

PART 5

CONFIDENTIAL FILING

Taxation of Short Term Benefits, Supplementary Benefits and Strikers' Benefits.

Payment of benefits to Strikers

Family Income Supplement (FIS) and the Unemployed.

SOCIAL SERVICES

PT1: June 1979

PTS: October 1986

| Referred to | Date | Referred to | Date | Referred to | Date | Referred to | Date |
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| 28.10.86 | | | | | | | |
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● PART 4 ends:-

STRIKERS' DEDUCTIONS FROM BENEFIT 21/11/84

PART 5 begins:-

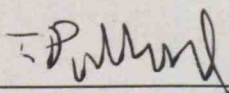
HANSARD EXTRACT (LORDS) 28/10/86

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

The Measurement of Living Standards for Households Below Average Income – Reply by the Government to the Fourth Report From the Select Committee on Social Services, Session 1987-88: Families on Low Income: Low Income Statistics. Published by HMSO. Command 523. ISBN 0 10 105232 4

Signed



Date

7. 3. 2016

PREM Records Team



Press Release

88/386

9 NOVEMBER 1988

GOVERNMENT REPLY TO CRITICISMS OF LOW INCOME STATISTICS

The Government have today published their reply to the Social Services Committee's report, "Families on Low Income: Low Income Statistics".

John Moore, Secretary of State for Social Security, said:-

"We are pleased that the Committee broadly welcomed the new series of statistics, 'Households Below Average Income'. I have considered very carefully the recommendations in the report about changes in the methods we have used, but have concluded that we should not make any alterations.

"These are very technical points, but the main issue is whether we should use households as the basic unit of measurement. We believe that it is right to do so. The majority of people who live together as a household are related, and it is unrealistic to believe that they do not share common or similar standards. For example a working son or daughter living at home might have modest earnings, but they are likely to share the family's standard of accommodation, food, heat and light.

"It then follows that it is essential to adopt what is called the 'equivalisation process' in these tables. Again, this is very technical but offers a sound statistical approach for allowing the living standards of different sizes and types of household to be compared.

[MORE]

"We have also rejected the Committee's recommendation that we should continue to publish the old series tables, "Low Income Families". These tables showed the number of people either receiving supplementary benefit or with net incomes below the supplementary benefit scales. Supplementary benefit was, of course, replaced by income support in April 1988.

"We believe it is very important to recognise that these levels are approved by Parliament for those people who are eligible for income support. There has never been any suggestion of, or acceptance by any Government, irrespective of party, that the scales should be seen as a standard for people who are not eligible for the relevant benefit.

"It is, indeed, misleading to use the scales as a measure of poverty when they are, in fact, the main benefit for relieving it. Thus, the more the Government increase rates of benefit, the greater the number of people who are said to be living in poverty. This is clearly ludicrous.

"We already produce estimates of the numbers of people receiving each of the main income-related benefits together with estimates of those eligible for, but not claiming, them. These enable Parliament to monitor closely the extent to which benefits reach their target populations."

Notes for Editors

On 19 May 1988 the Government published a new series of statistics, "Households Below Average Income". They also announced that publication of the series "Low Income Families" would cease with the edition covering the years 1981, 1983 and 1985. The Social Services Committee report, "Families on Low Income: Low Income Statistics" was published on 12 July 1988.

The "Low Income Families" statistics showed the numbers receiving Supplementary Benefit, and the numbers not receiving Supplementary Benefit but with income below the Supplementary Benefit scale rates or with income below 110 per cent, 120 per cent or 140 per cent of the scale rates.

The new series - entitled "Households below average income: a statistical analysis" provides a more extensive range of data examining people's different living standards, including:

- the numbers with incomes below the average, and proportions of the average. Figures are based both on the average income of the year in question, and the thresholds of the base year (expressed in constant prices) so as to make it possible to assess the effect of changes in real incomes over time. The analyses show details of those below each threshold by their family and economic type, and by the number of children;
- the characteristics of those in the lower half of the income distribution, based on the composition (by family type, economic type and children) of those in the lowest five deciles. Changes over time in the average real income of those below each decile, and their share of national income, are shown;
- the role of social security for those in the lower half of the income distribution. This is based on analyses of the proportion of the average income received by those in the lowest five deciles of the income distribution which is provided by social security benefits (with the income related and other benefits shown separately). A further analysis shows the distribution of recipients of income-related benefits within the lowest five income deciles.

Copies of the Households Below Average Income Statistics (price £2.00) and the Low Income Family Statistics (price £1.50) are available from:

DSS Branch SR3A Room A526 Alexander Fleming House Elephant and Castle London SE1 6BY Telephone: 01 407 5522 Ext 6723

Copies of the preceding review "Low Income Statistics: A Report of A Technical Review" are available free from DSS (01 831 6111 Ext 2554).

[END]



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for Social ~~Services~~ Security

ESFO
letter only

Prime Minister²
Reeb
Stu

RESTRICTED

Paul Gray Esq
Private Secretary
10 Downing Street
LONDON
SW1A

8 November 1988

Dear Paul

SOCIAL SERVICES COMMITTEE REPORT: "FAMILIES ON LOW INCOME - LOW INCOME STATISTICS"

I attach for your information a copy of the reply to this report which my Secretary of State will publish at 2.30 on 9 November. The approach adopted in both the Press Release and the reply itself is low key. The response rejects all of the Committee's major recommendations.

I am sending copies of this letter to the Private Secretaries to members of Cabinet and to Sir Robin Butler.

Yours sincerely

Rod Clark

ROD CLARK
Private Secretary

PRIME MINISTER

SOCIAL SECURITY

DHSS apparently carry out a biennial study of take-up of FIS. The latest figures are now available, and are ready for publication. DHSS have put down an arranged question for answer on Monday.

The figures show a small increase in take-up of FIS, from 48 per cent to 54 per cent in terms of numbers (with a higher take-up in terms of cost). The answer will also show that take-up of housing benefit is 77 per cent by numbers. There are no comparable earlier figures for housing benefit.

DHSS recognise that the timing of this answer is insensitive. They telephoned to ask whether it should be postponed. I said that since the question is already down, and in view of the risk that the figures would anyway leak, it would probably cause more embarrassment to try to suppress or postpone the information than to go ahead.

I did not think you would want to take this risk. If you disagree I shall see what the options are for postponing the answer.

DW

1 agree

mt

David Norgrove

8 May 1987

JA2API

CC N. Frankland SCC BGA



(2)

DEPARTMENT OF HEALTH AND SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY
Telephone 01-407 5522
From the Secretary of State for Social Services

Prime Minister

*CDP
0/4.*

PO(1)8503/431

Charles Powell Esq
Private Secretary
10 Downing Street
LONDON SW1

7 April

mt

Dear Charles

Thank you for sending us a copy of your letter to Mr Fittall at the Home Office.

I enclose two notes on the questions raised by the Prime Minister. As you may know we have a cabinet remit to explore the related issue of what more can be done to limit benefit payments to people who have a clear association with this country. We will be circulating a note on this later.

** i.e. exclude payments to those who do not have a clear association*

*Yours ever
A B Calderwood*

A B CALDERWOOD
Private Secretary

Measures taken to restrict benefit payments to EC nationals

1. The Department of Employment: new measures to test availability should help in identifying EC nationals who are here on holiday and are not genuinely looking for work, so that they can then be refused benefit.
2. DHSS HQ officials are shortly to take over from the adjudication authorities notifications to the Home Office of cases in which benefit is paid to EC nationals. This is designed to speed up the process, to enable collection of better and fuller statistical information, and to provide Home Office promptly with the information which will enable them, in appropriate cases, to curtail leave to remain.
3. The income support claim form, to be introduced in April 1988, will contain new questions enabling people from abroad, including EC nationals, to be more readily identified.

Irish citizens and supplementary benefit.

1. Irish citizens have equal rights with UK citizens to supplementary benefit: there are no restrictions whatsoever. Nationals of other EC countries have more restricted rights.
2. EC law, together with our membership of the European Convention on Social and Medical Assistance, rule out any specific discrimination against other European nationals in benefits legislation. However, people from EC countries other than Ireland can have their leave to remain in the UK curtailed by the immigration authorities if they become dependent on public funds; benefit can in due course be withdrawn on the basis that they have out-stayed their leave under immigration law.
3. This sanction cannot be applied to Irish people because there are no immigration controls between the UK and Eire. The UK, Eire and Isle of Man and the Channel Islands form a common travel area for immigration purposes.
4. There have never been immigration controls between the UK and Eire, and Irish people are free to come and go as they wish, as are UK nationals. Irish people have always had full access to supplementary benefit, while UK nationals have equal access to its Irish equivalent (which provides benefit at a broadly comparable level).

