with regard to Menwith Hill. It is called the Union Jack only when it is on the forrard part of a ship; otherwise, it is the Union flag. I had to get that one right.

We have never had a national security strategy before and it is good that we have one. Yes, there are flaws in it and things need to be corrected and the second one was a lot better but we look on it in terms of threats to our citizens. It covers the whole mass of threats to our citizens within this country and worldwide, ranging from state on state threats—what are the implications of failing states?—nation building, counterterrorism, and all the spin-offs from that in terms of the CONTEST strategy, cybersecurity, serious organised crime and how that folds into it, all the work that has been done on that, and the whole programme of work we are doing, right down through to the resilience of our national infrastructure and natural disasters, pandemics, and all of that. All of that is now caught in there. We have horizon scanning, looking worldwide and horizon scanning internally and domestically. We are addressing all these issues. Yes, we have a long way to go and we must not be complacent, but, goodness me, we are in a far better place than we were two and a half years ago, and we are looking at all those things in a complex way.

I thank the noble Lord, Lord Hamilton, for giving his background to the noble Lord, Lord Gilbert. When I was CDI, I wondered why he suddenly seemed to parachute in as Minister DP. I now understand exactly what happened and I thank the noble Lord for that. I also understand why he was so very interested in me as Chief of Defence Intelligence during the Kosovo operation. That was very useful and I thank the noble Lord very much for it.

I have probably said more than enough. I hope that I have answered most of the questions. If there is anything that I have missed, I shall be very happy to respond after the debate.

2.06 pm

Lord Foulkes of Cumnock: My Lords, my reply can be very brief for a number of reasons: first, because I spoke for rather longer in my opening speech than I had intended; and, secondly, because the Minister's reply was expert and comprehensive and dealt with most of the points.

This debate has indicated the wisdom of the Government's decision to have debates on the committee's annual report. This is the second one we have had here and there have been two in the other place. This is new and reflects the way in which the committee and public scrutiny have developed. It is a very welcome step. I am only sorry that the speech of my good friend Lord Campbell-Savours was cut short because of the conventions of Grand Committee. I am sure that he will never let that happen again. I certainly would not wish it to happen again.

This has been a very good debate. I was rather disconcerted to find myself agreeing with so much of what the opposition spokesman, the noble Baroness, Lady Neville-Jones, said. There were only a couple of points that I disagreed with. The Minister will be pleased to hear that perhaps I am returning to type. She described what was happening in the intelligence area as reflecting uncertainty and muddling along. That is the wrong impression. There have been some little local difficulties as far as the committee and the Government are concerned, but it is wrong to give the impression that she did. In terms of security, the agencies are working tremendously hard. There is a clear policy and, as the Minister said, things have improved substantially in the past few years. The other point on which I disagreed with the noble Baroness was when she questioned the finances. As the noble Baroness, Lady Hamwee, and the noble Lord, Lord Wallace, generously and correctly made clear, the increase in the single intelligence account has been remarkably large—other departments would have loved to have it—and rightly so given the threats. That point needs to be repeated.

I do not want to say anything about cybersecurity because the Minister dealt with it extremely well. A number of noble Lords referred to intercept as evidence. The committee, which has looked at this again and again in great detail, remains unconvinced that using intercept as evidence would make a useful contribution to securing successful prosecutions. Our main concern as a committee was that the interception capabilities of the intelligence agencies were not damaged by any move towards making interception material admissible. We are not surprised that the legal model of interception as evidence which was designed and tested is not viable, and certainly welcome what the Government have done in relation to that.

There was a call for judge-led inquiries. The noble Lord, Lord King, will know as well as I do, if not better, that there is an Investigatory Powers Tribunal that is little known about and little used. It can carry out investigations in individual cases, which we are not able to do, because we look at the policy. I advise all Members and people beyond this House to look at the role, nature and constitution of that tribunal to see whether it can be used in some of the cases mentioned.

The Minister was slightly hesitant on whether it was a generous step forward by the Foreign Secretary to agree to our investigator doing the two pieces of work during the Recess; I welcome it. I understand the point that the noble Lord, Lord King, made, but it is an acceptance of the principle, and we or our successors can make sure that it is strengthened and reinforced when we come back.

The noble Lord, Lord Wallace of Saltaire, was kind and generous about the work being done by the committee and was concerned about my level of activity. I say to him that the committee has effectively met every Tuesday when the Houses are sitting. Fortunately, the Scottish Parliament sits on Wednesday and Thursday, which makes life a lot easier.

There has been a groundswell of opinion from both sides of the House that there needs to be a fundamental change in the nature of our committee. That has been discussed by the committee. We understand the pros and cons. I understand the comments made from both government and opposition Members that moving to the Ministry of Justice may be tinkering with the set-up and is not the fundamental and necessary change. When an opinion comes from both the noble Lord, Lord King, and my noble friend Lord Campbell-Savours, everyone needs to take account of it; it is not often that they agree on these kind of things. I am sure that they also agree that the matter needs to be looked at

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carefully, to see exactly how it would work, to make sure that secrets were preserved when that was vital, and to make sure that the composition of the committee was appropriate; I go no further than that.

I strongly agree with what the noble Lord, Lord King, said in relation to more Members from this House, whatever the structure. I find it difficult being the only such Member. It is wrong that there be only one Member from this House, on something on which we and the other place are both interested. Whatever changes take place—whatever the structure, whether the committee is parliamentary or continues to report to the Prime Minister—I hope that whoever is in government will make sure that this House is better represented.

I also carefully noted the suggestion of the noble Lord, Lord King, that, in the unlikely event of a Conservative Government, the chair should be from the then Opposition. I am sure that my noble friend Lord Campbell-Savours and I would take every opportunity of returning to that, if it were to happen.

This has been an extremely helpful debate. The level of information from people participating in it shows how valuable this House is in the question of scrutiny of intelligence and reinforces what the noble Lord, Lord King, said—that it should be better represented in the committee. I look forward to taking part in the debate in future years, in whatever capacity.

Motion agreed.

Intelligence and Security Committee Annual Report for 2009-10 (Cm 7844)

Considered in Grand Committee

Moved By ***Lord Foulkes of Cumnock***

That the Grand Committee do report to the House that it has considered the Intelligence and Security Committee Annual Report for 2009-10 (Cm 7844).

Motion agreed.

Committee adjourned at 2.15 pm.

Written Statements

Tuesday 30 March 2010

Armed Forces Compensation Scheme

Statement

The Minister for International Defence and Security (Baroness Taylor of Bolton): My honourable friend the Parliamentary Under-Secretary of State for Defence (Kevan Jones) has made the following Written Ministerial Statement.

The Government committed to implementing in full all the recommendations arising from the review of the Armed Forces Compensation Scheme when it was published on 10 February 2010. As the review acknowledged, considerable detailed work is required to translate the review's high level recommendations in to legislation. An important first step is the formation of the proposed independent medical expert group, which I an establishing on an interim basis today in order to meet the timescales envisaged by the review. The terms of reference, structure and membership of this interim medical expert group which will advise on armed forces compensation is set out below.

Terms of Reference

The interim Independent Medical Group is established as a result of the AFCS Review (Cm 7798) published on 10 February 2010. Its role primarily is to advise on the appropriate levels of compensation for all the specific injuries, illnesses and diseases highlighted in the AFCS review as being areas of concern, in time to be included in the consultation in autumn 2010 leading to the legislation planned for early 2011 to implement the review.

In addition, the interim group will also, as appropriate:

provide initial advice on the list of recognised diseases that, on the balance of probabilities, are predominantly caused by service in the Armed Forces since 6 April 2005;

provide initial advice on those injuries, illnesses or diseases that might be made worse by service during the first six months of service that are currently excluded from the scheme. This advice will need to distinguish between those injuries, illnesses or diseases that might simply be triggered by service, but are not caused by service (perhaps such as asthma which might only become apparent during initial training);

advise on the definitive structure and membership of the group, beyond the transitional group which would only be in existence for around 12 months; and

advise on any other medical matters in relation to the Armed Forces compensation schemes that the Minister for Veterans requests it to provide.

Membership

The chairman and expert members of this interim group will comprise senior licensed consultants drawn from the relevant specialties, including: trauma/orthopaedics, neurology, ear/nose/throat, occupational medicine, and mental health. The MoD's Senior Medical Adviser to the Deputy Chief of Defence Staff (Personnel) will also be a member of the group. Three lay members will also be appointed to the group: one from service/ex-service organisations on the statutorily established Central Advisory Committee on Pensions and Compensation (CAC), one from the in-service representatives on the CAC, and an injured serving person who has claimed under the scheme. The group will be able to draw on other expert advice where required.

The chairman of the group will be a member of the CAC that advises the Minister for Veterans, and the chairman would present the advice of the group to the Minister as a member of the CAC. The advice and the Government's decisions in relation to it would be published together at the same time on the MoD's website.

The following individuals have been appointed to form this interim group:

Chairman: Professor Sir Anthony Newman Taylor CBE, FRCP, FFOM, FMedSci;

Expert Members: Professor David Alexander MA(Hons) C.Psychol PhD FBPS FRSM(Hon) FRCPsych; Professor Linda Luxon FRCP; Dr John Scadding MD FRCP; Dr David Snashall MSc FRCP FFOM LLM; Professor James Ryan OStJ, MB, BCh, BAO (NUI), FRCS (Eng), MCh (NUI), Hon FCEM, DMCC(SoA), RAMC(V);

MoD's Senior Medical Adviser to the Deputy Chief of Defence Staff (Personnel): Dr Anne Braidwood CBE MRCP MRCGP; and

Lay Members: Lt Col Jerome Church MBE, general-secretary, British Limbless Ex-Service Men's Association, member of the CAC, representing the Confederation of British Service and Ex-Service Organisations; Col Robin Vickers, Army Pay Colonel, representing the three single service members on the CAC; and, Col David Richmond, a serving member of the Armed Forces who suffered an AK47 bullet wound that shattered his femur in Afghanistan in June 2008, who was injured when commanding officer 5SCOTS.

Mode of working

The group itself will not be expected to create its advice from first principles. Instead, the MoD would investigate issues and draw up evidence-based proposals for the group to consider and either validate or advise, support or challenge in the same way that the MoD conducted the work of the AFCS review and used the independent scrutiny group to validate this work. The MoD will provide secretariat support to the group.

The group will meet as and when required, perhaps four to six times during its existence. Between meetings business will be conducted via correspondence. Some meetings may be conducted virtually via video or telephone conferencing.

Terms of Appointment

The chairman and members of this interim independent medical group to advise on Armed Forces compensation will be appointed until February 2011.

The roles will not be remunerated, but the MoD will reimburse reasonable travel and subsistence expenses. The chairman and members will be expected to follow the seven principles of public life enunciated by the Nolan Committee.

Buying Solutions: Targets

Statement

The Financial Services Secretary to the Treasury (Lord Myners): My honourable friend the Economic Secretary has made the following Written Ministerial Statement.

Buying Solutions has been set four performance targets for 2010-11. These are as follows:

to facilitate at least £1,000 million value-for-money improvements (£800 million cashable) for the public sector in 2010-11;

to achieve an overall customer satisfaction level of above 90 per cent;

to make a return on capital employed of 6.5 per cent over a five-year period (April 2009 to March 2014); and

to reduce by 5 per cent the ratio of internal costs over value for money improvements with the outturn for the same ratio in 2009-10 proportionate to cashable savings.

Coastal Change

Statement

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Davies of Oldham): My right honourable friend the Secretary of State (Hilary Benn) has made the following Written Ministerial Statement.

I am today publishing *Adapting to Coastal Change: Developing a Policy Framework*, which takes forward some of the ideas on supporting community adaptation to coastal change that we consulted on last summer. The work of the coastal change pathfinders that I announced on 1 December 2009 is part of this work.

Adapting to Coastal Change: Developing a Policy Framework sets out ideas and guidance on how communities can plan for coastal change as well as looking at what managing change might mean for business, local infrastructure and our historic and natural environment. In doing so, it draws on examples of best practice, including the pathfinders which are looking at new approaches. It also confirms the introduction of a new coastal erosion assistance grant. This is a fixed grant of £6,000 available to local authorities to help homeowners with the costs of demolishing a home at risk of loss to coastal erosion and some basic moving costs.

Adapting to Coastal Change, together with a report summarising responses to last summer's *Coastal Change Policy* consultation and new guidance on "Community Adaptation Planning and Engagement", will be published on the Defra website today.

Consular Fees

Statement

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): My honourable friend the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Chris Bryant) has made the following Written Ministerial Statement.

The Foreign and Commonwealth Office has recently undertaken a review of the fees charged for visa and consular services, both in the UK and Overseas. On 10 February 2010, Her Majesty in Council approved the Consular Fees Order 2010. This revokes and replaces the Consular Fees Order 2009. The Government are today announcing changes to the consular fees to be charged under this order with effect from 6 April 2010.

Fees for passport applications made in the United Kingdom remain at current levels whereas the fees for passport applications made abroad including applications for temporary and emergency passports and the new emergency travel documents have increased by 2.90 per cent, which is the current rate of inflation.

The fees for legalisation services have also increased in line with inflation.

Fees for receiving applications for entry clearance to Commonwealth countries, British overseas territories and Crown Dependencies continue to be charged in the order and have increased since last year. These fees are "Home Office fees" and are approved by the Home Office Minister but are still contained within the Consular Fees Order.

Other consular fees, representing a range of services performed at posts abroad, are also set to increase by 2.90 per cent.

It is right that those who benefit from consular services should meet the cost of them, rather than the UK taxpayer. The new fees represent the full economic cost of what we do, and will ensure that British missions continue to provide a high standard of service to consular customers.

The new fees are included in the attached table.