IRISH Immigration

SKWASQ

30/3

o/c



① 31/3

2) 7/4

3) 21/4

4) 2/4

10 DOWNING STREET

LONDON SW1A 2AA

cc Nigel Hawkins
when briefing
pl

From the Private Secretary

16 March 1987

sep. file

You wrote to Mark Addison on 11 March with a draft reply for the Prime Minister to send Sir William Clark, MP, about Irish immigration to the United Kingdom.

I think that the Prime Minister would prefer a Home Office Minister to reply on her behalf.

A particular point which the Prime Minister has queried is whether Irish citizens have any greater right to supplementary benefit within the UK than citizens from any other member state of the EEC. I should be grateful if the DHSS could let me have a note on this point, and on what has been done to restrict supplementary benefit for casual visitors from EEC countries, for the Prime Minister.

I am copying this letter to Jane McKessack (Department of Health and Social Security).

(C. D. POWELL)

William Fittall, Esq.,
Home Office.

BM

Availability for Work (Test)

4.1 pm

The Paymaster General and Minister for Employment (Mr. Kenneth Clarke): With permission, Mr. Speaker, I should like to make a statement on the test of availability for work.

This summer we have been testing a new procedure following criticisms by the Public Accounts Committee about the effectiveness of the current arrangements for testing the availability for work of claimants for unemployment benefit. The new procedure consists of an expanded questionnaire which is issued to all new claimants and seeks information about the work they are looking for and what steps they are taking to make themselves available for work. Claimants have also been interviewed where appropriate to assist in determining their eligibility for benefit and to help them towards suitable labour market opportunities.

Perhaps I could remind the House that it is a long standing condition for the receipt of unemployment benefit that persons have to be available for work on every day for which they make a claim. The test of availability is normally satisfied by persons showing that they are actively seeking work on those days for which benefit is paid. The final decision about entitlement rests with the independent statutory authorities — an adjudication officer in the first instance — and there are statutory rights of appeal against decisions made.

The new procedure that we have tested in the pilot areas has shown that the better evidence provided by the new form enables a proper assessment to be made of a person's entitlement to benefit. Therefore, we will introduce it progressively in all unemployment benefit offices from the end of October. The rules that make benefit payable only to those people who are available for work are long standing and the Government have no present intention to change them. The new arrangements are simply changes in the procedure in applying the existing rules.

4.3 pm

Mr. John Prescott (Kingston upon Hull, East): I cannot offer thanks to the Government for a shabby statement that involves millions of our people, which is clearly hiding its true purpose and which has clearly been dragged out of the Government by the exposure and campaign led by my hon. Friend the Member for Dunfermline, East (Mr. Brown), for which the House is most grateful. I protest that the statement has been made one hour after it was made in another place. That shows, yet again, the Government's contempt for elected representatives.

Is the Paymaster General aware that his justification for this 18th fiddle of the unemployment figures — that he has the support of the Public Accounts Committee — is fraudulent? Is he not aware that the Public Accounts Committee made it clear that it welcomed any effective changes in the work test rules, provided they were not oppressive? Even the Treasury reply to the Public Accounts Committee recommended that the series of questions now to be put to everyone claiming unemployment benefit should be put only to new claimants suspected to be in doubt about their benefit.

If the Paymaster General is anxious to save public money by denying benefits to those people making illegal claims, perhaps he will tell the House what surveys or

estimates of fraudulent payments have been made, because it is costing him twice as much to hire 1,500 new benefit officers as the pilot survey estimated he would save through the shake-out of the unemployed. Does he not accept that the real purpose of this exercise is not to save public money but to reduce by a process of intimidation and trick questions a quarter of the people included in the unemployment figures, thus reducing the number of unemployed to 3 million in time for the general election?

Can the Paymaster General assure the House that answering questions such as whether claimants will work away from home, whether they will work for a minimum wage, whatever that level is, and whether they are able immediately to be free from their dependants, especially where the mother or wife is in a part-time job or disabled, will not penalise them in terms of benefit? Will he make available to the House the guidance notes given to the benefit officers who will be judging the replies, and will he make it clear that answers will not be used oppressively to deny people benefit? That was requested by the PAC. The statement is a further example of the Government's vindictive nature. They are more anxious to fiddle unemployment figures and to blame and harass the unemployed than to provide jobs for them.

Mr. Kenneth Clarke: The hon. Member for Dunfermline, East (Mr. Brown) was followed by the hon. Member for Kingston upon Hull, East (Mr. Prescott) and they both made a great deal out of a survey and an administrative change first announced to the House in reply to a parliamentary question in March. Yesterday, both hon. Members made use of documents that are freely available to the staff side in the Department of Employment and which were part of preparations that we have been carrying out for some time. As usual, they latched on to this administrative change, which tightens up our procedures in response to a request from an all-party Committee of the House, and tried to turn it into a basis for wild political allegations.

The law that requires a claimant for unemployment benefit to be available for work was last restated in 1975 in an Act passed by the previous Labour Government. It has been the law ever since the introduction of the new Beveridge social security system. The vast majority of people of all political persuasions think that it is a sensible law.

Mr. Prescott: Just ask them now.

Mr. Clarke: I challenge the hon. Member for Kingston upon Hull, East to say whether the Labour party, if it were ever returned to office, would start paying unemployment benefit to people who told our officers that they did not want work and were not available for work. Obviously, it would not. The questions that we have tried out and are now introducing are in no way onerous. The form is clear and asks perfectly reasonable questions. It has been drawn up carefully in the light of the law established in the judgment of the commissioners as well as that established by long standing practice. It gives a basis upon which we can judge eligibility for benefit. That is what the National Audit Office and the Public Accounts Committee clearly said we were not doing.

The hon. Gentleman talked about cost. We are taking on 1,400 staff and the cost to the Government will be £14 million, but if that reduces the number of claims allowed by less than 2 per cent. it will pay for itself. The rest is

[Mr. Clarke]

public money saved, not by behaving in an onerous fashion but simply by not paying benefit to people whom this House has always said are not really entitled to it. The hon. Gentleman asked about surveys. He follows these matters as closely as I do and studies the annual labour force surveys that we produce. He knows that those surveys show that of the over 3 million unemployed claimants over 800,000 appear to be economically inactive according to their replies to the surveys. In the privacy of their homes, over 300,000 of those receiving benefit tell our surveyors that they would not like work. That is the figure we arrive at as a result of our surveys. Everybody knows that the Public Accounts Committee was basically right when it said that a more accurate test is needed so that benefit is paid only to those who are genuinely entitled to it.

The hon. Gentleman asked what will happen if people are not available for work because they are disabled, pregnant, or have other extremely good reasons. The answer is that we have told our officers that these people are to be referred to the Department of Health and Social Security and given leaflets, because they are almost certainly entitled to other benefits. But they are not unemployed by any definition, either legally or in common sense, and they are not entitled to unemployment benefit as a result of Acts of Parliament passed by this House, including the Acts of Parliament of former Governments.

Of course the guidance notes will be made available. Like the other changes that we make from time to time to our arrangements, these changes are not designed to secure any unworthy purpose. They are designed merely to ensure that we discharge our duty, as the all-party Committees of this House require, to account properly for public money and pay benefit to those who are entitled to it—which we do—but not to those who do not qualify for it. That is what we intend to achieve. The unemployment figures will continue to reflect, as they do now, the best monthly estimate that we can make of the unemployed. It is quite absurd for the hon. Gentleman to resist every change that we make and to want to add to the unemployment figures those who are not unemployed.

Mr. Andrew Rowe (Mid-Kent): Does my right hon. and learned Friend agree that, particularly in those parts of the country that resemble mine, one of the great tragedies is that a number of young people claim unemployment benefit because they have been persuaded that it is better for them to do so rather than to seek work? Will he assure the House that the new procedures will encourage them to take work, because their opportunities for being promoted at work are real?

Mr. Clarke: I agree with my hon. Friend. None of our officers will be instructed to deter people from seeking work by offering them benefit instead. One of the advantages of the procedure that we are introducing—schemes like Restart and the availability test—is that it will enable our officials to find out more about the unemployed. The system has lapsed into one in which people merely came in, made rather short applications and then were paid benefit. There was no further contact with them. Those who are not entitled to benefit will be refused benefit, and so they should be. Those who are entitled to benefit will be steered to the Jobcentres and to the record number of vacancies that they now have on their books.

Mr. Richard Wainwright (Colne Valley): Many of the new questions that are to be asked of those who are suffering the early shock of losing their jobs are hypothetical. Since Ministers refuse to answer hypothetical questions, why should newly unemployed people be required to do so? On the same point, the briefing that the Paymaster General has just circulated refers to the unemployed claimants “offering” additional information. Will he tell the House quite clearly whether this is voluntary questioning, or whether the word “offering” is quite off the mark, because the unemployed will be required to enter this statement? Finally, is the Paymaster General aware that such a multiple written inquisition of those who are suffering the first shock of losing their jobs is wholly contrary to our tradition of free play and fairness?

Mr. Clarke: I can only advise the hon. Gentleman and any other hon. Member who is interested to look at the extremely straightforward and clear questions that are set out on the form. To describe this as an inquisition is a ridiculous misuse of language. Outside the House I have heard hon. Members refer to these as “trick” questions. The hon. Member for Colne Valley (Mr. Wainwright) referred to them as hypothetical questions.

Mr. Prescott: Read them.

Mr. Clarke: Let me read them, as I am invited by the hon. Member for Kingston upon Hull, East to do.

- “1. What are you doing to find work?
2. What job do you normally do?
3. What job are you looking for?
4. Are you willing to consider any other jobs?”

They are not trick questions.

Ms. Clare Short (Birmingham, Ladywood):
“Can you start work today?”

Mr. Clarke: Yes,
“Can you start work today?”—[*Interruption.*]

Mr. Speaker: Order. The Paymaster General is seeking to give information to the House.

Hon. Members: No he is not.

Mr. Clarke:
“Can you start work today?”

is an entirely clear, unambiguous and fair question. The law established by this House makes it clear that unemployment benefit is a daily benefit and that a person is entitled to it for those days when he is able to start work but cannot find work. These are straightforward questions which I suspect every Member of the Public Accounts Committee is likely to agree should have been asked before now. We have been paying out benefit to those who are not entitled to it. If somebody refuses to answer these basic questions, he is likely to be referred to the adjudication office who will make a decision on eligibility for benefit, as he usually does, in the light of his judgment of the person's eligibility for benefit. That is true of many benefits. If a person refuses to answer questions about why he is claiming benefit, he is likely to find that his claim is put in some doubt.

Several Hon. Members rose—

Mr. Speaker: Order. I say to the House again that we have a very heavy day in front of us. I shall allow questions on the statement until half past four, and then we must move on. I ask for brief questions. Perhaps that will lead to brief answers.

Mr. Ralph Howell (Norfolk, North): I thank my right hon. and learned Friend for his statement. As he said, these obvious questions should have been asked all the way along. I urge him to progress further and to consider the introduction of a workfare system. That system has been very successful in many parts of the United States. It would provide work for those who genuinely want to work.

Mr. Clarke: As I understand it, workfare of the kind advocated by my hon. Friend is practised on any scale only in the state of West Virginia. I reserve judgment about whether it is successful there. I do not believe that it would be either suitable or necessary to introduce into this country a working-for-benefit system. I am grateful to my hon. Friend for his support for this entirely harmless questionnaire. He is right to say, as he has been saying for some time, that we should have had some test of this kind before now. No doubt he shares my astonishment that the Opposition now appear to advocate the paying out of money to anybody who comes in and asks for it, regardless of whether he wants to work.

Mr. Robert Sheldon (Ashton-under-Lyne): The right hon. and learned Gentleman did not cover other important parts of the Public Accounts Committee's report. We said that if more could be found out about the problems of the unemployed, we should then consider what action might be necessary and useful. If it could be established quite clearly that the questions would be effective without being oppressive, that would be fair. However, it is the oppressive nature of this questionnaire upon which we sought assurances that we have not received from the right hon. and learned Gentleman. Is he aware that the most important aspect is that substantial sums of money are lost to the Inland Revenue through tax fiddles and the like because the Inland Revenue does not have sufficient people to establish how much money is being lost? We have said again and again that if the Inland Revenue can assess how much tax fraud is costing the country, the DHSS ought to be able to make a similar kind of assessment to enable it to judge how many people should be examining this matter. It is the failure to do this that makes us suspect what the right hon. and learned Gentleman has in mind.

Mr. Clarke: I am a little disappointed that the right hon. Gentleman who holds an extremely prestigious position in the House as chairman of the Public Accounts Committee, whose thirtieth report on this subject is extremely clear, should be responding to political pressure and trying to put a novel interpretation on that report. The report to which he put his name says that

"The formal tests of availability for work are weak and we welcome the DHSS's decision to consider whether more effective tests are practicable."

The right hon. Gentleman asked about a survey of the extent of the problem so that we could justify the steps which have been taken. I refer him to the labour force survey that we carry out regularly. I have before me the figures for spring 1985. On the strength of that door-to-door survey, which was conducted in the privacy of the homes of those surveyed, 880,000 benefit receivers were inactive, as far as the surveyors could estimate; 260,000 had not sought work in the last four weeks; 360,000 would not like work; and 200,000 were already working. The report was justified and we responded to it. If the right

hon. Gentleman says that it is onerous, I challenge him to cite a question that is onerous in its effect. This is a perfectly sensible application of the entirely sensible recommendation of the right hon. Gentleman's own Committee.

Mr. Ian Gow (Eastbourne): is my right hon. and learned Friend aware that, in so far as criticism can be levelled at him and his Department, it is that these excellent reforms were not introduced years ago? Is the Labour party really now advocating that taxpayers' money should be used to pay unemployment benefit to people who are not entitled to it? Is he aware that the policy revealed by the Labour party this afternoon will be deeply resented by the overwhelming majority of people, not least by the low-paid?

Mr. Clarke: I agree with my hon. Friend. I have here the transcript of an interview given by the hon. Member for Kingston upon Hull, East (Mr. Prescott) on BBC television at lunchtime. It began with Mr. Martyn Lewis saying:

"I asked John Prescott whether the Government was right to make sure that unemployment benefit went only to people who are looking for work.

Yes, of course."

replied the hon. Gentleman. That leaves me utterly bewildered about what all this fuss is about.

Mr. Frank Field (Birkenhead): As the Paymaster General has twice said that he is concerned for those who are genuinely eligible for benefit, and as the Government's figures show that 400,000 unemployed people are eligible but do not claim, when can we expect the right hon. and learned Gentleman to make a statement announcing help for that group?

Mr. Clarke: We are not changing the rules of entitlement to any benefit. They are exactly as Parliament always prescribed. People entitled to benefit will continue to get it. We find that people claim unemployment benefit when they are entitled to other benefits. Our officers will refer such claims to the office which pays the benefits to which they are entitled. There is an increasing take-up of benefit. Colleagues in the Department of Health and Social Security and I welcome that.

The odd fact is, however, that recent surveys have shown that the number of people who are looking for work has fallen steadily for some time whereas the number of people who claim and receive benefits has been increasing. We now have a rapidly increasing number of jobs in the economy, and the biggest number of vacancies since 1979. It is only common sense to pay benefit to people who are genuinely unable to find work.

Sir Brandon Rhys Williams (Kensington): Should not the House reflect that, if people were refused unemployment benefit as a result of the operation of this questionnaire, we are a humane society and do not drive people to die of hunger or into total destitution? Everybody in Britain enjoys a guaranteed minimum income of one type or another.

Would not the time now be right to consider the possibility of introducing a tax credit scheme or, as I would prefer, a basic income guarantee scheme, so that people who are not really available for work would not find it necessary to apply in this way, but could manage with their small resources without the need to go through this casework?

Mr. Clarke: My hon. Friend is quite right. People entitled to other benefits will get them. I have long had sympathy with my hon. Friend's advocacy of a much simpler system such as tax credits and the eventual unification of the tax and benefit systems. That proposal continues to be examined by all who are interested in this subject. If we could simplify the system, we might enable the Opposition to understand the matter more clearly, and perhaps get their approach to benefit rules somewhat more in order.

Mr. Alfred Morris (Manchester, Wythenshawe): Will the test apply to people who, for health reasons, can do only certain types of work? What consultation has there been about the test with the organisations of disabled people?

Mr. Clarke: There will be some people who are not available for work because of ill health. They will almost certainly be entitled to sickness or invalidity benefits. They will be advised of that and referred to the DHSS.

Mr. Mark Wolfson (Sevenoaks): Is my right hon. and learned Friend aware of the wide public support that there will be for his action, not least because there is general public sympathy with the plight of the unemployed and concern that their benefits should not be cut? There is general sympathy for the proposition that people in receipt of unemployment benefit should be properly analysed. The changes will be welcomed.