PART I—LEGALISATION	*£*
1. Legalising a signature or seal except where—	
(a) the signature or seal is on a certificate or survey of foreign passenger ships running to or from the United Kingdom, or	
(b) the signature or seal is on a document needed to pay money into or withdraw money from any British Post Office or other Government Savings Bank, or	
(c) the signature or seal is in connection with stocks or bonds on the registers of the Post Office, with Savings Bank annuities or with annuities granted direct by the National Debt Commissioners—	
(i) Standard service, unless fee 1(ii) applies (in addition to direct costs if any)	28.80
(ii) Standard service where the request for the service is made outside of the United Kingdom but processing is carried out in whole or in part within the United Kingdom (in addition to direct costs if any)	38.00
(iii) Premium service (in addition to direct costs if any)	71
2. Obtaining a legalisation or other certification from another authority upon any document (in addition to direct costs if any)	46.30

PART II—NOTARIAL AND RELATED MATTERS	£
3. Preparing any certificate, declaration or document not listed elsewhere in this Schedule —	
(a) in English	46.30
(b) in any other language	73.00
4. Preparing or signing, or both, a declaration of existence—Except in connection with pay or pensions payable by a department of Her Majesty's Government in the United Kingdom, or the Government of any other Commonwealth country	17.40
5. Administering an oath or attesting the signature on a declaration or affirmation except where — (a) the oath, declaration or affirmation is made under the Merchant Shipping Act 1995 or in connection with the loss of a passport (b) fee 16, 17, 18, 29, 30, 31, 34, 40, 45, or 46 is to be taken	54.50
6. Supplying witnesses, for each witness	21.60
7. Initialling alterations in any document that has not been prepared by the consular officer or marking exhibits, for each initialling or marking	11.30
8. Making a copy of a document by electronic means or verifying a copy of a document (including certifying when necessary), for each page (with a minimum charge of £25.50)	5.10
9. Uniting documents and sealing the fastening (except where fee 46 is applicable)	21.60
10. Fixing a photograph to a document that has not been prepared by the consular officer, and, if necessary, certifying it as a true likeness of the photograph subject (except where fee 16,17, or 18 is applicable)	21.60
11. Supplying certified copies of documents which form part of the records of a court which is, or was formerly, established under the Foreign Jurisdiction Acts 1890 and 1913, for each page	64.80
12. Making or verifying (including certifying if necessary) a written translation, for every 100 words or characters written in the foreign language (except where fee 33, 34 or 48 is to be taken)—	
(a) from or into Amharic, Chinese, Japanese or Korean (three Japanese Kana count as one character when used independently)	73.00
(b) from or into any other language	46.30
13. Translating and interpreting viva voce except in performance of official duties, for every 15 minutes	32.90

PART III—PASSPORT APPLICATIONS MADE TO THE FOREIGN AND COMMONWEALTH OFFICE	£
14. Administering an application made abroad, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, providing a 32 page passport—	
(a) where the applicant is aged 16 years or over (in addition to direct costs if any)	128.00
(b) where the applicant is under 16 years old (for a passport valid for 5 years) (in addition to direct costs if any)	81.50
15. Administering an application made abroad, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, providing a 48 page passport (in addition to direct costs if any)	154.40
16. Administering an application made abroad and, if the application is successful, providing an Emergency Passport	71.00

PART III—PASSPORT APPLICATIONS MADE TO THE FOREIGN AND COMMONWEALTH OFFICE	£
17. Administering an application made abroad and, if the application is successful, providing a Temporary Passport valid for not more than one year	91.50
18. Administering an application made abroad and, if the application is successful, providing an Emergency Travel Document	91.50

PART IV—PASSPORT APPLICATIONS MADE IN THE UNITED KINGDOM	£
19. Administering an application made in the United Kingdom, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost or stolen passport and, if the application is successful, issuing a 32 page passport—	
(a) for applications made by post—	
(i) where the applicant is aged 16 years and over	77.50
(ii) where the applicant is under 16 years old (for a passport valid for 5 years)	49.00
(b) for applications made in person	
(i) where the applicant is aged 16 years or over using the fast-track service	112.50
(ii) where the applicant is under 16 years old (for a passport valid for 5 years) using the fast-track service	96.50
(iii) where the applicant is aged 16 years or over using the fast-track collect service	124.50
(iv) where the applicant is under 16 years old (for a passport valid for 5 years) using the fast-track collect service	106.50
(v) where the applicant is aged 16 years or over using the premium service	
(vi) where the applicant is under 16 years old (for a passport valid for 5 years) using the premium service	109.50
20. Administering an application made in the United Kingdom, including applications for replacing an expired passport, replacing a passport of restricted validity with a new passport of full validity, issuing a new passport with amended personal details and replacing a lost and stolen passport and, if the application is successful, issuing a 48 page passport—	
(a) for applications made by post	90.50
(b) for applications made in person—	
(i) using the fast-track service	120.50
(ii) using the fast-track collect service	124.50
(iii) using the premium service	138.50
21. Administering an application made in the United Kingdom and, if the application is successful, issuing a collective passport—	
(a) for applications made by post	39.00
(b) for applications made in person	54.00

PART V—OTHER DOCUMENTS RELATING TO TRAVEL OR ENTRY INTO THE UK, COMMONWEALTH, OVERSEAS TERRITORIES, CROWN DEPENDENCIES AND LIBYA	£
22. Preparing or forwarding, or both, any letter, certificate, declaration or other document which may be required by an authority in any country or territory in connection with an application for or the issue or renewal of an entry clearance (for a country or territory for which the consular officer does not himself have authority to issue entry clearance), a residence permit or identity card or forwarding any other certificate or document (except a Home Office travel document and applications for registration and naturalisation)	65.00

PART V—OTHER DOCUMENTS RELATING TO TRAVEL OR ENTRY INTO THE UK, COMMONWEALTH, OVERSEAS TERRITORIES, CROWN DEPENDENCIES AND LIBYA	£
23. Renewing a Travel Certificate, a certificate of identity or other travel document on behalf of a Commonwealth country or of a dependency of a Commonwealth country (except where fee 25 is to be taken)	64.80
24. Renewing a Travel Certificate, a certificate of identity or other travel document on behalf of a Crown Dependency or a British overseas territory (except where fee 25 is to be taken)	64.80
25. Revalidating or renewing a Seaman's Certificate of Nationality and Identity or a Seaman's Identity Book (in addition to fee 22 where applicable)	64.80
26. Providing a passport stamp setting out the format of an Arabic transcript of the passport's details page, as required by the Libyan authorities for entry into Libya .	11.30
27. Receiving an application for entry clearance to a Commonwealth country or British overseas territory	48.00
28. Receiving, outside the United Kingdom, an application for—	
(a) entry clearance to the Crown Dependencies—	
(i) as a visitor, for single, double and multiple entries valid—	
(aa) for up to six months from the date of issue	68.00
(bb) for between six months and up to two years from the date of issue	230.00
(cc) for between two years and up to five years from the date of issue	420.00
(dd) for between five years and up to 10 years from the date of issue	610.00
(ii) for settlement	644.00
(iii) as a student	199.00
(iv) as a work permit holder, unless (v) below applies .	270.00
(v) as a work permit holder where the application is in respect of a person who is a national of a State which has ratified the Council of Europe Social Charter	250.00
(vi) as a temporary or voluntary worker unless (vii) below applies	128.00
(vii) as a temporary or voluntary worker where the application is in respect of a person who is a national of a State which has ratified the Council of Europe Social Charter	112.00
for any purpose other than those listed in subparagraphs (i) to (vii) above	230.00
(b) a certificate of entitlement to the right of abode in the Crown Dependencies	220.00

PART VI—BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS	£
29. Receiving notice of an intended marriage, civil partnership or overseas relationship, including an application for a Nulla Osta	64.80
30. Solemnising or attending a marriage under the Foreign Marriage Acts 1892 and 1947: administering oaths to the parties and registering the marriage	137.80
31. Registering a civil partnership under the Civil Partnership (Registration Abroad and Certificates) Order 2005	137.80
32. Issuing in English or in the local language a certificate that no impediment to an intended marriage or civil partnership has been shown to exist or issuing a "certificate de coutume" or a Nulla Osta for an intended marriage or intended overseas relationship in accordance with local law	64.80

PART VI—BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS	£
33. Forwarding a record of a marriage under the local law to the appropriate Registrar General in accordance with the Foreign Marriage Order 1970, including the provision of any necessary certification	37.00
34. Forwarding a record of an overseas relationship to the appropriate Registrar General in accordance with the Civil Partnership (Registration Abroad and Certificates) Order 2005, including any necessary certification	37.00
35. Administering an application for the registry of a birth or a death (in addition to fee 37 where applicable)	100.80
36. Making an addition to or correction in the consular register of births, deaths, marriages or civil partnerships at the request of the parties concerned	37.00
37. Issuing a certified copy of an entry in the consular register of births, deaths, marriages or civil partnerships (in addition to fee 38 or 35 where applicable)	64.80

PART VII—SEARCHES	£
38. Making a search in (in addition to fee 3(a) and 37 where applicable)—	
(a) the consular registers of births, deaths, marriages or civil partnerships where the number or date of entry is not provided	64.80
(b) the records of the Identity and Passport Service where the request originates in the United Kingdom	15.40
(c) any other records or archives of Her Majesty's Government in the United Kingdom	112.10
(d) naturalisation, registration or renunciation records kept by a consular officer .	78.20
39. Having a search made for, or attempting to obtain copies of, or both, entries in the local registers or records of local authorities responsible for births, marriages or overseas relationships or any other document, irrespective of whether an entry or record or any other document is found or obtained after a period of 18 months (in addition to direct costs exceeding £5.00 if any)	131.70

PART VIII—NATIONALITY AND REGISTRATION	£
40. Administering an oath of British Citizenship under the British Nationality Act 1981 at a citizenship ceremony	82.30
41. Preparing or forwarding, or both, an application for registration, naturalisation or renunciation to the Home Office, or any other application requested by any Department of Her Majesty's Government to that Department	64.80
42. Supervising a knowledge of life test for naturalisation under the British Nationality Act 1981 in consular premises	131.70

PART IX—ESTATES	£
43. Administering fully or partly, safeguarding, or arranging the transmission of all or part of the personal effects and other estate of a deceased person or if sold, the proceeds, except for the wages and personal effects of a seaman. Except where the gross current market value is less than £1,000; charge based on the amount of the gross current market value	2.05 per cent rounded to the nearest £10.00
However where a local lawyer is employed and consular officer's actions are nominal	83.30

PART X—ATTENDANCES	£
44. Attending (except in connection with trade and investment enquiries) for each hour or part hour (the time taken will include reasonable travelling time to and from the location)	
(a) at the consular premises or elsewhere during office hours except when attending to supervise an examination for two or more persons sitting examinations at the same time when the fee may be apportioned between them	130.00
(b) at the consular premises or elsewhere outside office hours	131.70
up to a maximum in any 24 hour period for each consular officer of	939.00

PART XI—MATTERS RELATING TO LEGAL PROCEEDINGS	£
45. Presiding at the taking of evidence under a commission or order from a Court, including any action by the consular officer as examiner—	
(a) for up to two hours on the first day	262.40
(b) for each additional hour or part hour	131.70
46. Providing evidence of service or attempted service (in addition to fee 44 or 47)	131.70
47. Providing the services of a consular officer or consular employee—	
(a) to assist the consular officer in the taking of evidence under a commission or order from a Court, for each such person—	
for each hour or part hour	131.70
(b) to affect or try to affect service of a document, for each hour or part hour outside the consular premises—	
during office hours	131.70
outside office hours	163.00
48. Forwarding a request to a local authority for the taking of evidence or the service of a document and, where necessary, certifying the accuracy of a translation accompanying the document	131.70

PART XII—REPATRIATION AND FINANCIAL ASSISTANCE	
49. Arranging the repatriation of a person or members of the same family travelling together	131.70
50. Arranging, in exceptional circumstances, for currency to be made available against the deposit of funds with Her Majesty's Government by any means (in addition to fee 44 where payable). The fee will depend on the value of the deposit as follows:	
(a) £0-£50	8.20
(b) £51-£100	16.40
(c) £101-£500	32.90
(d) £501-£1500	76.10
(e) >£1500	92.60

PART XIII—SHIPPING, SEAMEN AND RELATED MATTERS	£
51. Granting or considering whether to grant a provisional certificate of registry, whether the owner is a private individual or body corporate	383.80
52. Receiving a return of the birth or death of any person on board a ship and endorsing the agreement with the crew accordingly	55.50
53. Examining or arranging for the examination of provisions or water, payable by the party who proves to be in default (in addition to any cost of a survey) .	55.50
54. Noting a marine protest and providing one certified copy if required and for each further copy	46.30

PART XIII—SHIPPING, SEAMEN AND RELATED MATTERS	£
55. Extending a marine protest, filing the original and providing one certified copy if required (in addition to fee 1 and 3 where applicable)—	
(a) for up to 200 words, excluding the declaratory clause	110.10
(b) for every subsequent 100 words or less	46.30
56. Making a request, or issuing or arranging for the issue of a document, in connection with a survey of a ship (in addition to fee 8 where applicable)—	
(a) for the purposes of the International Convention for the Safety of Life at Sea 1974 (SOLAS) or of the International Convention for the Prevention of Pollution from Ships 1973 as modified by its Protocol of 1978 (MARPOL)	73.00
(b) for any other purpose	131.70
57. Issuing a bill of health	46.30
58. Preparing or signing, or both, any document, whether required by the Merchant Shipping Acts or by the local authorities, relating to the master or the members of the crew of a ship, to their numbers, names or other details, or to their engagement, discharge, desertion or death (except where fee 52 is taken in addition to fee 44, or a death inquiry is held under section 271 of the Merchant Shipping Act 1995(k)	73.00
59. Signing and, if necessary, sealing any documents at the request of the master of the ship (except where this is required under the Merchant Shipping Act 1995, or fee 58 is taken)	73.00
60. Inspecting—	
(a) a ship's papers when required to enable a consular officer to do any matter or thing in respect of a ship (except where fee 58 is taken in addition to fee 44)	54.50
(b) the marking of a ship, irrespective of the number of visits (in addition to fee 44)	54.50

PART XIV—PAYMENTS USING CREDIT CARDS	£
61. Receiving payments by credit card on behalf of Her Majesty's Government where no other fee is chargeable under this Order.	The applicable fee will be equal to the credit card charges incurred.

Crime: Knives and Youth Violence

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My right honourable friend the Minister of State for Policing, Crime & Security (David Hanson) has today made the following Written Ministerial Statement.

This week marks the end of phase two of the Tackling Knives and Serious Youth Violence Action Programme (TKAP). Over the past 12 months, we have targeted nearly £7 million of funding on 15 high priority areas and the British Transport Police in order to reduce serious youth violence.

Last week's deaths of two young people in London was a stark reminder, if one were needed, of the need for our continued action in this area. We are committed to reducing serious youth violence to make sure that no families face the devastation that these young people's families are suffering.

We are focused on tougher enforcement, tougher sentences and new legislation to tackle violent crime and gangs. We increased the starting tariff for a life sentence for adults committing murder using a knife or other weapon taken to the scene to a minimum 25 years in prison.

We will publish detailed results from the programme in the summer, but across England and Wales as a whole the picture is encouraging. Recorded crime statistics show that in the period April to September 2009 covering the first six months of phase two of TKAP, there was a 7 per cent fall in recorded knife crime, compared with the same period the previous year including a 34 per cent fall in homicide with a knife/sharp instrument (100 homicides involving a knife/sharp instrument in April to September 2009 and 152 in April to September 2008). These statistics build on annual figures for 2008-09 which saw a 7 per cent drop in knife/sharp instrument homicides, compared with 2007-08.