Mr. Clarke: I am grateful to my hon. Friend. I am quite sure that people want us to pay benefit to those who satisfy the test that Parliament has laid down. Most people regard it as quite absurd that we make no sensible inquiries to ensure that people qualify.

Mr. Allan Rogers (Rhondda): Does the right hon. and learned Gentleman agree that it is not the questions but the interpretation of the answers that we are worried about? We are also worried about the instructions that have been given to supervisors to exclude people from the register if they do not answer the questions to their satisfaction. We are more concerned with the answers than with the questions. Does the right hon. and learned Gentleman agree that it is hypocritical to make a statement about a list of questions concerning people's availability to travel to work and their desire to seek work when there is more than 30 per cent. unemployment in my constituency, more than 18 per cent. unemployment in the county, more than 16 per cent. unemployment in the country and more than 11 per cent. unemployment in the nation? It is a daft set of questions.

Mr. Clarke: I am grateful to the hon. Gentleman for saying that there is nothing wrong with the questions. That is a big advance on the stance taken by his Front Bench and by the Liberal party. If he believes that there is something wrong with the treatment of the answers, I invite him to examine the guidance that we are giving adjudication officers. He will find that it is wholly in accordance with the law laid down by the House and the judgments of commissioners. I will make it available to any hon. Member who does not have a copy. People who cannot get work will continue to get benefit. We are not changing the rules. This is an argument about a sensible administrative change.

Mr. Tim Smith (Beaconsfield): The Opposition appear to be arguing that it is somehow oppressive to ask

somebody whether he can start work today. Surely it is only the man who is busy in the black economy who has anything to fear from that question.

Mr. Clarke: We would be completely neglecting our duty to taxpayers if we did not ask such a plainly obvious question. Those who cannot answer yes are not entitled to unemployment benefit. Every hon. Member has gone along with that law since at least 1948.

Mr. Ian Wrigglesworth (Stockton, South): Does the Paymaster General agree that he can expect the type of response that he has received from these Benches as long as he and his colleagues in the Conservative party pander to the myth that the overwhelming majority of the unemployed are scroungers. They are not scroungers, and he and his colleagues would do well to stop pandering to the myth that they are and to confront the real problem, which is providing jobs for people who are on the dole.

Mr. Clarke: I am not aware of any colleague, certainly not one for whom I am responsible, who has ever referred to a majority or a significant proportion of the unemployed as scroungers. [HON. MEMBERS: "Archer."] The number of people working in the British economy has been rising steadily for each quarter during the past 13 years. Last month, we had the best figures for falling unemployment since April 1979. We now have the largest number of vacancies notified to us since early 1979. As the Opposition parties begin to lose arguments on the real economy and employment, they are beginning to turn to obscure arguments about administration.

Mr. Piers Merchant (Newcastle-upon-Tyne, Central): Does my right hon. and learned Friend agree that his questions will not be objected to by those who have nothing to hide? Indeed, they will be welcomed in areas of high unemployment such as the north-east as people there want help concentrated on those who are genuinely unemployed and seeking work.

Mr. Clarke: We piloted some of the initiatives to bring more help to the unemployed in my hon. Friend's part of the world. We first tried out job clubs in the north-east. We are to have 1,000 of them because they were so successful at helping the long-term unemployed get back on the way to work. We had a pilot scheme for the Restart scheme in the north-east, among other areas. It, too, is now helping the long-term unemployed. That is what the House ought to be debating—or positive assistance to the young and the long-term unemployed—but it is the Opposition who want to waste time on this sort of nonsense.

Mr. Stan Crowther (Rotherham): Will the Paymaster General understand a simple point? In areas such as mine, where even on the Government's manipulated figures, unemployment is running at 23 per cent., the public want not some new system of calculation, but a policy that creates real jobs. What is there in the right hon. and learned Gentleman's statement which suggests a change of policy which will get people back to work rather than pretend that people who are out of work are not unemployed?

Mr. Clarke: I have given the latest figures for the growth of new employment and mentioned the increase in the number of people in employment. I welcome the opportunity to come to the House to make a statement about the introduction of the two-year youth training

scheme, Restart and the new policy initiatives that my right hon. and noble Friend announced last month. Those are the positive steps that the Government are taking.

I am making this statement because an Opposition Member got hold of some long-available literature about the administrative change, which we had distributed to our trade unions. The result is that the House has had its attention drawn to what I would have thought was a rather elementary step, taking heed of an all-party Committee's advice to ensure that we pay benefits only to those who are genuinely unemployed.

Sir Kenneth Lewis (Stamford and Spalding): So far as I can see, my right hon. and learned Friend is simply putting into formal writing what was previously asked orally. If it was not it should have been.

How often will the candidate seeking work fill in one of these forms? Will it be once for all? Will it be done every month, or every three months? My right hon. and learned Friend will understand that one of the difficulties for people who are available for work and who find work away is that they cannot afford to take it because they wish to keep the family together.

Mr. Clarke: Previously, only one question was asked which I will paraphrase as, "Are you available for work?" Of those questioned, 99 per cent. said yes. The Public Accounts Committee rightly pointed out that that was a rather dubious answer and that serious tests were required. That is what we have introduced.

The questionnaire will be used only for new claimants who apply for benefit. Experience has shown that of those who become unemployed, half move into new jobs within three months—that is the usual pattern in our economy. If they fall into the category—a fifth will—of becoming long-term unemployed, they will be given, after 12 months, an hour-long interview under our Restart programme and they will be steered back into the path of work. That will occur unless, at that stage, they reveal that they are not available for work. We are piloting interviews with people who have been on the register for six months to see whether it is worthwhile to extend the Restart programme.

Several Hon. Members *rose*—

Mr. Speaker: Order. I will allow questions to continue for a further five minutes on this important matter but then we must move on.

Mr. Terry Fields (Liverpool, Broadgreen): Will the Paymaster General comment on why 20 employees from unemployment offices in the north-west, seconded to a course starting next week should be staying at the prestigious Adelphi hotel in Liverpool at a charge of £36 a night? Their aim is to stop people claiming legitimate expenses through unemployment benefit. The age of the super-snooper has arrived when the Minister's Department can spend out £36 a night to train these people for a week which equates to £3,600 per week. That is twice the amount that a single claimant would take two years to acquire. The Government should be spending resources in Liverpool where one in four people is underpaid, where £20 million is unclaimed and the staff of unemployment offices are already stretched. When will the Government do something in that direction?

Mr. Clarke: I thought the hon. Gentleman usually discribed as snoopers those people who took part in fraud

investigations. I know he objects to such investigations, but we believe that it is right to investigate the fraud that occurs.

This questionnaire is quite a different matter. It is not right that it is depriving benefit to those who are legally entitled. These questions and the guidance we have given are merely to ensure that the law, as laid down by this House, and last restated when Labour was in power, is properly applied. Those who satisfy the criteria for entitlement will, of course, get benefit.

Mr. Tim Yeo (Suffolk, South): Will my right hon. and learned Friend confirm that, not only do those people who are genuinely seeking work have absolutely nothing to fear from the changes that he has outlined, but that it is positively in the interests of those who are seeking work—including the category referred to by the hon. Member for Birkenhead (Mr. Field), those who are entitled but are not claiming—that those who are not genuinely seeking work should not receive benefit?

Mr. Clarke: I wholly agree with my hon. Friend. I believe that would be the reaction of the vast majority of British people if they follow this afternoon's exchanges.

Mr. Jack Ashley (Stoke-on-Trent, South): It is very interesting to see the Minister's air of injured innocence, especially after his bland statements.

Can he confirm or deny a report in *The Guardian* today that benefits will be denied to newly unemployed people if they cannot make arrangements to take care of a disabled relative? Will he recognise that such a proposal would be not only shocking but unrealistic because when he was Minister for Health he and his colleagues did nothing to improve community care for severely disabled people?

Mr. Clarke: On this occasion, I shall not be drawn by the right hon. Gentleman's last outrageous allegation, but I do not agree.

The questions are designed to ensure that people are available for work. People who are not free to take work on the day for which they are claiming are not entitled to benefit. The House has always ruled so. I have not heard any Opposition Member say that he or she wishes to see the law on entitlement changed.

With regard to the care of disabled there are other benefits available to which the disabled person or his carer may be entitled. During our period of office, we have made a vast improvement to the range of benefits and their scales which are available to disabled people.

Mr. Peter Thurnham (Bolton, North-East): Does my right hon. and learned Friend agree that it is in the interests of all genuine claimants that these tests should be fully effective? Genuine claimants should welcome an interview within 16 weeks as recommended by the Rayner scrutiny team.

Mr. Clarke: I agree with my hon. Friend. The person who is genuinely unemployed—who has been made redundant, is looking for a job but cannot find one—will share our opinion. He has a claim record and is entitled to benefit, and he would not wish to see that benefit going to someone who comes into the office but is obviously not available for work. Those who are genuinely unemployed feel just as strongly about this as do many employed members of the public.

Ms. Clare Short: The Paymaster General has been less than fully honest with the House. He has told us that this is a simple tidying up exercise and is not a change in policy. However, the briefing note that went out to all staff in unemployment benefit offices — but not to hon. Members—stated:

“The experiments are showing that using the UB671 questionnaire . . . has reduced the number of claims made and increased the number disallowed.”

That is what it is about and that is what the Minister told his staff it was about—reducing the numbers. [HON. MEMBERS: “So what?”] Let me explain to Conservative Members who do not understand anything about the processes that — [AN HON. MEMBER: “Come to the question.”] Certainly I will.

I hope the Paymaster General can answer my question. One of the questions to be put to the long-term unemployed is:

“Can you start work today?”

That is asked of someone who has been unemployed for a year, two years or three years. That person might say, “I cannot start today because I have promised to do this or that, but I can start in a couple of days if there is a job for me.” What happens to that person?

He will be asked:

“How far are you able to travel to work?”

What happens if he says, “I used to have a car but as I have been unemployed for so long I cannot travel very far now.”

He will be asked:

“Do you have any adults or children to care for during working hours?”

What happens to that man if he says, “One of the joys I have had of being unemployed is that I have seen more of my children and have cared for them. I care for them during the day but if there is a job available I can make other arrangements.”

He will be asked:

“What is the MINIMUM WEEKLY wage or salary (before deductions) you are willing to take?”

Will the Paymaster General tell us the minimum that people must accept or face having their benefits cut?

I was not alive in the 1930s but generations of my family have passed on to me stories about the wickedness of the means test. Generations of today’s unemployed will pass on the story of how this Government frightened people out of the unemployment figures instead of providing real jobs for them.

Mr. Clarke: It is certainly the case that when we have tested this new system we have found that over 3 per cent. of people, when faced with the card that tells them that they must be available for work and with the other questions, do not pursue their claims.

I have spoken to some of our staff who tell me that some people did not realise that one had to be available for work before claiming unemployment benefit. We have also found that there are others who, when they fill in the form make it clear that they are not available for work and they are disallowed benefit to which they are not entitled.

The hon. Lady tried to show what was wrong with the questions, especially those she cited. There is a question which states:

“Can you start work today?”

The answer is yes or no but, if the answer is no, one is asked to explain why and say when one would be

available for work. If the answer was, “Because I need a day or two to make arrangements to stop doing what I am doing”——

Ms. Clare Short: They stop their money.

Mr. Clarke: No, they do not—of course they do not—[*Interruption.*]

It appears that many hon. Members want to answer the question, but it is not especially complicated. The form is phrased in a way that allows people to explain why they cannot start work. If it is obvious that a person is not available on certain days, he is not entitled to benefit. That is the law that was restated by the Labour Government.

The form asks:

“Do you have any adults or children to care for during working hours?”

The person has to tick either the “Yes” box or the “No” box. If the answer is yes, the next question is “can you make IMMEDIATE arrangements for their care if you get a job?”

If that person can make immediate arrangements, he is available for work and therefore entitled to benefit. However, if he proposed to stay at home and look after his children, which is a perfectly free choice, he would not be eligible for unemployment benefit. That has always been the case.

On the point about the wage that people want, the test is whether what they are seeking is reasonable in their circumstances and in the circumstances of the labour market where they live. People who will be disallowed are those who claim that they are available for work, but will accept only a minimum salary that is far above anything that they have earned before or could reasonably hope to earn, or above the going rate for the sort of jobs, for which they are suitably qualified, in the locality in which they live. That is not a change in the system—it is existing law. Parliament has always supported those rulings. The questions are clear, straightforward and are not oppressive.

I challenge the Opposition to say whether they would withdraw these questions and simply return to one question that would give all the money to anybody who came through the door of the DHSS office.

Several Hon. Members *rose*——

Mr. Speaker: Order. I realise that this is a highly contentious matter. It is not possible for me to call every hon. Member who wishes to contribute. However, I have a list of those who I have not been able to call, and I shall give them preference when we return to this subject, as undoubtedly we shall.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): On a point of order, Mr. Speaker.

Mr. Martin J. O’Neill (Clackmannan): On a point of order, Mr. Speaker. I appreciate the difficulties under which you operate, but is there no mechanism in this House whereby clandestine operations, like the one that has just been described to us, can be communicated to hon. Members whose constituencies are affected? Many of us have been under a great deal of pressure during the weekend because of the Government’s proposals.

Mr. Speaker: I doubt whether there is a constituency in the country that this matter does not affect. It is clear that if every hon. Member was called we would not move on to the next subject of business for today, which is very

important. I think that the whole House would agree that hon. Members wishing to take part in that debate have an equal right to the available time.

STATUTORY INSTRUMENTS, &c.

Mr. Speaker: With the leave of the House, I shall put together the three motions relating to statutory instruments. The Question is that the three instruments be referred—

Mr. Dennis Skinner (Bolsover): On a point of order, Mr. Speaker.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): On a point of order, Mr. Speaker.

Mr. J. Enoch Powell (South Down): On a point of order, Mr. Speaker.

Mr. Speaker: Order.

Mr. Skinner: I am trying to raise a point of order.

Mr. Speaker: Order. I am on my feet.

Mr. Skinner: It is a point of order.

Mr. Speaker: Order. I do not care—I am on my feet.

The Question is that the three instruments be referred to a Standing Committee on Statutory Instruments, &c. As many as are of that opinion, say aye—

Mr. J. Enoch Powell: Object.

Mr. Speaker: Is there an objection?

Mr. Powell: I was hoping to ask you, Mr. Speaker, to put the motions separately so that it would be possible to object to one of them.

Mr. Speaker: I shall do so.

Ordered,

That the Customs Duties (ECSC) (No. 2) (Amendment No. 4) Order 1986 (S.I., 1986, No. 1352) be referred to a Standing Committee on Statutory Instruments, &c.—[*Mr. Malone.*]

Motion made, and Question put.

That the draft International Fund for Ireland (Immunities and Privileges) Order be referred to a Standing Committee on Statutory Instruments, &c.

Mr. J. Enoch Powell: Object.

Mr. Speaker: Does the right hon. Gentleman have the support of 20 hon. Members?

Several Hon. Members rose—

Mr. Speaker: I shall put the Question, and it can be subject to Division if hon. Members so wish.

Question agreed to.

Ordered,

That the Highlands and Islands Development Board Area Extension Order 1986 be referred to a Standing Committee on Statutory Instruments, &c.—[*Mr. Malone.*]

EUROPEAN DOCUMENTS

Motion made, and Question put forthwith pursuant to Standing Order No. 80(5) (Standing Committees on European Community documents).

INTRA-COMMUNITY TRADE

That European Community Documents Nos. 9453/83 on intra-Community trade in bovine and pig semen, 11403/85 on intra-Community trade in meat products, 6364/86, 6365/86 6366/86 and 6367/86 concerning draft proposals for a new approach to harmonisation in the field of foodstuffs and the draft proposals by the Commission of the European Communities described in the Ministry of Agriculture, Fisheries and Food's unnumbered explanatory memorandum of 9th July 1986 on food flavourings, be referred to a Standing Committee on European Community Documents.—[*Mr. Malone.*]

Question agreed to.

Chancellor of the Duchy of Lancaster

Mr. Dennis Skinner (Bolsover): On a point of order, Mr. Speaker.

Mr. Speaker: Is this a genuine point of order or a continuation of the previous questions?

Mr. Skinner: Yes, it is genuine, if you will allow me—[HON. MEMBERS: "Come on."] This will not take too long.

You will recall, Mr. Speaker, that last Thursday there was an altercation in the House—to which I did not pay any special attention—when the right hon. Member for Chingford (Mr. Tebbit) walked out. Subsequently, there were a couple of points of order that petered out. I was not present yesterday to hear my hon. Friend the Member for Workington (Mr. Campbell-Savours) raise a point of order requesting a personal statement about what the right hon. Member for Chingford had threatened in the House and then said outside. I have been looking at the different statements made both inside and outside the House. I am one of those who are quite prepared to follow the suggestion of the right hon. Member for Chingford and repeat outside what I say in here. I have always believed in that.