Over 100 hospitals are now sharing A&E data with local police and Community Safety Partnerships in England and Wales, to enable targeted local enforcement and other activities to reduce violence. The Home Office has provided £300,000 to 8 TKAP police forces for 9 Portcullis Operations, an intensive enforcement and prevention tactic.

Increased police activity has led to 736 arrests, 23 knives and one shotgun being recovered, and over 20,000 people passing through knife arches. In addition, street-based teams have worked with over 1,500 young people.

But preventing serious violence is about more than tough enforcement, it is also about prevention, there have been over 22,000 After School patrols in TKAP areas over the same period, engaging with over 67,000 young people and signposting over 13,000 young people to positive activities.

Where young people have been involved in knife crime, we have worked hard to ensure that they receive appropriate education and rehabilitation to teach them about the dangers of knives. The Youth Justice Board rolled out the Knife Crime Prevention Programme to all 97 Youth Offending Teams in the 15 TKAP areas with the aim of reaching 2000 young people cautioned or convicted of knife crime in the TKAP areas by the end of 2010 to bring home to them the consequences of carrying a knife.

All of this activity to tackle serious youth violence will not stop at the end of TKAP 2. A third phase of TKAP begins on 1 April 2010 aiming to continue our work to keep young people safe. TKAP 3 will make £5.5 million of government funding available to local TKAP areas: £4 million to local Community Safety Partnerships; on top of £1.5 million already announced for 150 local voluntary organisations receiving help from the Home Office Community Fund. In 2010-11, we will focus the TKAP programme on 52 Community Safety Partnerships within 21 police forces plus British Transport Police which will receive TKAP funding and support. Agencies in these local areas know that serious youth violence matters to their communities and they want to do all they can to prevent and reduce it.

Cyber Crime

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My honourable friend the parliamentary Under Secretary of State for Crime Reduction (Alan Campbell) has today made the following Written Ministerial Statement.

I am today publishing the Government's "Cyber Crime Strategy" (Cm 7842) which sets out the Government's proposals for tackling cyber crime. Copies are available in the Vote Office.

Cyber crime is a large and growing problem. It is responsible for a significant amount of social and economic harm, both financially and through threats to children; and is a threat to confidence both in the provision of services through the internet generally, and on confidence in the move of government services online. As the UK becomes more dependent upon digital services, so the threat to the UK as a whole from cyber crime increases.

The overarching theme of the new strategy is that there is significant scope to extend our response to cyber crime, as part of the overall Government focus on cyber led by the Office for Cyber Security.

The new strategy has five key elements:

Co-ordination to tackle cyber crime across government: there is already significant work across government to tackle cyber crime. We will ensure that there is enhanced leadership to provide a clear focus for cyber crime issues. We will ensure that this work will link closely with the overall cyber security approach set out in the Government's Cyber Security Strategy;

Provision of an effective law enforcement response: We will continue to support all of the existing law enforcements units that respond to cyber crime, and will seek to enhance their operational and intelligence functions through the development of accurate reporting mechanisms for the public;

Raise public confidence: We will strengthen the links with Get Safe Online and with the work done on the "Think U Know" programme run by CEOP, to ensure that the public continue to have accurate information on how to keep themselves safe online;

Work with industry: We will work with the private sector to prevent e-crime, through the e-Crime and Disorder Reduction Partnership, and through the Cyber Industrial Strategy being developed by the OCS; and

Work internationally: We will maximise collective efforts overseas—from capacity building through to strengthening multilateral institutions. We will continue to lead efforts to ensure that children are protected online and that there is good cooperation between law enforcement agencies internationally.

Defra: Budget Control Totals

Statement

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Davies of Oldham): My right honourable friend the Secretary of State (Hilary Benn) has made the following Written Ministerial Statement.

I wish to announce that for 2009-10 Defra will switch £25 million available near-cash resource DEL budget to cover a forecast deficit against its capital DEL control total, in accordance with HM Treasury's consolidated budgetary guidance. Although the financial outturn for the year is not final, the current assessment of the required switch is £25 million. The movement in spend from near-cash resource DEL to capital DEL is in respect of flood defences where the exact nature and classification of the expenditure is determined by the Environment Agency, as they undertake the work.

	Change		*New DEL*		*£'000*
	Voted	*Non-voted*	*Voted*	*Non-voted*	*Total*
Resource DEL of which:[1]	-	-25,000	4,405,871	-1.709,991	2,695,880
Administration-budget		-	304,496	-	304,496
Near-cash in RDEL	-	-25.000	4,138, 436	-1,777,988	2,360,448
Capital DEL[2]	-	25,000	262,071	457,179	719,250
Less Depreciation[3]	-		-115,820	-108,569	-224,389
Total	-		4,552,122	-1,361,381	3,190,741

[1] The total of 'Administration budget' and 'Near-cash in Resource DEL' figures may well be greater than total resource DEL. due to the definitions overlapping.

[2] Capital DEL includes items treated as resource in Estimates and accounts but which are treated as Capital DEL in budgets.

[3] Depreciation, which forms part of resource DEL, is excluded from total DEL since capital DEL includes capital spending and to include depreciation of those assets would lead to double counting.

Department for Work and Pensions: Public Body Targets

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My honourable friend the Secretary of State for Work and Pensions (Yvette Cooper) has made the following Written Ministerial Statement.

I am today able to announce the annual performance targets in 2010-11 for the executive agencies of the Department for Work and Pensions and of our crown non-departmental public bodies—the Child Maintenance and Enforcement Commission and the Health and Safety Executive. The targets I have agreed are set out below.

Further information on the plans of the department, its executive agencies and crown non-departmental public bodies for 2010-11 is contained in their individual business plans which have been published today. Electronic copies have been deposited in the Library.

Jobcentre Plus's 2010-11 targets are:

Target description	2010-11 Target Level
Job Outcome Target[1]	11.47 million
Interventions Delivery Target[2]	85%
Employer Engagement Target[3]	91%
Customer Service Target[4]	86%
Fraud and Error[5]	To play a key role to prevent and detect overpayments and underpayments of benefit consistent with the Department's aim to reduce total overpaid expenditure across all benefits to 1.8%, and underpaid expenditure to 0.7%, of total benefit expenditure by March 2011 By March 2011, to ensure that losses from fraud and error in working age Income Support and Jobseeker's Allowance amounts to less than 4.2% of overall expenditure .
Average Actual Clearance Time	
Jobseeker's Allowance	11 days
Income Support	9 days
Employment and Support Allowance	14 days

The Pension, Disability and Carers Service targets for 2010-11 are:

Target description	2010-11 Target Level
Pension Credit: take-up of new claims	180,000 successful new Pension Credit applications[6]
Accuracy of decisions	Attendance Allowance 94% Carers Allowance 98% Disability Living Allowance 94% Pension Credit new claims and changes of circumstance 94 %State Pension new claims and changes of circumstance 98%
Average processing time for new claims	Attendance Allowance within 16 days Carers Allowance within 13 days Disability Living Allowance within 37.7 days Pension Credit (from the date evidence received) within 15 days State Pension to clear 95% of new claims within 60 days
Reduce Fraud and Error in Pension Credit	3.9% by March 2011
Telephony	At least 93% of calls to be answered first time with less than 1% receiving the engaged tone

The Child Maintenance and Enforcement Commission's 2010-11 targets are:

Target description	2010-11 target level
Number of children benefiting from an arrangement made through the statutory schemes or a private arrangement after contact with the Child Maintenance Options service	950,000 children benefiting
Amount collected or arranged through the statutory maintenance scheme	£1.135 billion
Maintenance outcomes: the proportion of people with a statutory maintenance liability paying child maintenance	76%

The Health and Safety Executive's outcome targets consist of the 2008-11 Departmental Strategic Objective 3 indicators that reflect direction of travel and the 2000-2010 Revitalising Health and Safety numerical targets. The latter are:

Target description	2010-11 Target level[7]
Reduce the incidence rates of cases of work-related ill health from a June 2000 baseline	reduce by 22%
Reduce the incidence rate of fatalities and major injury accidents from a June 2000 baseline	reduce by 11%

[1] Shared with the Employment Group who have responsibility for delivery of Employment Programmes.

[2] An average of two elements: conducting 83% of Income Support lone parent work-focused reviews within 3 months of when they are due and 87% of JSA interviews within 6 weeks of when they are due.

[3] Employers placing their vacancies with Jobcentre Plus to have a positive outcome.

[4] Assessed against the Department's Customer Charter service standards of 'Right Treatment', 'Right Result', 'On Time' and 'Easy Access'.

[5] Jobcentre Plus and the Department are jointly responsible for this target. Jobcentre Plus monitors an internal operational target designed to mitigate the risk of fraud and error entering the system.

[6] The Agency will monitor data through the first part of the year and adjust the target level if necessary on the basis of actual volumes processed.

[7] Extrapolated from the respective 20% and 10% target reductions for the original 2000-2010 Revitalising Health and Safety (RHS) period.

EU: Council Meetings

Statement

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): My honourable friend the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Chris Bryant) has made the following Written Ministerial Statement.

The General Affairs Council (GAC) and Foreign Affairs Council (FAC) were held on 22 March in Brussels. My right honourable friend the Foreign Secretary (David Miliband) represented the UK.

The agenda items covered were as follows:

Foreign Affairs Council

The provisional report of the meeting can be found at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113482.pdf

Iran

The agreed 'A' points included an EU Declaration on free access to information in Iran calling on the Iranian authorities to stop jamming satellite broadcasting and internet censorship. There was no FAC discussion. A text of Declaration can be found at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113468.pdf

Haiti

High Representative Ashton and Humanitarian Affairs Commissioner Georgieva briefed on their recent visits, stressing the need to learn lessons and review structures. The Commissioner said humanitarian efforts must continue for at least 12 months and should take account of the coming hurricane season. Both the High Representative and the Commissioner said the EU needed to do more to raise its visibility. Development Commissioner Piebalgs noted the need to push for realistic reconstruction plans at the Donors' Conference on 31 March in New York.

Ministers agreed Conclusions on Haiti including on the Donors' Conference. These can be found at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113466.pdf

Afghanistan/Pakistan

The High Representative introduced the new double-hatted EU Special Representative (EUSR) for Afghanistan, Vygaudas Ušackas, and urged member states to give him their full support to implement the EU's Action Plan. She stressed the need for the international community to maintain momentum generated by the London Conference and ensure the Afghan Government fulfilled their commitments. The EUSR said his three key tasks were to merge the two existing EU offices in Kabul, establish a close working relationship with member states' missions on the ground and increase the EU's visibility.

The Foreign Secretary said the EUSR should make his own distinct contribution to the international effort and suggested three objectives: to become the effective EU political voice on the ground; to ensure that EU activities were a catalyst for progress—including integrating EUPOL with NATO efforts and supporting local governors; and to develop a coherent EU development strategy.

The High Representative said she was considering options on EUPOL and would share her thoughts with member states in due course. She looked forward to a discussion on implementing the Action Plan at the April FAC.

A text of the agreed Conclusions can be found at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/113468.pdf

On Pakistan, Ashton urged member states to show support ahead of the 21 April Summit, especially on Generalised System of Preferences (GSP+). We should back Pakistan economically as well as politically. The Foreign Secretary strongly endorsed the importance of EU trade with Pakistan.

Middle East

The High Representative briefed on her visit to the region of 18 March.

The Quartet Representative (Tony Blair) set out the difficulties facing the peace process. Europe had a key role in helping progress negotiations. The Foreign Secretary stressed the need to support proximity talks, which needed to focus on substantive issues.

AOB: Ukraine

The Commissioner, Štefan Füle, said the Commission was taking forward the Action Plan, including with the new Ukrainian Foreign Minister this week, and would revert with further recommendations at a future FAC.

AOB: Moldova

Member states urged the Commission to speed up the provision of macro financial assistance to Moldova which Enlargement Commissioner Füle confirmed would commence in April. He noted the Visa Dialogue was expected to start on 15 June and he had written to the Moldovan Government asking them to follow the Venice Commission's advice on future constitutional reform.

AOB: Libya/Switzerland—Visas

Ministers discussed Libya/Swiss bilateral dispute, which had resulted in Libya refusing visas to citizens of all Schengen countries. The High Representative undertook to give clear messages to the Swiss Foreign Minister at their meeting on 24 March.

AOB: Western Balkans

Slovenia gave a short brief on the Brdo Western Balkans conference of 20 March reaffirming the leaders' commitment to joining the EU, meeting the required criteria and promoting good neighbourly relations.

Foreign Affairs Council and General Affairs Council

The General Affairs Council and Foreign Affairs Council met in joint session, chaired by the High Representative and the Presidency (Moratinos), to discuss the European External Action Service (EAS).

The High Representative presented progress so far. She committed to present her proposal shortly, noting this needed to be agreed by both the Council and the European Parliament. She hoped all institutions involved would recognise each others' perspectives and work together to deliver a coherent service. She highlighted the financial and staffing regulations and the budget as areas where a constructive approach was necessary. And Ministers should engage with national parliaments ahead of discussions with the European Parliament.

The Foreign Secretary set out the UK's support for the EAS as a shared project and a great opportunity. The EAS needed to have the capacity to add value and this should include having a complementary role on cross-cutting policy issues such as climate change and migration. He stressed the need for merit-based appointments.

General Affairs Council

The provisional text of the Council's discussion and agreed 'A' points can be found at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/113481.pdf

Europe 2020 Strategy

The Presidency (Moratinos) invited comments on the draft European Council Conclusions covering Europe 2020 and climate change.

Ministers discussed the Commission's proposals on competiveness, the setting of targets, the Stability and Growth Pact and financial regulation.

The Foreign Secretary stressed the need to send a clear signal about the EU's response to the economic crisis. We also needed to learn from the Lisbon strategy and work towards achievable, relevant targets that were set and owned at member state level.

Climate Change

On climate change, the Foreign Secretary led a number of member states in stressing the need to maintain ambition, implement the Copenhagen Accord and move forward on fast start financing and mitigation/adaptation.

Dinner with President Herman Van Rompuy

The President of the Council hosted a General Affairs Council dinner where Europe 2020, European Council working methods and external relations were discussed.

On Europe 2020, member states discussed the Commission's proposed targets in areas such as poverty and education and the need to reconcile these with national targets.

Finance Bill

Statement

The Financial Services Secretary to the Treasury (Lord Myners): My right honourable friend the Financial Secretary has made the following Written Ministerial Statement.

The Finance Bill will be published on Thursday 1 April. Explanatory Notes on the Bill will be available in the Vote Office and the Printed Paper Office and in the Libraries of both Houses on that day. Copies of the Explanatory Notes will be available on the Treasury's website.

Freedom of Information

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Minister of State, Ministry of Justice (Michael Wills) has made the following Written Ministerial Statement.

On 16 July 2009, I announced to this House the Government's intention to consult directly academy schools, the Association of Chief Police Officers (ACPO), the Financial Ombudsman Service and the Universities and Colleges Admission Service (UCAS) with a view to including them within the Freedom of Information Act ("the Act") by bringing forward a Section 5 order under that Act.

Since this Government introduced the Act in 2005, it has given the public access to information held by over 100,000 public authorities. Section 5 of the Act gives the Secretary of State the power to make an order designating new bodies as public authorities for the purposes of the Act where those bodies appear to him to perform functions of a public nature. In accordance with our continuing commitment to openness and accountability in public life, I wish to announce to the House today the decision to extend the Act to all of the bodies consulted, in so far as they perform public functions.

Having carefully considered all the evidence, it is clear that all of the bodies listed above perform functions of a public nature. I have written to each of the bodies to explain the decision in detail, and to identify the functions to which the Act will apply. However the reasons in brief are as follows:

ACPO's functions are concerned with providing leadership for the police force, improving policing, acting as a voice for the force, encouraging high standards of performance and development, providing the strategic police response in times of national need and other ancillary and related functions. Policing is clearly recognised as a function of a public nature. For these reasons it is appropriate to include ACPO in a Section 5 order for all of their functions.

The Financial Ombudsman Service resolves disputes between consumers and providers of financial services. It was established under a statutory scheme in order to provide consumers with a quick and informal alternative to the courts. We consider that the functions of FOS appear to be functions of a public nature and that it would be appropriate to include them in a Section 5 order.

UCAS provides its member university and colleges with admissions services. Without such services, those institutions, which are bodies listed as public authorities in either the Freedom of Information Act or the Freedom of Information (Scotland) Act, would need to perform these functions for themselves, and the information would be captured by those Acts. As UCAS provides these services on behalf of its members, it is clear that UCAS does perform a function of a public nature.

Finally, although independent of local authority control, academies are publicly funded schools and a part of the state education system. Provision of state education is clearly a public function and parents and local residents should be able to access the same kind of information about academy schools as for any other state-funded school. The academy trust is the body responsible for the running of the academy school. In our view, the public functions of academies are those set out in the funding agreement signed between the academy trust and the Department for Children, Schools and Families: in short, the establishment, maintenance and carrying on of an academy. We propose to include academy trusts in a Section 5 order for these purposes from the point at which they enter into funding agreements.

The order will be laid and debated at the earliest possible opportunity in the next parliamentary session, with the intention that it will commence in October 2011.

Freight Services Group: Targets

Statement

The Secretary of State for Transport (Lord Adonis): My Honourable Friend the Parliamentary Under Secretary of State for Transport (Paul Clark) has made the following Ministerial Statement.

A range of high-level targets for the 2010-11 year has been set on behalf of the agencies within the Motoring and Freight Services Group: the Driving Standards Agency, the Driver and Vehicle Licensing Agency, the Vehicle Certification Agency, the Vehicle and Operator Services Agency and the Government Car and Despatch Agency. They are included in the agencies' business plans together with their associated measures. The plans also include a range of management targets, performance indicators and key tasks which are appropriate to the agencies' businesses. Copies of the business plans will be placed in the Libraries of both Houses shortly.

The key targets for the Driving Standards Agency are:

Secretary of State Targets

Maintain the integrity and quality of the driving test by supervision of 95 per cent of examiners including delegated examiners and conducting a rolling programme of 120 quality assurance visits;

To strengthen and modernise the way that people learn to drive we will:

Develop proposals to modernise the driver training profession based on a syllabus and competence framework by September 2010; and

Develop the research element of stage 1 of the learning trial by March 2011;

Introduce an assessment of competence whilst driving independently across all main practical tests by October 2010;

Make appointments available within 9 weeks at permanent car driving test centres—90 per cent ;

Deliver the customer promises as set out in the Agency business plan by March 2011;

Achieve an additional £2 million of financial efficiency savings during 2010-11; and

Deliver agreed financial plan in 2010-11.

The key targets for the Driver and Vehicle Licensing Agency are:

Secretary of State Targets

Maintain the accuracy of the Vehicle register so that a registered keeper can be traced from details held on record in 95 per cent of cases;

Deliver the eight Department for Transport customer promises;

Complete achievement of the £80.7 million three year target of efficiency savings for 2008-2011 by saving £36.2 million in 2010-11;

Deliver financial performance agreed with DfT to at least balance income against expenditure for the 2010-11 year end accounts;

Collect over £5 billion of VED (net of refunds) and through enforcement action exceed £100 million in additional VED collected for the period 2008-11; and

Introduce Continuous Insurance Enforcement (CIE) and have started to issue Insurance Advisory letters by 31 March 2011.

The key targets for the Vehicle Certification Agency are:

Secretary of State Targets

Complete 90 per cent of system and component type approval certificates within nine working days;

99 per cent of appraisal reports on our technical performance from independent panel members deemed to have no critical defects. (Note—suitable sample size to be determined);

To ensure the continued consistency and quality of VCA's approvals by:

Carrying out a programme of conformity of production assessments for VCA issued approvals using the risk based methodology in line with the agreed programme; and

Dangerous goods packaging—carrying out a programme of conformity of production inspections in accordance with the service level agreement agreed with the department.

Deliver the customer service promises as set out in this business plan;

Continue the development of the systems and tools designed to assist existing and new manufacturers to comply with the revised type approval requirements for new vehicle types due to included in 2010-11, by 31 October 2010;

Deliver the agreed testing, enforcement and in-service emission programmes by 31 March 2011 (Note—in-year milestones to be developed and agreed);

Achieve repeatable financial efficiency savings during 2010-11 in line with CSR07 efficiency delivery plan; and

To achieve a £50,000 surplus on a full cost basis.

The key targets for the Vehicle and Operator Services Agency are:

Secretary of State Targets

Obtain agreement of and detailed plan for testing transformation:

Obtain agreement to detailed plans for transferring testing to authorised testing facilities (ATFs) in 20 catchment areas; and

Carry out sufficient marketing to deliver 40 new operational non-VOSA sites by 31/03/11;

Deliver the eight customer service promises as set out in the VOSA business plan;

In partnership with DfT (IHAC and LRI), determine a methodology to develop— and subsequently agree with DfT—an informed three-year target to 2013-14 to maintain or improve the trajectory of compliance with roadworthiness and traffic rules, using data gathered from past and future fleet compliance surveys;

Deliver agreed financial plan for 2010-11; and

Achieve £2.6 million financial efficiency savings during 2010-11 as part of the Comprehensive Spending Review delivery plan.

The key targets for the Government Car and Despatch Agency are:

Secretary of State Targets

To maintain accreditation for ISO 9001. The quality of service is measured by means of ISO 9001, the internationally recognised standard for quality management systems;

To achieve scheduled mail collections and deliveries on a daily basis—99 per cent;

Maintain the average tailpipe emissions of the Government Car fleet—130g/km;

Deliver the eight customer service promises as set out in the agency business plan;

Achieve financial efficiency savings of £0.5 million during 2010-11 as part of the CSR efficiency delivery plan; and

Deliver financial performance in line with business plan.

Government Profit Formula

Statement

The Minister for International Defence and Security (Baroness Taylor of Bolton): My honourable friend the Parliamentary Under Secretary of State for Defence (Quentin Davies) has made the following Written Ministerial Statement.

The Government have accepted the findings of the Review Board for Government Contracts as detailed in their report of the 2010 General Review of the Profit Formula for Non-Competitive Government Contracts. The board's recommendations will be implemented in accordance with arrangements subsequently agreed with the industry side and recorded in an addendum to the published report. I will be placing a copy of the report in the Library of the House. The recommendations will be implemented for new non-competitive work with effect from the 1 April 2010.

Health: National Care Service

Statement

The Parliamentary Under-Secretary of State, Department of Health (Baroness Thornton): My right honourable friend the Secretary of State for Health (Andy Burnham) has made the following Written Ministerial Statement.

Today the Government are laying before Parliament the White Paper, *Building the National Care Service* (Cm 7854).

We have listened to the views of the public and stakeholders through the 2008 engagement process and the 2009 Big Care Debate. The Big Care Debate received over 28,000 direct responses, with more than 40,000 people contributing to the debate through further research or events organised by stakeholders. The consultation showed that there was strong support for our vision of a National Care Service and whilst there was no clear consensus on funding, the comprehensive option was the most preferred. Today we have published an independent summary of the consultation alongside the White Paper and placed a copy in the Library.

We also held a care and support conference last month with the Care and Support Alliance and other key stakeholders. They urged us to push forward with reform and favoured the comprehensive option.

We believe the time has come to build a comprehensive National Care Service. This will be for all adults in England with an eligible care need, providing free care when they need it—whoever they are, wherever they live in England, and whatever condition leads them to need care. It will give everyone the peace of mind that they and their families will be cared for should the

need arise, and it will mean that no one need live in fear of losing their home or their savings to pay for care.

The Government's vision is for a National Care Service that gives people choice and control, and is focussed on keeping people well and independent. It will ensure that different parts of the system work better together, with a new duty for NHS bodies and local authorities to deliver integrated care.

Millions of people care for a family member or friend. This is the hallmark of a civilised society. But we must do more to give support to those who provide such care. Building on the carers' strategy, the National Care Service will support those caring for others by improving the quality of formal care, and working with employers and Job Centre Plus, to help carers to live the life they want to live.

We recognise that building the new National Care Service will be one of the biggest changes to the welfare state since the creation of the NHS. We are also creating it during a period of fiscal consolidation. Reform to social care must be consistent with our plans for fiscal consolidation and reflect the tough decisions that will need to be made in the next spending review. This means we need to build the new service in stages.

The first stage is to create a step change in the provision of services in the home and in our communities. These services are essential if we are to ensure that more people are supported in their homes. Central to this is the Personal Care at Home Bill, to be implemented in 2011, enabling us to provide free personal care for people in their own home for those with the highest needs. The first stage of reform will also see reablement services available in every community, ensuring that there is a service by which people are supported to regain their independence and confidence when they need home care for the first time. As part of the first stage we will push forward with existing reforms that are already delivering real benefits for people such as the dementia strategy, the carers' strategy and Putting People First.

The second stage of reform, during the next Parliament, will be to put in place the building blocks of a national system of care and support, in particular the establishment of clear, national standards and entitlements. We will introduce a National Care Service Bill early in the next Parliament as a major step forward. From 2014, care entitlements will be extended meaning that anyone staying in residential care for more than two years will receive free care after the second year. The first and second stages together will mean that the most vulnerable in our society, those with the highest needs, will be protected from very high care costs and that many more people will be supported in their own homes.

During the next Parliament, we will take further steps towards the full reform of the system—moving towards the third stage in which the comprehensive National Care Service becomes a reality, with care free when people need it.

To do this will require everyone to contribute through a fair care contribution. So at the start of the next Parliament, we will establish a Commission to help to reach consensus on the right way of funding the system. The Commission will determine the fairest and most sustainable way for people to contribute. It will make recommendations to Ministers which, if accepted, will be implemented in the Parliament after next. The Commission will determine the options that should be open to people so that they have choice and flexibility about how to pay their care contribution. Our expectation is that the Commission will consider all the various options for payment put forward by Stakeholders and the public as part of the Big Care Debate and at the Care and Support Conference.

Building the National Care Service (Cm 7854) is in the Library and copies are available to honourable Members from the Vote Office.

Highways Agency: Business Plan Target

Statement

The Secretary of State for Transport (Lord Adonis): My honourable friend the Parliamentary Under-Secretary of State for Transport (Chris Mole) has made the following Ministerial Statement.

The Highways Agency's business plan target for the programme of national schemes in the development phase, contained in the Highways Agency business plan 2009-10 has been revised so as to remove the following target at Annex B:

Major Projects—Development: For the programme of national schemes in the Development Phase, progress these projects by an average of at least 37 percentage points through this phase.

This has been replaced with the following target:

Major Projects—Development: For the programme of national schemes in the Development Phase, progress these projects by an average of at least 35.7 percentage points through this phase.

International Development: HIV

Statement

Lord Brett: The Minister of State for International Development has made the following Statement.

On 9 March, I hosted a high-level meeting in the Houses of Parliament in London to review progress towards Universal Access to HIV prevention, treatment, care and support in East and Southern Africa, where there are high or rising HIV prevalence rates and AIDS remains a major health and economic burden.

Around 50 HIV leaders attended, including representatives from Kenya, Malawi, Mozambique, South Africa, Zambia and Zimbabwe. Ministers of Health and Gender, religious leaders, activists, people living with HIV, the heads of the Global Fund, PEPFAR, UNAIDS were present, as well as representatives of other donors and the pharmaceutical industry. We were delighted that a representative of the Canadian High Commission in London was able to attend and contribute.

In 2005, through our Presidencies of the G8 and the European Union, the UK led the world in a commitment to the historic goal of universal access.

The UK is the second largest donor to the AIDS response globally and we continue to show leadership and commitment. This high-level meeting aimed to keep universal access high on the international agenda during 2010 and beyond.

At the meeting, participants spoke about the key factors that have led to progress at country level, the major challenges ahead and what needs to be done to accelerate progress towards the Universal Access goals.

The meeting celebrated successes but highlighted the need to provide HIV treatment for the estimated 10 million people still waiting for it, and ″turn off the tap″ of new HIV infections through evidence and rights-based interventions. Transforming harmful gender norms and stopping violence against women is central to achieving universal access. The group recognised the need for health systems that effectively deliver both maternal, newborn and child health services and services for women, men and children who are vulnerable to and living with HIV. We need to integrate efforts to achieve MDGs 4, 5 and 6. To achieve this we need financing for scale-up, through the Global Fund and other mechanisms. But equally we need leadership—political and at all levels of society.

The meeting resulted in a Declaration of Shared Principles that calls for:

G8 countries to recognise the devastating impact that unmet financial commitments have on global health, and to deliver their financial pledges to the Global Fund for AIDS, TB and Malaria;

G20 countries and emerging economies to do more to fight global poverty by adopting the global poverty targets agreed by the G8 at Gleneagles in 2005, including financial contribution to the Global Fund for HIV, TB and Malaria;

Southern and Eastern African countries: to put human rights and the need to reach marginalised groups and those most at risk at the heart of country-led efforts to tackle HIV and AIDS; and

Pharmaceutical industry: to help avert a treatment crisis by signing up to the UNITAID patent pool to make effective drugs affordable for developing countries.