However, I have a problem. When the right hon. Member for Chingford stormed and flounced out—I make no point about that, because it is his business—he said, and I quote, "The witness approached Mitchell." Three hours later, he changed that to—

Mr. Speaker: Order. I do not think that I can help the hon. Gentleman. What the right hon. Member for Chingford (Mr. Tebbit) said outside the Chamber is not a matter for me.

Mr. Skinner: I am coming to my point, Mr. Speaker. As I said earlier, I was quite prepared to take on the right hon. Member for Chingford, but three hours after having made his statement outside the House, he changed it and said that in fact Mitchell had approached the witness. We need to know exactly what the right hon. Gentleman is saying outside the House. It would not be a bad idea if he came inside the House and made a personal statement. You can have a say in that, Mr. Speaker because a personal statement is not like a ministerial statement. If the right hon. Gentleman did that, my hon. Friend the Member for Workington and others could challenge him. We want to know exactly what he means. Hon. Members could challenge him in the House and then I could challenge him outside, just as he cleverly suggested last Thursday. I think that it is important that the House has that statement before it.

Mr. David Winnick (Walsall, North) *rose*—

Mr. Speaker: I hope that the hon. Gentleman is not seeking to be called on the next debate, because many other hon. Members are.

Mr. Winnick: One of the problems that was pointed out yesterday—[AN HON. MEMBER: "What is the point of order?"] It is a point of order. As was pointed out yesterday, it is extremely difficult to question the Chancellor of the Duchy of Lancaster. The right hon. Gentleman has made a provocative statement. I know that that has absolutely nothing to do with the Chair, but we now believe that Tory Central Office was probably involved in a conspiracy. We are not in a position to

[LORD PRYS-DAVIES.]

my question: are we therefore not right in concluding that since last June the Government's view has been hardening against a Bill of Rights for Northern Ireland?

Lord Lyell: My Lords, I am glad that the noble Lord, Lord Prys-Davies, gave us the whole quote from the communiqué after the Intergovernmental Conference meeting on 6th October. No, the Government's view is not hardening, but, as the noble Lord will know, and as I hope I have indicated already, there are many aspects of this particular matter to be considered. As the noble Lord will be aware, many of them were considered in your Lordships' House during the debate last December.

Lord Prys-Davies: My Lords, may I put a second question to the Minister? The Standing Advisory Commission on Human Rights in Northern Ireland, with the financial support of the Government and other support, is undertaking a major review of human rights in Northern Ireland and of the laws and institutions protecting the citizen against discrimination. That is a major review. Will the Minister confirm to the House that the Government will take no decision concerning human rights in Northern Ireland which would require legislation until the report of the Standing Advisory Commission on Human Rights has been presented to the Government in 12 months' time?

Lord Lyell: My Lords, I could not give that guarantee, but I should say that the Standing Advisory Commission on Human Rights began this extensive review in 1985, as no doubt the noble Lord will be aware. I think also he may take as an indication of our support the fact that the Government have given £150,000 of additional funding as well as additional staff. So the Government do take this work very seriously. However, I could not give a guarantee, particularly on the time-scale, such as the noble Lord has sought.

Lord Murray of Epping Forest: My Lords, in examining the feasibility of a Bill of Rights in Northern Ireland, will the noble Lord take proper account of the need to consider the right to work as an essential right of the people of Northern Ireland? In that situation, does he join in commending the Northern Ireland Committee of the ICTU on its recent initiative in the calling of a conference to insist that the men of terror shall not be allowed to intimidate ordinary men and women from going about their normal work in Northern Ireland?

Lord Lyell: My Lords, my right honourable friend the Secretary of State has indicated our strong support, and I hope that might help the noble Lord. I am sure your Lordships, as well as the noble Lord, will be happy to know that the Government support equal opportunities in Northern Ireland, and a body of legislation exists to assist this particular aspect. A consultative paper called *Equality of Opportunity in Employment in Northern Ireland* was published on 16th September last, and we would welcome any comments on this document by 31st March 1987.

Lord Monson: My Lords, would the noble Lord the Minister agree that the fact that the minority population in the south of Ireland has sharply decreased in both absolute and proportionate terms over the past 65 years, whereas the minority population in the North has increased over the same period, both proportionately and absolutely, demonstrates that a Bill of Rights is needed every bit as much in the Republic as it is in the North of Ireland?

Lord Lyell: My Lords, the noble Lord's question is very interesting, but I believe that it is a little wide of the Question on the Order Paper.

Business

Lord Denham: My Lords, at a convenient moment after 3.30 this afternoon, my noble friend Lady Young will, with the leave of the House, repeat a Statement that is to be made in another place on the Foreign Affairs Council.

Unemployment Benefit Claimants

2.58 p.m.

Lord Young of Graffham: My Lords, with the leave of the House, I should like to make a Statement about the test of availability for work. The Statement is as follows.

This summer we have been testing a new procedure following criticisms by the Public Accounts Committee about the effectiveness of the current arrangements for testing the availability for work of claimants for unemployment benefit. The new procedure consists of an expanded questionnaire issued to all new claimants which seeks information about the work they are looking for and what steps they are taking to make themselves available for work. Claimants have also been interviewed where appropriate to assist in determining their eligibility for benefit and to help them towards suitable labour market opportunities.

Perhaps I could remind the House that it is a long-standing condition for the receipt of unemployment benefit that persons have to be available for work on every day for which they make a claim. The test of availability is normally satisfied by persons showing that they are actively seeking work on those days for which benefit is paid. The final decision about entitlement rests with the independent statutory authorities—an adjudication officer in the first instance—and there are statutory rights of appeal against decisions made.

The new procedure that we have tested in the pilot areas has shown that the better evidence provided by the new form enables a proper assessment to be made of a person's entitlement to benefit. We will therefore be introducing it progressively in all unemployment benefit offices from the end of October.

The rules that make benefit payable only to those people who are available for work are long standing and the Government have no present intention to change them. The new arrangements are simply changes in the procedure in applying the existing rules.

My Lords, that concludes the Statement.

We have told all authorities to give priority to ensuring that the laboratory can meet demand and avoid backlogs.

Football Hooligans: Video Identification

2.48 p.m.

Lord Campbell of Croy: My Lords, I beg leave to ask the Question standing in my name on the Order Paper.

The Question was as follows:

To ask Her Majesty's Government whether they are encouraging the police to use video recordings to identify hooligans at football matches.

The Minister of State, Home Office (The Earl of Caithness): Yes, my Lords. The Government warmly welcome the use of video-recording equipment at grounds. It has a deterrent value, as well as helping to identify offenders.

Lord Campbell of Croy: My Lords, I thank my noble friend for that very satisfactory reply. As the first application of this method appears to have been very successful, attracting the willing help of the public, including that of parents of possible offenders, are the Government satisfied that the equipment required is within the means of the police forces concerned?

The Earl of Caithness: My Lords, it all depends on what equipment is required by those who own and run the football stadiums. If they want to go for an expensive system, I am sure that they will judge that on their budgets. But we believe that the basic system which the police find satisfactory is well within the capabilities of football clubs.

Lord Mellish: My Lords, is the Minister aware that the time is well overdue when credit should be given to the managements of many of the football clubs who suffer from the hooligan problem? I speak as the president of Millwall Football Club, and it is a fact that a tiny minority have made it impossible for decent people to go to watch football. The clubs themselves are very much aware of the problem and are prepared to co-operate with the police to do everything they can. It really is about time that somebody in high places said something decent about football clubs themselves.

The Earl of Caithness: My Lords, indeed, my right honourable friend the Prime Minister has said plenty of nice things about football clubs, and I should like to join her in saying I am glad that they have come along with the Government in this partnership to try to improve the situation.

Lord Gainford: My Lords, has my noble friend the Minister any details of arrests and convictions as a result of the use of these video systems?

The Earl of Caithness: My Lords, I have not those figures, but I can tell the House that arrests at football league grounds at Divisions 1 and 2 matches fell by 47 per cent. last season.

Lord Mishcon: My Lords, the Question is about the police use of video recordings. Can the noble Lord the Minister indicate what grants are made to the police to enable them to have these video recordings?

The Earl of Caithness: My Lords, as I understand it, the Football Trust, which is a legally independent body established by a trust deed in 1979, can give a grant for police-approved equipment up to £25,000 and for non-police approved equipment up to £12,500.

Northern Ireland: Human Rights

2.52 p.m.

Lord Morris: My Lords, I beg leave to ask the Question standing in my name on the Order Paper.