I will place a copy of the shared principles in the Library. I am grateful to the All- Party Parliamentary Group on AIDS for their support to this event.

Justice: Victims and Witnesses

Statement

The Attorney-General (Baroness Scotland of Asthal): My right honourable friend the Lord Chancellor and Secretary of State for Justice has made the following Written Ministerial Statement.

I am today pleased to announce the appointment of Louise Casey as Commissioner for Victims and Witnesses.

The Victims' Commissioner's key objectives, as defined in the Coroners and Justice Act 2009, are to:

promote the interests of victims and witnesses;

encourage good practice in the treatment of victims and witnesses; and

keep under review the operation of the code of practice for victims.

Additionally, the Victims' Commissioner will chair the Victims' Advisory Panel.

The Victims' Commissioner is an independent role appointed through an open recruitment exercise. Although this was not formally an Office of the Commissioner for Public Appointments (OCPA) process, the appointment was made in accordance with OCPA principles. The commissioner will make an annual report to the three criminal justice Ministers and will be accountable to Parliament as chair of the Victims' Advisory Panel—victims of crime who advise Ministers on how we can do things better.

Land Registry: Performance Targets

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Minister of State, Ministry of Justice (Michael Wills) has made the following Written Ministerial Statement.

The following list sets out the key performance indicators and targets that have been set for Her Majesty's Land Registry for 2010-11.

Customer Service

Speed:

Percentage of all registrations processed within 15 working days: 80 per cent.

Accuracy:

Percentage of registrations processed free of any error: 98.5 per cent.

Quality:

Percentage of manually processed registrations on which key aspects[1] of internal quality measures were achieved: 97 per cent.

Overall Satisfaction:

Percentage of customers who rate the overall service provided by Land Registry as excellent, very good or good: Better than 95 per cent.

Financial

Percentage return on average capital employed: 3.5 per cent.

Efficiency

Cost per unit in cash terms[2] (*real terms[3]*): £33.65 *(£21.70)*.

Other strategic targets

Percentage of transactions[4] delivered through e-channels: 65 per cent;

through voluntary registration, add a further 250,000 hectares of land to the total areas of registered freehold land in England and Wales;

earn a contribution from add value products and services of 8 per cent of its income net of direct costs and apportioned product development costs;

increase gross incremental revenue from all add value products and services by a further £2.6 million above 2009-10 actual;

deliver the key accelerated transformation programme milestones as detailed in the accelerated transformation programme plan;

increase the percentage of staff positively engaged with Land Registry to 50 per cent; and

increase the percentage of staff satisfied with Land Registry's leadership and change management to 45 per cent.

[1] The specified key areas are (a) the index map (b) the proprietorship entry and (c) easements.

[2] Based on the GDP deflator issued by HM Treasury on 24 March 2010 (base year 1992/3).

[3] The real term unit cost in the base year of 1992/3 was £30.65.

[4] Transactions are defined as any request for a statutory service provided by Land Registry. Although a transaction has a unit value, this measure reflects the actual number of transactions and not their unit value.

National Measurement Office: Performance Targets

Statement

The Minister of State, Department for Business, Innovation and Skills and Ministry of Defence (Lord Drayson): I have tasked the National Measurement Office to provide a measurement infrastructure which supports innovation, facilitates fair competition, promotes international trade and protects consumers, health and the environment.

I have set the National Measurement Office the following targets for 2010-11:

To increase efficiency by reducing by at least 3 per cent activities which are not directly linked to delivery or staff training;

To supply a customer-focused certification service by completing 93 per cent of applications in accordance with agreed customer requirements;

To provide a prompt calibration service that completes at least 95 per cent of jobs (including preparation of certificates) within 15 working days of acceptance of the work and also an average completion time of less than 10 working days;

To provide a legal metrology programme that completes 95 per cent of the scheduled milestones by their due dates;

To preserve the investment of public monies by ensuring that the ratio of spend on science programmes to legal programmes is at least as much as when the NMS unit transferred to NMO on 1 April 2009;

To provide a timely metering service by ensuring all meter examiner appointments, manufacturer authorisations/consents and modifications to meter approval and decisions, completes 92 per cent of jobs within five business days of receipt of all necessary documentation;

To manage the finances effectively by ensuring that the portfolio of metrology programmes is provided within 1 per cent of the allocated budget;

To manage the Teddington estate finances within 1% of the allocated budget; and

Chief executive to reply within 10 working days to all letters from MPs delegated to him to reply.

Park Homes

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My honourable friend the Parliamentary Under-Secretary of State (Ian Austin) has made the following Written Ministerial Statement.

I am today publishing a paper *Park Homes Site Licensing Reforms: The Way Forward and Next Steps* which sets out the Government's proposals for the reform of licensing of park home sites in light of the responses received to the May 2009 consultation paper *Park Home Site licensing—Improving the Management of Park Home Sites*. Copies will be placed in the library of the House.

The Government want a thriving and well run sector that provides sites where people want to live. We want a licensing system that raises and maintains standards on sites and protects residents by ensuring sites are safe, well planned and properly managed with appropriate facilities and services.

The paper announces that the Government are committed to introducing a number of key reforms to the current site licensing regime, including a requirement that persons engaged in the management of park home sites are "fit and proper" and only such persons may hold licences. The new system will give local authorities duties to impose management conditions in licences and provides a range of enforcement tools to ensure that site licensing conditions are complied with. Measures will be required to be put in place for alternative management arrangements where sites are not able to be licensed. The new scheme will also allow licensing authorities to recover their costs in connection with their duties under the provisions by charging appropriate fees. A new regime for appealing licensing decisions to the residential property tribunal will be introduced.

The Government intend to establish a task force, including representatives of local authorities, the industry and residents, to advise and recommend how some of the key elements of licensing may be most effectively implemented with minimum burdens.

The Government's proposals are intended to drive up standards in this sector (where that proves necessary) and, where that is not possible, to remove the ability of those unscrupulous and incompetent site owners from continuing to manage park home sites.

Petitions Duty

Statement

Lord McKenzie of Luton: My right honourable friend the Secretary of State for Communities and Local Government (John Denham) has made the following Written Ministerial Statement.

I am today announcing the implementation of the duty for local authorities to respond to petitions, giving real power to local people to raise the issues they care about with their council and ensuring they receive a meaningful response.

The petitions duty is provided for by chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009. The core elements of the duty, ensuring that local authorities must set out in a petition scheme how they will respond to petitions from people who live, work or study in their area, will come into force on 15 June this year. The requirements relating to electronic petitions will come into force on 15 December, reflecting the additional time needed for local authorities to procure, install and test software and to train staff.

To support effective delivery by local authorities, I am today publishing statutory guidance and a model petitions scheme, alongside the Government's response to consultation on draft versions of those documents. A total of 123 responses were received, and a number of changes have been made to the guidance and model scheme to reflect the helpful points that were raised.

The guidance draws attention to a number of areas where the Government expects local authorities to use the strong powers and influence they already have to respond to the issues raised in petitions. Examples include:

on anti-social behaviour—asking the courts to grant an anti-social behaviour order (ASBO); applying to the courts for a premises closure order to close properties where there is persistent nuisance or disorder; making a gating order to restrict access to any public highway to prevent crime or ASB; providing intensive, non-negotiable behavioural support through family intervention projects to perpetrators of anti-social behaviour and their families;

on alcohol related crime and disorder—placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established, the licensed premises in the area where alcohol-related trouble is being caused are required to contribute to the costs of extra policing in that area;

on under-performing schools—issuing a warning notice outlining expectations and a timeframe for improvement; for schools that have failed to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures, authorities can also appoint additional governors, establish an interim executive board, remove the school's delegated budgets, require the school to enter into a formal contract or partnership or (only if the school is in special measures) require its closure; and

on under-performing hospitals—asking the council's scrutiny committee to investigate concerns on issues like poor hygiene. The committee has powers to review services, request information from NHS bodies, and make urgent recommendations; and work with local involvement networks, which have powers to carry out spot checks and seek information and responses from health service providers.

In order to avoid confusion and duplication with existing statutory arrangements for citizens to express their views, the Local Authorities (Petitions)(England) Order 2010 excludes petitions on planning decisions and on licensing decisions on alcohol, gambling or sex establishments from the scope of the petitions duty. However, any broader issues around the delivery of services in these areas remain within scope (for example, the effectiveness of an authority's process for dealing with planning applications). It also excludes issues relating to the dealings of individuals or entities, where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman). The order stipulates the maximum threshold which local authorities can set for a petition to trigger a full council debate at 5 per cent of the local population.

Police: Pensions

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My right honourable friend the Minister of State for Policing, Crime and Security (David Hanson) has today made the following Written Ministerial Statement.

The police pensions additional voluntary contributions (AVC) scheme, which was introduced in 1990, has served as a useful means by which police officers can top up their retirement pension. However, the opportunities now open to those who want to save for a personal pension reduce the need for an in-house AVC scheme. After consulting the Police Negotiating Board we have decided to close the police AVC scheme to new business from 1 October 2010, subject to parliamentary approval of the necessary changes to the relevant regulations.

Notice of this change has been given to the two providers concerned, Standard Life and Equitable Life. Regular contributions in effect on 30 September can continue to be made but the change will mean that no new or increased contributions will be possible from 1 October. We recommend the need in all cases for officers to satisfy themselves about whether AVC investments are right for them, if necessary by taking independent financial advice.

As part of our review of the current arrangements for topping up police pensions we are discussing with the Police Negotiating Board proposals for introducing a new facility, Added Pension, which will enable officers to buy specific amounts of pension, subject to set limits, on a cost-neutral basis for the Police Pension Scheme. The introduction of Added Pension would be accompanied by the closure to new contracts of the current facility of buying added years. The aim is for this change to be made at the same time as the closure of the AVC Scheme to new business but this is subject to confirmation.

Political Parties: Funding

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Lord Chancellor and Secretary of State for Justice (Jack Straw) has made the following Written Ministerial Statement.

At the request of Sir Hayden Phillips, and on his behalf, I am today placing in the Library of the House the agendas, papers and minutes for the five meetings which he chaired and which were attended by representatives of the three main parties in 2007 on the funding of political parties. (These items are also being placed on the Ministry of Justice website, at www.justice.gov.uk.) Sir Hayden has asked me to say that, as far as the minutes of the meetings are concerned, only those of the first meeting were agreed by the parties. The other four were drafts from the secretariat to the talks, authorised for circulation and comment to the parties by Sir Hayden. The agendas, papers and minutes are released in their entirety. There is one substantive exception to this: a paper produced following the fourth session of the talks which contained legal advice from Ministry of Justice officials on donation caps. The advice was given in confidence and Sir Hayden judges he should respect that. However Sir Hayden wishes to make it clear that the content of the advice relates to the lawfulness of a proposal to impose a cap on political donations, and the advice given was that a cap was capable of being compatible with the European Convention on Human Rights, provided that it was prescribed by law and sought to achieve a legitimate aim in a proportionate way. The CVs of two advisors to the talks have also been removed as they do not relate to the substantive discussions.

Probation Trusts

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My honourable friend Maria Eagle, the Minister of State, Ministry of Justice, has made the following Written Ministerial Statement.

I wish to inform the House that from 1 April 2010 there will be established 29 further probation trusts operating in England and Wales. This brings to 35 the total number of probation trusts and means the dissolution of the last remaining local probation boards.

The trusts programme has presented a challenge to the probation service to demonstrate that it can deliver locally tailored services efficiently and effectively. I am pleased that all of the remaining probation areas have successfully met this challenge and I am confident that they will all be successful in realising the benefits they have identified in moving to trust status.

Public Inquiry

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Lord Chancellor and Secretary of State for Justice (Jack Straw) has made the following Written Ministerial Statement:

I am announcing today the Government's intention to establish an inquiry under the Inquiries Act 2005 to investigate the death of Azelle Rodney in April 2005. The inquiry will be established by the Ministry of Justice.

It is intended that this inquiry will be chaired by a retired judge and that, subject to his or her views, it will determine the matters which an Article 2 compliant inquest would have determined had it been able to take place. These are: how, when and where Mr Rodney died, and the broad circumstances which led to his death.

The inquest into the death has been adjourned by the North London Coroner since August 2007. The coroner and, most importantly, the bereaved relatives of Mr Rodney have been given advance notice of this decision.

During debate on the Coroners and Justice Bill, I said that any inquiry established because an inquest cannot be held would be subject to a protocol between Ministers and the senior judiciary. This protocol is intended to cover the procedure from the point the inquest cannot continue until when the inquiry is established.

I have been working with colleagues across government on the terms of the protocol but it has raised some complex issues and is not yet ready for use. As the inquest into Mr Rodney's death is already adjourned and cannot continue, I have decided that an inquiry should be established to avoid further delay for Mr Rodney's family. A further announcement on the inquiry chair and its terms of reference will be made as soon as possible.

Public Services: Mutuals

Statement

Baroness Crawley: My right honourable friend the Minister for the Cabinet Office (Tessa Jowell) has made the following Written Ministerial Statement.

Over Easter Recess, the Cabinet Office will publish *Mutual Benefit: Giving People Power over Public Services.* The paper sets out the potential for mutuals to stimulate and secure greater citizen participation and engagement in public services.

Mutual Benefit: Giving People Power over Public Services also sets out the Government's plans to facilitate the development of mutualism in three key public services.

Following publication, *Mutual Benefit: Giving People Power over Public Services* can be downloaded at: www.hmg.gov.uk/media/60217/mutuals.pdf

Copies will also be placed in the Libraries of both Houses.

Rights, Responsibilities and Values

Statement

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach): My right honourable friend the Minister of State, Ministry of Justice (Michael Wills) has made the following Written Ministerial Statement.

The Government are today publishing two reports on important aspects of constitutional reform. The first is a summary of responses to the Green Paper, *Rights and Responsibilities: developing our constitutional framework*. The second is an independent analysis of the programme of deliberation that was carried out

between October 2009 and February 2010 on identity, values (including a Statement of Values), a Bill of Rights and Responsibilities and a written constitution.

The reports bring to a conclusion key aspects of the first stage of public debate initiated by *The Governance of Britain* Green Paper in July 2007. They also meet the commitment in *Building Britain's Future* to complete a national consultation on a Bill of Rights and Responsibilities during 2009-10.

The responses to the Green Paper, combined with the programme of deliberative research, reflect the views of around 2,500 people. They demonstrate an appetite for further debate about a Bill of Rights and Responsibilities as well as a broader range of constitutional issues, such as a statement of values, and for making progress on them.

The programme placed public deliberation at the heart of decision-making. The research was carried out independently, ensuring that the public were given the opportunity to debate issues in a balanced way, exposing them to views from across the political spectrum to inform their deliberations and providing a space to enable views to influence policy. As the independent analysis says:

> "The study can be viewed as a constitutional experiment in deliberative democracy—with the deliberative method helping to inform representative systems of government and promote democratic legitimacy. This approach was not intended to replace representative democracy but to complement it—enabling participants to come to an informed view on policy; which in turn, and alongside other evidence, will inform the views of decision makers in Government".

As part of the process, the Government made an explicit commitment to participants that any constitutional reform would only progress if there was sufficient public appetite.

The independent report shows that such deliberative approaches were valued by what were demographically representative groups of participants as a means of building public views into policy making. It shows there is a clear appetite to take further these aspects of the debate on constitutional reform: stating the values that bind us together as a nation; building on the existing protections for individual rights; and clarifying our responsibilities.

The Government believe that work taken forward in this area must reflect the approach adopted so far, putting the public at the heart of policy formation.

In taking forward work on a new Bill of Rights and Responsibilities, the Government remain committed to the Human Rights Act and the protections and remedies provided by it. It is encouraging to see the responses to the Green Paper support the Government's view on this point. The Government are proud of the Human Rights Act and will not resile from it.

Copies of *Rights and Responsibilities: developing our constitutional framework—Summary of responses* have been laid before Parliament. Copies of *People and power: shaping democracy, rights and responsibilities* have been placed in the Libraries of both Houses.

Rita Donaghy Report

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My right honourable friend the Secretary of State for Work and Pensions (Yvette Cooper) has made the following Written Ministerial Statement:

I am pleased to announce the publication of the Government's response to Rita Donaghy's report into the underlying causes of fatal construction accidents.

The UK is rightly regarded as having one of the best health and safety records in the world. Since 1997-98 the rate of fatal injuries to workers has fallen by 40 per cent, including in the construction sector, reflecting the significant focus on improving safety by the Health and Safety Executive, local authorities, businesses and trades unions. While this is very welcome, every death is one too many and a tragedy to those involved and their families. The Government believe that more must be done.

The number of deaths in the construction industry has been a particular cause of concern, with the rate of fatal accidents four times that of other industries. While there have been important improvements, 53 construction workers were still killed in 2008-09, for example. We therefore asked Rita Donaghy to carry out a review into the causes of construction fatalities.

On 8 July 2009 I announced the publication of Rita Donaghy's report. The report contained 28 far-reaching recommendations for improving safety in the construction industry, extending across safety representatives, building control, the legal system, training and competence, and public procurement. I should again like to thank Rita Donaghy and her team for their excellent work in undertaking the inquiry.

We are now publishing our response which builds on the issues and analysis within Rita Donaghy's report to provide a framework for delivery of improvements in these areas. Our response reflects widespread consultation across government and with stakeholders. The Government fully accept 23 of the 28 recommendations including support of common minimum standards throughout publicly funded construction projects; mutual recognition between pre-qualification schemes; and support for greater worker participation. Two further recommendations related to the extension of gangmaster licensing regulations and the introduction of positive duties on directors raise important issues and warrant further consideration. Additional work is required fully to explore the relative options and understand the potential impact of introducing such measures. The reasons for these decisions are detailed within the response.

I hope that the action set out in the response further improves the safety record in the construction sector and provides some comfort to the families of those who have been killed by construction-related accidents.

This response is not an end in itself though, and we must continue to work together—government, business, unions and workers—if we are to ensure that jobs in construction are as safe as any other.

The Government's response (Cm 7828) has been laid before Parliament and will be published later today. Copies of the response will be available in the Vote Office and the Printed Paper Office. It is also available on the DWP website at www.dwp.gov.uk/publications/policy-publications/fatal-accidents-inquiry.shtml

Rural Payments Agency: Performance Targets

Statement

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Davies of Oldham): My right honourable friend the Secretary of State (Hilary Benn) has made the following Written Ministerial Statement.

I have set the Rural Payments Agency (RPA) the following performance targets for 2010/11.

Service delivery quality

To administer common agricultural policy and other schemes to meet the following requirements:

to have paid 85 per cent of customers by 31 December 2010 and 95 per cent by value of valid Single Payment Scheme 2010 scheme claims by 31 March 2011;

to record 98 per cent of notifications of births deaths and movements of cattle on the cattle tracing system within 14 days of their receipt;

to make 98 per cent of Rural Development Programme for England payments for Natural England and regional development agencies in accordance with agreed service level agreements.

Customer impact

To demonstrate a continued commitment to customers by achieving a minimum annual average customer satisfaction score of 7.5 out of 10.0, as measured through surveys of external customers.

To increase electronic uptake of RPA services by receiving:

10,000 electronic applications for SPS 2010; and

85 per cent of CTS transactions via an electronic channel by the end of 2010-11.

Value for public money

To demonstrate clear progress towards achieving the Treasury disallowance target of 2 per cent or less of fund value for all CAP schemes administered by the RPA.

To achieve a 9.8 per cent efficiency saving in revenue budget by the end of the 2010-11 financial year by managing service delivery within indicative budget levels.

For the Single Payment Scheme, to achieve a cost per claim reduction of 15 per cent for processing costs.

Capacity and capability

To demonstrate improved capacity and capability to meet targets and implement change with particular focus on leadership, (core to RPA) data quality, financial performance and contributions in response to the Defra Review and the Public Accounts Committee.

Further details are given in the RPA business plan for 2010-11 and copies are available on their website.

Safeguarding Children

Statement

The Parliamentary Under-Secretary of State, Department for Children, Schools and Families (Baroness Morgan of Drefelin): My right honourable friend the Secretary of State for Children, Schools and Families (Ed Balls) has made the following Written Ministerial Statement:

On 18 January I asked Sir Roger Singleton, the Government's independent Chief Adviser on the Safety of Children, to review the use of the defence of reasonable punishment in certain part-time educational and learning settings to establish the key issues and whether it was an area where we needed to consider a change in the interests of strengthening safeguards for children.

Sir Roger has now provided a report, *Physical Punishment: Improving Consistency and Protection*, containing his advice and recommendations, for which I am very grateful. I appreciate the extensive work he has undertaken with a wide range of stakeholders and the careful consideration he has given to this complex and sensitive issue.

Sir Roger's main recommendation is that the current ban on physical punishment in schools and other children's settings should be extended to include any form of advice, guidance, teaching, training, instruction, worship, treatment or therapy and to any form of care or supervision which is carried out other than by a parent or member of the child's own family or household. This will resolve the discrepancy whereby a teacher is banned from smacking a child in a school, but the same teacher could administer physical punishment in an out-of-school setting. I believe this is a sensible and proportionate solution to removing this inconsistency.

Secondly, Sir Roger has recommended that the Government should continue to promote positive parenting strategies and effective behaviour management techniques directed towards eliminating the use of smacking. Parents who disapprove of smacking should make this clear to others who care for their children.

Thirdly, he has recommended that the development of appropriate safeguarding policies in informal education and learning organisations should continue to be promoted. Legal changes which flow from adoption of these recommendations will need to be communicated effectively.

The Government have accepted Sir Roger's recommendations in full and we are committed to implementing them as soon as possible.

I have placed copies of Sir Roger's report and the Government's response in the Libraries of both Houses.

School Teachers' Review Body

Statement

The Parliamentary Under-Secretary of State, Department for Children, Schools and Families (Baroness Morgan of Drefelin): My right honourable friend the Secretary of State for Children, Schools and Families (Ed Balls) has made the following Written Ministerial Statement:

The 19th report of the School Teachers' Review Body (STRB) is being published today, covering a range of matters referred to them in October 2009. I am grateful for the careful consideration which the STRB has given to these matters. Copies of the report are available in the Vote Office, the Printed Paper Office, the Libraries of both Houses and at www.teachernet.gov.uk/pay.

The STRB has recommended that revised criteria for payment of allowances to teachers of pupils with special educational needs (SEN) are introduced from September 2010. In addition, it recommends that the two discrete values in use currently should be replaced by a range.

I am grateful to the STRB for these recommendations which will allow teachers of pupils with special educational needs to continue to receive appropriate reward, and subject to consultees' views, I intend to implement new criteria.

The STRB has also made recommendations concerning criteria for appointments to deputy head and assistant head roles as part of a programme of work on which the STRB has previously made recommendations.

I note the STRB's recommendations for criteria for these leadership posts and I agree that this work should be taken into account in developing leadership standards and professional responsibilities for all teachers. I would welcome consultees' views on the criteria.

My detailed response contains further information on these issues.

Annex to Written Ministerial Statement 6 30 March 2010

DEPARTMENT FOR CHILDREN, SCHOOLS AND FAMILIES

School Teachers' Review Body recommendations and response from the Secretary of State for Children, Schools and Families (Ed Balls)

[The following sets out the full set of recommendations from the School Teachers' Review Body and published in the 19th Report (Cm 7836) on 30 March 2010, together with the response from the Secretary of State for Children, Schools and Families. The STRB's recommendations below are in bold.]

The Secretary of State for Children, Schools and Families (Ed Balls): The 19th report of the School Teachers' Review Body (STRB) is being published today. It covers the matters referred to the STRB in October 2009. Copies are available in the Vote Office, the Printed Paper Office and in the Libraries of the House and at http://www.ome.uk.com/STRB_Reports.aspx.

In making its recommendations, the STRB was required to have regard to items a-f set out in the remit letter of 8 October 2009. This report covers criteria for posts in the leadership group, and for special educational needs payments. I am grateful for the careful and detailed attention the STRB has given to these matters. I am inviting comments on the STRB's report and my response to its recommendations by 29 April 2010.

Special Educational Needs Allowances

The STRB has recommended that:

SEN allowances should continue to be paid to teachers working in specified SEN roles but that the present system of two separate and defined SEN allowances be replaced with spot value allowances that fall within a specified SEN range;

The new SEN range start at £2,001 and the maximum be set at £3,954, to be uprated in line with any general uprating of teachers' pay. Schools and authorities should determine the spot values for individual posts, taking account of local context and specified factors;

SEN allowances be paid to those teaching:

in SEN posts that require a mandatory SEN qualification (all settings);

in special schools, and in designated special classes or units in schools and local authorities;

SEN allowances be paid to those teaching in non-designated settings, including PRUs, that are analogous to designated special classes or units where the post:

involves a substantial element of working directly with children with special educational needs;

requires the exercise of a teacher's professional skills and judgment in the teaching of children with special educational needs; and

has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or authority.

In other exceptional cases, payment of SEN allowances be at the discretion of the school or local authority; and

Schools and local authorities set out clearly in their teachers' pay policies the arrangements for rewarding teachers with SEN responsibilities.

I am grateful to the STRB for its consideration of this issue and agree that the two current allowances should be replaced by a range, and the existing criteria revised. I consider that any new criteria should be linked to teaching and learning in all educational settings, and am not therefore convinced of the need for discretion. Subject to consultees' views, I intend to implement revised criteria and an SEN range from September 2010.

Leadership Group criteria

The STRB has recommended the following:

Subject to review in any future STRB consideration of school leadership issues, the STPCD be revised to include the following, with effect from September 2010;

Before establishing or making an appointment to any deputy head teacher or assistant head teacher post, the relevant body must be satisfied that:

(i) the post carries a substantial element of whole school responsibility that is not required of all classroom teachers or TLR holders; and

(ii) the holder of the post plays a major role, with full accountability, under the overall direction of the head teacher, in—

(a) formulating the aims and objectives of the school;

(b) establishing, developing and implementing the policies through which they are to be achieved;

(c) managing staff and resources to that end;

(d) monitoring progress towards the achievement of the school's aims, objectives and policies; and

(e) undertaking any professional duties delegated by the head teacher, including, for example: duties that impact on the standards of achievement and behaviour of pupils across the school; duties that involve working with external bodies and agencies; or duties that impact on securing pupils' access to their educational entitlements.

that there should be an additional requirement for deputy head teacher posts to carry a level of responsibility exceeding that expected of an assistant head teacher employed in the same school, including, when appropriate, responsibility for discharging the responsibilities of the head teacher in his/her absence.

I am grateful to the STRB for its detailed consideration of this issue and I welcome the recommendations for criteria for deputy and assistant head posts. I believe that this work should be taken into account in developing leadership standards and professional responsibilities for all teachers. I agree that pay arrangements for the leadership group should continue to be taken forward by the STRB in the course of a future remit. I would welcome consultees' views on the criteria which I will consider when developing criteria for implementation in 2010.

Social Fund

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My honourable friend the Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman) has made the following Written Ministerial Statement:

I am pleased to announce that the gross discretionary Social Fund Budget for 2010-11 will be £802 million.

With the net funding available, I have been able to allocate a gross national SF Loans Budget of £660 million and a national Community Care Grants Budget of £141 million from 1 April 2010.

The net funding available includes £141.5 million additional loans funding for 2010-11 only.

I will allocate a gross national SF Loans Budget in line with the provisions in the Welfare Reform Act 2007. The aim is to control and manage the national allocation whilst providing consistency of outcomes for Budgeting Loan applicants wherever they live. All loans budget expenditure will be made from the gross national loans budget of £660 million. Concerns have been raised by stakeholders about the current methodology of allocating Community Care Grants and these will be considered as part of the reform process that was announced on 15 March 2010 in the *Social Fund Reform: Debt, Credit and Low-income Household* consultation paper CM 7750.

To provide help to Jobcentre Plus budgets facing unexpected and unplanned expenditure I will retain centrally £1 million as a contingency reserve.

Details of individual Community Care Grant allocations will be placed in the Library.

Background note about the discretionary Social Fund Budget

The discretionary Social Fund budget is cash limited. Funding for Community Care Grants is allocated to each budget area for management by Jobcentre Plus Social Fund Benefit Delivery Centres on 1 April each year. The gross discretionary Social Fund budget allocated for 2010-11 is £802 million. This is made up of:

New money (net AME)	£319.7m
Forecast loan recovery	£482.3m

This is to be allocated as follows:

Loans	£660m
Grants	£141m
Contingency reserve	£1m

Sustainable Communities Act

Statement

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My right honourable friend the Secretary of State for Communities and Local Government (John Denham) has made the following Written Ministerial Statement.

I am publishing a consultation paper today, 30 March, on the arrangements for the production of the second local spending report. The aim of the local spending reports is to assist local authorities, their partners and local people in promoting the sustainability of local communities by providing more information about the public funding that is spent in their area. The Act requires me to make arrangements for the production of local spending reports and to consult such persons likely to be affected by the arrangements, as I think appropriate. This consultation document places work to develop local spending reports in the broader context of our efforts to make public data public. This approach was summarised in the report to Parliament *Making Local Public Expenditure Data Public and the Development of Local Spending Reports* in December 2009.