The Question was as follows:

To ask Her Majesty's Government whether they propose to promote a declaration of rights for Northern Ireland.

The Parliamentary Under-Secretary of State, Northern Ireland Office (Lord Lyell): My Lords, we are considering, together with the Irish Government, proposals which will underline the commitment of both governments to the effective protection of human rights.

Lord Morris: My Lords, I am most grateful for that Answer. Will the same initiative be taken so far as the United Kingdom as a whole is concerned?

Lord Lyell: My Lords, the noble Lord will be aware that there was a lengthy debate on this subject at the end of last year, initiated by my noble friend Lord Broxbourne. There are major technical difficulties in having an effective Bill of Rights in only one part of the United Kingdom; and of course this would also oblige the judiciary to make what we should call political judgments. That was the main reason why my right honourable and noble colleagues decided recently against a Bill of Rights for the United Kingdom as a whole.

Baroness Seear: My Lords, can the noble Lord explain why a Bill of Rights would be a good thing for Irishmen and not for the rest of the United Kingdom?

Lord Lyell: My Lords, I thought I had indicated that we considered that we should treat this matter on a United Kingdom basis.

Lord Prys-Davies: My Lords, I wonder whether the noble Lord the Minister can elaborate a little on his reply. On 6th June the Secretary of State said that he would "listen carefully"—those were his words—to any proposal put forward by the Irish Government relating to the advantages of a Bill of Rights. But in the communiqué issued on 6th October, after the last meeting of the Intergovernmental Conference, it was recorded that the Government saw some difficulties with the proposal.

The communiqué went on to say that they were prepared to consider alternative initiatives. So this is

Lord Stoddart of Swindon: My Lords, I should like to thank the noble Lord, Lord Young of Graffham, for making this Statement in the House today, though I have to say that we are rather disappointed that he has not given details of the expanded questionnaire. We must therefore rely on press reports in this morning's newspapers. Indeed, it seems that the Government had to be pressurised into revealing their intentions through the disclosure of documents and press reports today. Can the noble Lord explain why a Statement was not made earlier than today? Can he also say why press reports this morning referred to a Statement to be made by the Paymaster-General to the House of Commons today and omitted the fact that the noble Lord was to make a Statement to this House, as I am very glad that he did?

Is the noble Lord aware that the Opposition believes that the Statement is quite unhelpful? It indicates that the Government are bankrupt of real ideas for curing mass unemployment and are instead trying to fool the electorate by further massaging and manipulating the figures. Despite this, unemployment continues on its inexorably upward course. In September, the unemployment total soared to 3.5 million—that is, according to the official figures—and monthly increases during the past six months have averaged 9,300. If the CBI is to be believed, job losses will continue over the months to come at the rate of some 8,000 a month.

Will the noble Lord confirm that this is the eighteenth change in the method of compilation of unemployment statistics since 1979? Will he say what the official unemployment figures would show on the basis of calculation used before 1979? We should be most interested to have that figure. Does he agree that there is a qualitative difference between past changes, which are a case of statistical manipulation, and these changes which are designed to pressurise people and frighten them off the unemployment register?

Is it not the case that these questions, which are contained in today's press and which are to be asked of the unemployed, are not only obnoxious in themselves but could appear even more threatening by the manner of their asking? Is it not also reprehensible that applicants will be in danger of being refused benefit if they do not answer questions in a manner suitable to the interrogator? It seems that there can be no record of applicants refused in this way—or is it intended that a record of refusal should be kept and be open to scrutiny?

Is it correct, as reported in the press, that the recruitment of fraud staff has been halted to switch more interrogators to this scheme? Does this mean that the Government are less concerned with catching the crooked and more concerned with keeping the genuine applicant off the unemployment register? I hope that the noble Lord will be able to answer these questions to the satisfaction of the House.

Baroness Seear: My Lords, I thank the noble Lord for making the Statement in this House this afternoon. However, I must agree with the noble Lord on the Front Bench of the Labour Party that it is an extremely brief and unrevealing Statement. I should very much like to know the real reason behind this change. I take it that the questionnaire which has been referred to is

a written questionnaire since the phrase used is "questionnaire issued to all new claimants."

What sort of questions will be asked? It is impossible for us to make a judgment about this until we know what the questions are, but is it not likely that people (and especially people from unskilled categories who find themselves unemployed) will be somewhat intimidated and apprehensive in filling in a written questionnaire? We cannot judge the extent to which this will be so without knowing what the questions are. We must ask the Secretary of State to tell us more about the nature of these questions.

Has it not always been the practice, and ought it not always to be the practice, for the staff of Jobcentres and employment exchanges to discuss orally with applicants what kind of work they are looking for and whether they are available? Why is it necessary, if they are doing their jobs properly with oral contact with claimants, to issue a form which they must fill in? Surely there are quite enough forms to be filled in, and this is a bad moment to ask more people to contribute more forms. Moreover, if I were an unemployed person in many parts of this country and if I were asked what I was doing to make myself available for work and what kind of work I was looking for in areas with 20 per cent. unemployment, and in which unemployment for the unskilled (which a great many of these people will be) is high, I should take a very poor view of being asked what I was doing to look for work when the chance of getting it was so very remote.

I am bound to say that if the Government had not cut down on staff in Jobcentres, as they did a year or two ago, it might be possible to carry out this work in a far more humane and intelligent way by personal contact with the unemployed, rather than by issuing forms to be filled in which are likely to intimidate and produce little that is useful. I have not in the past joined in the argument that what the Government are really trying to do is to massage the unemployment figures. However, Statements of this kind make it extremely difficult for us not to believe that this is one of the major purposes of this change.

Lord Young of Graffham: My Lords, I must confess my amazement at the response which I have now heard from the other side about what is a mere requirement by the Public Accounts Committee. Perhaps I may read the actual wording of the Public Accounts Committee report. It says:

"The formal tests of availability for work are weak and we welcome the DHSS's decision to consider whether more effective tests are practicable. We recognise that resources for undertaking tests are limited but we urge that a review of the role and number of unemployment review officers now being undertaken indicates that an increase in the scale and scope of their work will be cost-effective".

I should remind noble Lords that the chairman of the Public Accounts Committee at that time was not from our side. The PAC's recommendation is the precise reason that the test is there.

For the noble Lord, Lord Stoddart, I have a word of advice: he should not regard press reports as infallible. The noble Lord referred to 3.5 million unemployed as being the last figure and commented on the soaring increase. I believe it was the *Guardian* which said on that day that unemployment was going up by 100,000,

[LORD YOUNG OF GRAFFHAM.]

whereas seasonally adjusted it showed the greatest fall since April 1979 and the number of vacancies showed the greatest increase since December 1979.

No one in your Lordships' House, no matter on which Bench anyone sits, would actually welcome people being out of work and people fraudulently claiming benefit. I am sure that that is common ground between all of us. No one would want that. Indeed, when unemployment benefit first came in there was a requirement to sign on daily. That was changed to a weekly requirement and it was during the lifetime of this Government that it was changed to a fortnightly requirement.

The noble Baroness, Lady Seear, asked for the reason behind this questionnaire, and of course the reason is the Public Accounts Committee. She asked, "Does the staff not ask these questions?" It was the Public Accounts Committee that criticised the benefit officers because they merely asked an applicant coming in for benefit, "Are you available for work?" So long as the applicant said yes, that was an end to the matter.

I shall now read out some of the questions from the questionnaire. The first is, "What are you doing to find work?" That is not an unreasonable question since unemployment benefit is payable on a daily basis and has only been due legally since 1948 on the basis that the applicant is doing something to find work. It asks, "What job do you normally do?" I do not find that a very difficult question. It goes on, "What job are you looking for?" Someone must have some idea of what job. Then, "Are you willing to consider any other jobs? Yes or No. If No, please give your reasons". I do not find that very difficult. It continues, "Can you start work today? Yes or No. If not, please say why. When can you start work? Are you looking for full-time work? Yes or No. If No, please give your reasons. Write against each day the hours you can work". None of those questions is difficult. The form goes on "How far are you able to travel to work? Do you have any adults or children to care for during working hours? If Yes, can you make immediate arrangements for their care if you get a job?"

Unemployment benefit is available to those people looking for work. There are other benefits the purpose of which is to look after people. The questionnaire continues, "What was your weekly wage or salary before deductions in your last job? What is the minimum weekly wage or salary you are willing to take now? If the new wage you are looking for is more than the last wage, please say why". I hardly think that that is a difficult questionnaire.