The document will be placed in the Library of the House and will be available on the Communities and Local Government website at www.communities.gov.uk/publications/localgovernment/consultationsecondspendrpt.

We have also presented the first local spending report on the places database today at http://www.localspending.communities.gov.uk/ and are seeking views on this as part of the consultation process. This will provide intuitive, user-friendly tools to explore, compare and contrast data via interactive maps, charts

and tables. These online tools will be freely and publicly available, thereby ensuring that these local spending data are available not only to local authorities and their strategic partners but also to citizens in a consistent form.

Following consultation, I propose to publish the second local spending report in summer 2010.

Transport Act 2008: Quality Contracts Schemes

Statement

The Secretary of State for Transport (Lord Adonis): My right honourable friend the Minister of State for Transport (Mr Sadiq Khan) has made the following Ministerial Statement.

The Local Transport Act 2008 includes provisions designed to make bus quality contracts schemes— the London-style model of bus contracts—a more realistic option for local transport authorities throughout England and Wales. The Government announced on the 10 December 2009 that these provisions will come into force, in England, on 11 January 2010.

The Government are today announcing the appointment of six individuals to a QCS board panel from which members of QCS boards will be appointed. QCS boards are independent boards with a remit to provide an opinion on whether proposed quality contracts schemes in England meet the statutory public interest criteria, and on whether due process has been followed.

It is also envisaged that QCS board panel members will be called upon to provide advice to traffic commissioners on Quality Partnership Scheme (QPS) "admissible objections".

A QPS is made by a local transport authority, under which the authority provides facilities (e.g. bus lanes) and any bus operator wishing to use those facilities must operate services to the standard specified in the scheme.

Following amendments made by the Local Transport Act 2008 to the 2000 Act, a QPS can include requirements about frequencies, timings and maximum fares as part of the "standard of service". But they can do so only if there are no "admissible objections" from relevant bus operators.

In the first instance, it is for the local authority to determine whether an operator has an "admissible objection" on either or both of the two grounds set out in regulations. But where there is a disagreement between operator and authority, the objecting operator may refer the matter to a traffic commissioner for an independent determination.

A number of local authorities either have, or are planning, Quality Partnership Schemes.

The panel will comprise:

Andrew Burchell

Currently an Appeals Decision Maker for the Department for Transport in respect of concessionary travel appeals from bus operators, Andrew has gained a wide range of skills including as a Government Economist, a Senior Civil Servant and member of Defra's management board. He sits on the Community Services Board of his local Primary Care Trust, as an "independent lay member", and is Vice-Chair of the Board of Trustees at his local citizens advice bureau.

Tim Larner

Founding Director of Strata Consultants, Tim has over 35 years' experience of local transport planning, including providing advice to Passenger Transport Executive CEOs as the former Director of the Support Unit at PTE. He has worked to raise the profile of PTEs, highlighting their role in transport policy development.

Peter Hardy

A Project Director at JMP Consultants, Peter has 26-years' experience in transport planning starting in a local authority environment and specialising in areas including passenger transport development, policy and strategy for both the public and private sectors.

James Reeves

Currently Technical Director for Gifford UK, James has worked extensively in the transport sector both in the UK and abroad. Including a period as a Local Authority Officer, he has experience in transport economics and planning.

Alan Wann

Former roles at Northumberland County Council include Head of Highways, Transport and Waste services; Head of Regeneration; and Principal Advisor to the Chief Executive. Alan has recently become an independent consultant specialising in sustainable economic, social and cultural regeneration.

David Humphrey

Recently retired after 42 years in the public transport industry, David has held a number of senior roles in both the bus and tram sectors. A former President of the Confederation of Passenger Transport, he is a Fellow of the Chartered Institute of Logistics and Transport.

A further two candidates will be held in reserve.

Transport: Severe Weather

Statement

The Secretary of State for Transport (Lord Adonis): I am today announcing an independent review of the transport sector's response to the severe weather experienced this winter 2009-10 and lessons for the future.

The winter of 2009-10 has seen the most prolonged period of sub-zero temperatures for 30 years, creating extremely challenging conditions for the travelling public. For the most part, our transport networks coped well in the circumstances. However, there are lessons that can be learnt in order to improve our resilience for future winters.

This winter, the Salt Cell successfully achieved its objective of prioritising salt deliveries to highway authorities across the country to minimise disruption to transport networks. The Salt Cell held its final meeting on 16 March. Since it was first convened on 6 January, the Salt Cell met 20 times and advised salt suppliers on the distribution of approximately 530,000 tonnes of salt.

Now that the severe weather has receded, we must focus our attention on learning the lessons presented by this winter. The aim of this exercise will be to identify practical measures to improve the response of transport systems to severe winter weather. The work will review and build upon the recommendations of the UK Roads Liaison Group "Lessons from the Severe Weather February 2009" and present a series of practical measures that authorities must consider for implementation to better prepare themselves for winter 2010-11 and beyond.

The review is part of a Government drive to ensure that local authorities are prepared for future severe weather. Last week the Government announced an additional £100 million for local authorities to help pay for repairs to potholes. This builds on the trebling of funding to local authorities over the last 10 years for road maintenance from £265 million in 2000-01 to £809 million in 2010-11.

The review will be led by a small panel of independent experts comprising:

David Quarmby CBE (Chair), currently Chair of the RAC Foundation and former Chief Executive of the Strategic Rail Authority;

Brian Smith, retiring as Assistant Chief Executive of Cambridgeshire County Council on 31 March; and

Chris Green, a Non-Executive Director of Network Rail, former Chief Executive of Virgin Trains and English Heritage.

During the review, the panel will be seeking evidence and views from a range of stakeholders in order to develop the detailed scope and identify examples of best practice.

A copy of the terms of reference for the review has been placed in the Libraries of both Houses.

Visas

Statement

The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead): My right honourable friend the Secretary of State for the Home Department (Alan Johnson) has today made the following Written Ministerial Statement:

Today my right honourable friend the Secretary of State for Foreign and Commonwealth Affairs (David Miliband) and I are announcing the final stage of the UK's first global review of visa regimes in relation to the seven countries of the eastern Caribbean—Antigua and Barbuda, Barbados, Dominica, Grenada, St Kitts and Nevis, St Lucia and St Vincent and the Grenadines.

A visa regime is a very effective immigration, crime and security control measure. As part of our overseas defences our Visa Waiver Test helps us determine whether our visa regimes are in the right places. Travellers from every country beyond the European Economic Area and Switzerland were measured against a range of criteria including illegal immigration, crime and security concerns. The test has been taken forward in close collaboration with other departments across Whitehall. New full visa regimes were introduced on Bolivia, Lesotho, South Africa and Swaziland, along with a partial regime on Venezuela, in 2009.

Having initially considered the eastern Caribbean states on a regional basis, we decided to examine them individually to ensure any potential regimes would be aligned correctly. Our evaluation highlighted a number of concerns with two countries, Dominica and St Lucia.

We recognise that we have close historic, economic and political ties with Dominica and St Lucia and are aware that the introduction of a visa regime would be a significant step. It is a decision we do not take lightly. As a result we will now enter a six-month period of detailed dialogue with the Governments concerned to examine what actions will be taken to address our concerns and mitigate the need for a visa regime to be introduced. During this period, Dominica and St Lucia will need to demonstrate a genuine commitment to put into effect credible and realistic plans, with clear timetables, to reduce the risks to the UK, and begin implementing these plans by the end of the dialogue period.

Additionally, we have written to the Governments of Antigua and Barbuda, Barbados, Grenada, St Kitts and Nevis and St Vincent and the Grenadines to advise that, while they will maintain their visa free status for the time being, the decision will be subject to a further review.

The UK Government remain committed to operating a firm but fair immigration policy. It gives a high priority to treating all foreign nationals coming to or present in the UK with dignity and respect, and the highest legal standards. However, it expects all visitors to the UK to play by the rules. The UK will always welcome genuine visitors, whether business, tourist, student or family, but will continue to take all steps necessary to protect the security of the UK.

Western European Union

Statement

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): My honourable friend the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Chris Bryant) has made the following Written Ministerial Statement:

The Western European Union (WEU) has played a valuable role in discussion on European security. It embedded the principle of mutual defence in post-war Europe, promoted consultation and co-operation on defence and security matters in western Europe and has conducted operations in a number of vital theatres, including the Persian Gulf and the Adriatic. Members from both Houses, past and present, have played a valuable role in pursuing the UK's interests within the WEU and I would like to take this opportunity to pay warm tribute to their efforts.

But the WEU's mutual defence role was essentially symbolic as soon as NATO was established and successive UK Governments have made clear, as the Lisbon treaty does, that NATO is the forum and the foundation for collective defence of the Allies.

Moreover, the operational role of the WEU has been succeeded by the EU, following the UK-French initiative to create security and defence policy capacity in the EU. With this development, which NATO and the US specifically have welcomed, it is clear that the Western European Union is no longer relevant to today's European security architecture. While the UK recognises the role the WEU Assembly has played in engaging the views of national parliamentarians from across Europe on European defence, we do not believe this justifies the cost of over €2 million a year to the UK alone.

For that reason, the UK intends to withdraw from the Western European Union. In accordance with the Modified Brussels Treaty, we will formally inform the Belgian Government of our decision in April 2010. A 12-month notice period will then follow, during which the UK will remain a member of the WEU, giving an opportunity for discussion on how to develop cross-European parliamentary scrutiny of European defence issues.

Given the inter-governmental nature of the EU's Common Security and Defence Policy, we believe that this remains entirely a matter for national parliaments and co-ordination between them. There is no reason and no case for the European Parliament to expand its competence in this area.

We are in discussion with other WEU member states on this issue. Many of them also believe that the time has come to radically reform or close the organisation. Following this announcement, we will continue to engage our European partners on this issue and on future cross-European parliamentary scrutiny of European defence.

We will also seek to use this opportunity to improve the exchange of information and engagement between the EU and NATO, including the involvement of non-EU NATO European allies in European defence.

World Bank

Statement

Lord Brett: My right honourable friend the Parliamentary Under-Secretary of State for International Development has made the following Statement:

Today my department has published the annual review of DfID's works with the World Bank, *The UK and the World Bank 2009*.

This report reviews the UK's work with the World Bank from December 2008 to 2009. During that period we saw the effects of the financial crisis spread to the developing world. The report looks at how the World Bank was able to assist developing countries facing the impact of the financial crisis, as well as other major issues on which DfID has worked with the World Bank:

The Bank's response to the financial crisis;

Progress on World Bank reform;

A review of the performance of the Bank's work in the poorest countries;

An assessment of progress against the Government's high-level objectives for the Bank; and

Priorities for engaging with the Bank in 2010.

The report has been placed in the Libraries of the Houses and an electronically accessible version is available on the DfID website at www.dfid.gov.uk.

Written Answers

Tuesday 30 March 2010

Armed Forces: Reserve Forces

Question

Asked by ***Lord Moonie***

To ask Her Majesty's Government what proportion of the members of Her Majesty's reserve forces they estimate they have up to date addresses for. [HL2728]

The Minister for International Defence and Security (Baroness Taylor of Bolton): Members of the volunteer reserve forces are able to maintain their details on the joint personnel administration (JPA) system or through unit administration staff. It is the responsibility of the individual reservist to ensure their personal details are up-to-date.

Members of the regular reserve, which consists of some 43,600 former members of the regular forces who have a liability for mobilisation, are required under service regulations to inform the Ministry of Defence of any changes in personal details, such as name, address or next of kin. The employment termination process allows the address to be stored on JPA. In addition, the Army and the Royal Navy use an annual reporting letter as a method of updating regular reservists contact details held on JPA. The RAF discontinued the annual reporting letter in 1999 which had no effect on its ability to mobilise the required number of reservists for operations in Iraq in 2003.

Civil Service: Redundancy

Question

Asked by ***Lord Laird***

To ask Her Majesty's Government further to the Written Statement by Baroness Crawley on 3 February (*WS 9–10*), what are the proposed arrangements for civil servants made compulsorily redundant when (a) aged under 50, and (b) aged over 50, in terms of any enhancement of pension and lump sum and the first date of payment of pension. [HL3066]

Baroness Crawley: The service-related lump sum redundancy payments under the new arrangements described in my Statement are payable irrespective of whether civil servants are under or over the age of 50 when they are made compulsorily redundant. There is no enhancement to pension (and associated lump sum), which is preserved for payment at normal pension age. Where civil servants wish to draw pension before pension age, it is subject to actuarial adjustment; civil servants within five years of pension age who choose to use their redundancy payment to buy-out the actuarial reduction will be able to receive an unreduced pension.

Crown Prosecution Service

Question

Asked by ***Lord Morris of Aberavon***

To ask Her Majesty's Government whether the Crown Prosecution Service uses the same criteria in deciding whether to prosecute for rape as for other offences. [HL3151]

The Attorney-General (Baroness Scotland of Asthal): When deciding whether or not to prosecute in cases of rape, the Crown Prosecution Service applies the full code test set out in the Code for Crown Prosecutors. This consists of two stages. First, there must be sufficient evidence to provide a realistic prospect of conviction. Secondly, a prosecution must be in the public interest.

There is no difference in the way that decisions to prosecute are made in rape cases as compared with any other case. The full code test must be met before any prosecution can be brought, regardless of the type of offence.

Department for Work and Pensions: Pilot Schemes

Question

Asked by ***Lord Kirkwood of Kirkhope***

To ask Her Majesty's Government what existing pilot schemes have been promoted by the Department for Work and Pensions since 2005; and when each pilot is scheduled to complete. [HL2883]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): The activities of the Department for Work and Pensions cover a very wide range of programmes and services. Information on all departmental pilots since 2005 is not collated centrally and could only be obtained at disproportionate cost.

Information about current Jobcentre-Plus-led pilots and pathfinders is collated centrally and is set out in the table.

Jobcentre-Plus-led pilots currently in operation

	Start Date	*End Date*
Extension of New Deal + Outside London	01/04/08	31/03/11
Extension of New Deal + Inside London	01/04/08	31/03/11
Customer Transitions Project - Enquiries Solution - Trailblazer	22/03/10	To be agreed
Fit for Work Service Pilots	01/11/09	31/03/11
Right to Bid—Letter on Demand	01/10/09	31/03/10
Right to Bid—Women Like Us	01/02/10	31/08/11

Jobcentre-Plus-led pilots currently in operation

	Start Date	*End Date*
Paper Reduction Programme: E-Signing	22/03/10	18/06/10
In and Out of Work Project —extend to Employment and Support Allowance pilot (Department for Work and Pensions/HM Revenue and Customs/ Local Authorities closer working)	01/01/10	31/03/10
Revised Service Hours Pilots	24/08/09	31/10/10
Department for Work and Pensions Change Programme—Customer Transitions Project—Well Enough to Work Pilot	01/03/10	18/06/10
Extended Partnerships in Social Housing	12/10/09	30/04/11
Customer Contact Intelligence Pilot	01/02/10	31/03/10
Overpayments, Decisions, Calculations and Appeal Review	04/01/10	01/10/10

Government Departments: Consultancy Services

Question

Asked by ***Baroness Warsi***

To ask Her Majesty's Government how much the Department of Energy and Climate Change and its agencies has spent on (a) public relations consultants, and (b) public affairs consultants, since its inception; and for what purposes. [HL2497]

Lord Faulkner of Worcester: Between September 2008 and March 2009, DECC spent approximately £119,000 through public relations agencies on COI's rosters. In 2009-10, DECC has been invoiced to spend a total of approximately £90,000 on public relations. These figures include all PR expenditure incurred by the department on the Act On CO_2 campaign, including media relations activity and PR for roadshows.

The Energy Saving Trust has hired the services of communication agencies to support the in-house communications team in reaching consumers across the UK. The Carbon Trust employs public relations consultants and public affairs consultants to enable it to deliver its mission of accelerating the move to a low-carbon economy by helping organisations to cut their emissions now and by developing the low carbon technologies, businesses and markets which will deliver emission reductions in future.

As private companies limited by guarantee, the details of how much the Carbon Trust and the Energy Saving Trust have spent on these purposes are a matter for their boards. The Energy Saving Trust has hired the services of communication agencies to support the in-house communications team in reaching consumers across the UK.

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Government Departments: Staff

Question

Asked by ***Earl Attlee:***

To ask Her Majesty's Government whether they require departments to fill appropriate vacancies by drawing on their redeployment pool first, then on other departments' pools. [HL3064]

Baroness Crawley: Departments, agencies and relevant NDPBs are required to follow the Cabinet Office protocols on handling surplus staff situations. Employers unable to fill a vacancy internally (including consideration of their own surplus employees) must advertise the vacancy exclusively, for a minimum period of 10 working days, to the wider community of surplus civil servant/NDPB employees using the CSVacs vacancy handling system.

The protocols were agreed by the Cabinet Office and the general secretaries of the CCSU and endorsed by Permanent Secretaries, the Cabinet Secretary and Cabinet Office Ministers. Only in exceptional circumstances are departments granted dispensation to bypass the CSVacs process.

India: Orissa

Questions

Asked by ***Lord Avebury***

To ask Her Majesty's Government what assessment they have made of the effectiveness of the pilot project to improve justice in Orissa state, mentioned on page 22 of the Foreign and Commonwealth Office's Annual Report on Human Rights 2009. [HL3032]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): This pilot project is due to run until 31 March 2010. We will then assess its impact and consider appropriate follow-up action. We will also continue to monitor progress on delivery of access to justice for the victims of violence in Orissa.

Asked by ***Lord Avebury***

To ask Her Majesty's Government what assistance they will offer to the Government of India to foster community reconciliation in the aftermath of communal violence in Orissa state, India. [HL3033]

Baroness Kinnock of Holyhead: The EU delegation identified cross-community peace-building initiatives and improving the capacity of victims' lawyers as important areas to address on the visit to Orissa from 2 to 5 February. The delegation, in which a member of our high commission participated, has reported the outcomes and recommendations arising from its visit to the EU who will now consider follow up. This issue was also raised with the Indian Government during discussions at the EU-India Human Rights Dialogue meeting on 25 March 2010.

The Government have also provided assistance to the Indian authorities to help address some of the underlying issues that contributed to the violence in 2008. The Department for International Development has allocated £10 million for community development in four districts of Orissa, including Kandhamal. These funds will help to increase incomes, reduce malnutrition and improve water and sanitation for more than 375,000 tribal men and women.

Asked by ***Baroness Northover***

To ask Her Majesty's Government whether they will encourage European Union partners to raise the issue of communal violence and its aftermath, including the anti-Christian attacks in Orissa in 2008, during the European Union–India human rights dialogue. [HL3037]

Baroness Kinnock of Holyhead: The issue of communal violence and its aftermath, including the attacks against Christians in Orissa in 2008, was discussed with the Indian Government at the EU-India Human Rights Dialogue meetings in February 2009 and March 2010.

India: Religion

Questions

Asked by ***Lord Avebury***

To ask Her Majesty's Government whether they will make representations to the government of India about implementing the recommendations of the Committee on the Elimination of Racial Discrimination in May 2007. [HL3030]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): Progress on human rights issues, including the UN conventions and recommendations of the Committee on the Elimination of Racial Discrimination of May 2007 to which India is signatory, were discussed at the most recent EU-India Human Rights Dialogue meeting on 25 March as part of our ongoing dialogue with India. The existing UN processes, including the Universal Periodic Review, consider progress on human rights issues including UN recommendations and commitments.

Asked by ***Lord Avebury***

To ask Her Majesty's Government whether they will make representations to the Government of India about implementing the recommendations in the report of the Special Rapporteur on Freedom of Religion or Belief following her mission to India, released on 26 January 2009. [HL3031]

Baroness Kinnock of Holyhead: The recommendations in the UN Special Rapporteur on Freedom of Religion or Belief's report of 26 January 2009 were discussed during the most recent EU-India Human Rights Dialogue on 25 March 2010. We will continue to raise the issue of minority rights, including the right to freedom of religion and belief, with the appropriate Indian authorities as part of the ongoing EU-India Human Rights Dialogue. The existing UN processes, including the Universal Periodic Review, consider progress on human rights issues including UN recommendations and commitments.

Iran

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government whether they will ask the Government of Iran for clemency in the case of Miss Zaynab Jalalian, sentenced to death in Kermanshah for being "an enemy of God". [HL3045]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): We are committed to making frequent representations to the Iranian authorities about their use of the death penalty. Our long-standing opposition to capital punishment, in all its forms and under all circumstances, is clear. We use every appropriate opportunity to raise these concerns with the Iranian authorities bilaterally and through the EU, calling on Iran to end its application of the death penalty. We did so on over 70 separate occasions last year, and will continue to do so.

On 20 November, the EU presidency summoned the Iranian ambassador in Stockholm to condemn a spate of executions, and plead for clemency in the case of 13 others of Kurdish origin, including Miss Jalaliyan, facing the same fate. The presidency noted there was credible information to suggest that the sentences appeared to be politically motivated. On 20 January, my honourable friend Ivan Lewis raised the cases directly with the Iranian ambassador, expressing concern at reports that they faced imminent execution. Mr Lewis reiterated our long-held concerns about the trials not meeting international standards, and urged the Iranian Government to show clemency.

Nuclear Weapons

Question

Asked by ***Lord Hylton***

To ask Her Majesty's Government what is the status of weapons containing white phosphorus, tungsten shrapnel or flechettes under international law; and whether their use in densely populated civilian areas is prohibited. [HL2992]

The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead): White phosphorous, tungsten shrapnel and flechettes are not prohibited under international law when used appropriately. However, Protocol III of the UN Convention on Certain Conventional Weapons prohibits or restricts the use of incendiary weapons against civilian populations and the use of air-delivered incendiary weapons against military objectives located in areas where there is a concentration of civilians, for those countries (including the UK) who are signatories to the protocol.

Pensions: NEST

Question

Asked by ***Baroness Noakes***

To ask Her Majesty's Government how much is expected to be loaned to the National Employment Savings Trust in each of the years 2010–11 to 2014–15; when it is expected that the loans will be repaid; and what rates of interest will be charged. [HL2933]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My department continues to work with the Personal Accounts Delivery Authority to refine cost estimates for NEST, which will ultimately depend on a number of factors including the size and nature of its membership, and the outcomes of a number of outstanding procurements.

However, based on our current estimates, we envisage that the loans made to the NEST Corporation each year will be of the order of:

Year	
2010/11*	£90-95m
2011/12	£65-70m
2012/13	£80-90m
2013/14	£85-100m
2014/15	£90-110m

* Amounts for 2010/11 include amounts lent to PADA in 2010/11 prior to NEST Corporation being established

The period in which the loan to NEST Corporation will be repaid will also depend on a variety of factors, including the final costs of NEST and the size and nature of its membership. We anticipate that the total loan period, including the years in which NEST borrows from Government and the subsequent repayments, will last in the region of 20 years.

The terms and conditions of the loan agreement between my department and the NEST Corporation will not be finalised until after the NEST Corporation has been established. We anticipate, however, that the loan will be given at a commercial rate of interest in accordance with government-lending rules and that, in recognition of the extra costs NEST faces in fulfilling its public service obligation to accept all those employers who wish to use the scheme, NEST will be provided with interest relief to reduce the finance costs its members will bear to the Government's own cost of borrowing.

Ports and Harbours

Questions

Asked by ***Lord Berkeley***

To ask Her Majesty's Government whether they intend to limit the financial support available to assist employee share ownership schemes in preparing any bid under proposals by the private sector under the Ports Act 1991. [HL3170]

To ask Her Majesty's Government whether they will support the Dover Harbour Board's intention to establish a community fund by allowing the proposed Port of Dover Community Trust to receive a percentage of the proceeds of any sale of the assets of the Dover Harbour Board. [HL3171]

The Secretary of State for Transport (Lord Adonis): I will take full account of the representations received, including any on employee share ownership or the proposed Port of Dover Community Trust, before considering whether or not to approve the transfer scheme put forward by Dover Harbour Board. The statutory period for representations ended on 25 March 2010.

Asked by ***Lord Berkeley***

To ask Her Majesty's Government whether proposals by trust ports defined as public corporations to sell their undertakings will be subject to the same conditions as apply to all public corporations. [HL3172]

Lord Adonis: Any proposals by trust ports to sell their undertakings would be carried out in accordance with the Ports Act 1991.

Asked by ***Lord Berkeley***

To ask Her Majesty's Government whether, before issuing guidance on the procedure for selling trust ports, they considered classifying the revenue and assets of trust ports defined as public corporations in accordance with guidance notes published by the Office for National Statistics. [HL3173]

Lord Adonis: Classification of expenditure was not considered a relevant matter for inclusion in the department's guidance on the sale of trust ports.

Asked by ***Lord Berkeley***

To ask Her Majesty's Government whether the six trust ports in England and Wales defined as public corporations are included in the Department for Transport's resource accounts. [HL3174]

Lord Adonis: Trust ports are not consolidated within the Department for Transport's accounts.

Asked by ***Lord Berkeley***

To ask Her Majesty's Government further to the Written Answer by the then Parliamentary Under-Secretary of State at the Department for Transport, David Jamieson, on 13 July 2004 (HC Deb, col 1018W), what are the latest figures for the net worth of the six trust ports in England and Wales defined as public corporations. [HL3175]

Lord Adonis: The latest published accounts we have received from the major trust ports defined as public corporations show on the balance sheets values of net assets of each port as follows:

	£ million
Port of London	54.8
Port of Tyne	136.7
Shoreham Port	22.4
Milford Haven Port Authority	50.4
Harwich Haven Authority	43.9
Port of Poole	12.6
Port of Dover	160.3

All account information is at 31 December 2008 except Poole which is as at 31 March 2009.

Public Bodies: Websites

Question

Asked by ***Lord Bates***

To ask Her Majesty's Government how many websites of central public bodies were found to be in operation by the Central Office of Information in its departmental websites reviews. [HL2624]

The Chancellor of the Duchy of Lancaster (Baroness Royall of Blaisdon): I have asked the chief executive of the Central Office of Information to write to the noble Lord.

Public Libraries: Internet

Question

Asked by ***Lord Smith of Finsbury***

To ask Her Majesty's Government in the light of the figures provided in the analysis of the People's Network in the recent Policy Statement on the Modernisation Review of Public Libraries, what information is available on the numbers of visits made to public libraries to use the internet in each year since 2003. [HL3127]

Lord Davies of Oldham: The three-yearly public library user survey found that 25 per cent of library users surveyed in 2006-07 intended to use a computer during their visit to the library.

In December 2009, the Department for Culture, Media and Sport (DCMS) commissioned Ipsos MORI to carry out research into public library usage. This involved face-to-face surveys with a representative sample of 5,000 people aged 15-plus in England. This Omnibus survey found that 16 per cent of library users had used a library computer when visiting the library. From 2011, the Omnibus survey questions on use of library computers will be included in the DCMS Taking Part survey.

DCMS does not hold centrally the number of visits made to public libraries to use the internet in each year since 2003.

State Pension: Weekly Age Addition

Question

Asked by ***Lord Morris of Aberavon***

To ask Her Majesty's Government what is the additional State Pension for those over 80 years old; when that sum was fixed; and what is its purpose. [HL3152]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): The weekly age addition for those getting the state pension at the age of 80 and over is worth 25p. When it was introduced in 1971 it was intended to recognise, albeit in a small way, the special claims of very elderly people who on the whole need help rather more than others.

Unemployment

Question

Asked by ***Lord Bates***

To ask Her Majesty's Government which agencies in the north east of England receive funding for providing training for young people not in education, employment or training; and how much each agency received in 2009. [HL2748]

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): In 2009-10, the DWP allocated £36 million in the north-east region to provide employment related support delivered through contracts with training providers. Through the DWP's Executive Agency—Jobcentre Plus—eligible customers, including young people not in education, employment or training, are referred to these training providers for help with securing employment. Additionally a range of measures has been introduced in response to the recession such as the Young Person's Guarantee. This includes £1.4 million contracted through the Learning and Skills Council for 2009-10 with three training providers in the north-east. It is not possible to disaggregate any of this spend to young people not in education, employment or training.

In 2009-10, the Department for Children, Schools and Families (DCSF) made £360 million available to the Learning and Skills Council in the north-east to provide education and work-based learning for 16 to 19 year-olds. This funding is not specifically for those not in education, employment or training, but provides for any 16 to 19 year-old who wishes to follow these learning routes. In addition, a further £1.8 million has been provided to meet the January guarantee of an offer of an Entry to Employment place for 16 and 17 year-olds who were not in education, employment or training in January 2010.

Through DCSF and the Department for Business, Innovation and Skills, the National Apprenticeship Service allocated £64 million in 2009-10 to training providers contracted in the north-east region to supply apprenticeship training to young people aged 16 to 25, of which £47 million was for those aged 16 to 18. Again it is not possible to identify the proportion of this funding that went towards supporting young people not in education, employment or training.

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