If anybody finds that a difficult questionnaire when they come in to register for benefit, your Lordships may be assured of this. If anybody protests, there is an adjudication officer who will rule on the case and if that adjudication officer's decision is at fault there is an appeals procedure. There is a long and steady body of case-law regarding availability for work. It has been in existence since 1948. This Government are not changing it. But we are ensuring that benefit will go, and freely go, to those entitled to it.

Lord Harmar-Nicholls: My Lords, is my noble friend aware that, quite apart from the Public Accounts Committee, people in every street in the land invariably have knowledge of some flagrant abuse of the social security system as it stands? Is he also aware that those self-same people are asking today what the Government are doing about it? This questionnaire is a way of doing something about it which need bring fear only to people who are abusing the system. Those who are not abusing the system have nothing to fear. Is my noble friend further aware that people hope that he will not be put off doing his duty by silly talk about massaging figures for electoral reasons?

Lord Young of Graffham: My Lords, I am very grateful to my noble friend for what he said and for his reminder that I did not deal with one point made by the noble Lord and the noble Baroness opposite. I read about the 18 changes. Inflation is very much with us. It was 16 only a day or so ago and it goes up by one a day. It is true to say that there have been six changes since 1979 which have altered the nature of the count. The last change was to include the self-employed—I do not think that the self-employed in this country are non-persons—for the purpose only of calculating the percentage of those out of work. As regards the change before that, John Prescott, a spokesman for the Opposition in another place, admitted on television that he would have made precisely the same change, which was to delay the count for two weeks in order to get a more accurate figure.

The biggest change was in the administrative nature of the count itself, when we went from compulsory registration at jobcentres, which was a clerical function and did absolutely nothing to help unemployed people, to the present count, which is a claimant count. There is one other indicator of unemployment in this country and that is the Labour Force Survey. The Labour Force Survey shows that 13 per cent. of people claiming benefit are not looking for work or are not interested in a job. The Labour Force Survey showed that at that time the figure of those unemployed who had looked for work in the previous month was 2.8 million and was going down.

Lord Blyton: My Lords, is the Minister aware that it seems that the Government are getting very near to what the Tory Party did in the 1920s, when they cleared our people off the dole on the basis of not genuinely seeking work? We were up in arms and it took us nearly 18 years to get shot of that obnoxious thing which was then perpetrated by the Conservative Government and, by God, they are getting very near to it now!

3.15 p.m.

Lord Young of Graffham: My Lords, let me assure your Lordships' House that I would not inflict on the unemployed the conditions which the Labour Government of 1945 to 1951 inflicted on the unemployed, which was making them turn up daily in order to sign on. That we should never do. As for the rest, can anyone in the House say that he actually welcomes people not entitled to benefit getting it? There is one other very important matter and it is

simply this. There are many in our society who claim the wrong benefits. There are many who come forward for unemployment benefit when they are entitled to sick, disablement or other benefits and when they would often be better off with those other benefits. It is our duty, if we have anything of a caring society, to ensure that people get the benefits to which they are entitled and at the same time to ensure that people do not get benefits if they are not entitled to them.

Lord Mackie of Benshie: My Lords, if the object is to catch the fraudsters, the noble Lord's questionnaire will be quite useless. That is because the fraudsters are extremely good at it and they will romp through the questionnaire with a smile on their face, whereas the innocent and the inadequate, who are generally worried about it, will fill it in with great foreboding. But the noble Lord will not catch one single fraudster with the questionnaire.

Lord Young of Graffham: My Lords, I repeat that this questionnaire does not have the object of catching fraudsters. The clever in our society will get past any test. That is always a problem. It is a problem for any government and any system. It applies not only to those drawing benefit, but to all things in our world. The purpose of this test, in following the PAC, is simply to ensure that people recognise and know exactly on what terms unemployment benefit is paid to them, which are that they should be available for work. That is the purpose of the form. It is not for catching people. I have heard such curious tales on the other side; I have heard such curious tales on the media before this form came out about how it would reduce the unemployment benefit paid to hundreds of thousands. Is anybody seriously saying that there are hundreds of thousands of people claiming benefit to which they are not entitled? If there are, we should do something about it. But I am not saying that. I am merely saying that this is there to help people.

Lord Boyd-Carpenter: My Lords, in view of the suggestions which have been made from the other side of the House about this action, will my noble friend bring out even more clearly that the Government in this action have been paying full attention to the recommendations of the Public Accounts Committee in another place and that that body—I speak as a former chairman of it—is perhaps the most respected of all Select Committees in another place and is presided over at the moment by a very distinguished member of the Labour Party?

Lord Young of Graffham: My Lords, I am well aware of the Public Accounts Committee. In a previous incarnation I had the unfortunate pleasure of being an accounting officer and was responsible for all the spending of the Manpower Services Commission. I know exactly how much we need to ensure that the PAC's wishes are followed.

Lord Hughes: My Lords, the noble Lord indicated that he would read some of the questions which were put. Is he prepared to make the complete list available in the Library of the House?

Lord Young of Graffham: Yes, my Lords, I am very grateful to the noble Lord. I did in fact read all the questions. I shall certainly put the list in the House. I thought it might appear to be a wrong interpretation if I did not read them all. I am afraid that I bored many in your Lordships House but I read them all.

Lord Jacques: My Lords, will the noble Lord bear in mind that there are people in all parties who believe that the best way of preventing abuse of unemployment benefit is to guarantee employment after a given period of unemployment?

Lord Young of Graffham: Yes, my Lords. I hear that. I hear that from the Select Committee of another place about a guarantee for the three-year unemployed. It is very difficult to fulfil such a guarantee. We already have considerable problems and protests from part of the private sector about the size of today's community programme. Let me assure all in your Lordships' House that unemployment is not welcomed by any government in any country. If there was an easy way out of it, even if this Government would not take it, some other government would, yet unemployment in Europe still continues.

Lord Stallard: My Lords, is it not a fact that anyone who claims benefit in this country, be it unemployment, sickness or any other benefit, fills in a form and has to give all his family details, his background and so on on that form? What is different about this form from the form that we all have to fill in anyway when we claim benefit, and how often will it be necessary to renew the answers in a follow-up to this form?

Lord Young of Graffham: My Lords, this is a form which is filled in at a person's initial signing on for unemployment benefit. In that respect, it is different from the other forms, which are normally required when you are looking for sickness, disability or other maintenance benefits and when, in those circumstances you are making your claim for those benefits.

Lord Thorneycroft: My Lords, does my noble friend agree that if anyone genuinely wishes to give help to the unemployed or to find a proper analysis of this great social problem, questions of this kind must be asked? Indeed the only question is why more of them were not asked before.

Lord Young of Graffham: My Lords, I am very grateful to my noble friend. I confess that I find curious the reaction to this straightforward introduction of a piece of administrative work. It is almost as though the one thing everyone fears is that unemployment will go down as a result thereof. But true unemployment will not be affected one whit in this country by this form, for anyone who is genuinely unemployed will not be deterred by it at all.

Lord Lloyd of Kilgerran: My Lords, may I presume to congratulate the Secretary of State and recognise the deep sincerity he feels in dealing with this dreadful question of unemployment? Is he aware that the

[LORD LLOYD OF KILGERRAN.]

implementation of the proposals in the White Paper on *Intellectual Property Rights and Innovation* is likely to reduce and destroy jobs for several tens of thousands of persons in the spare parts industry? Therefore would it not be proper in his view to abolish those principles in the White Paper so that a test for availability for work is not necessary? I apologise that I have not given notice of this question to the Secretary of State and I realise that perhaps he may not wish to answer it at this time, as it is perhaps somewhat wide of the matter before us. Nevertheless, the point was raised on this side of the House. One way to get rid of the test of availability for work is to make sure that one is not destroying jobs at this stage.

Lord Young of Graffham: My Lords, I am sure the noble Lord will be happy that I agree with him that his question is a long way removed from the Statement before us and is one which should not be asked in regard to this form. No doubt the noble Lord can put down such a Question if he so wishes. Perhaps I may say that whatever steps are taken, I shall always hope that as part of the normal formal test for unemployment benefit it should be established that it is paid only on the condition that individuals hold themselves available for work.

Lord Wallace of Coslany: My Lords, is the noble Lord aware that the great majority of the unemployed are desperate to seek and obtain work? There is no doubt in my mind that a great many of those who have asked questions on the Statement have never experienced unemployment and the daily signing on for the dole. If they had, they would have taken a different line because unemployment is a disaster and a psychological disaster, and this form will only impose a greater burden. It is a psychological error and will only rub salt into the wound.

Lord Young of Graffham: My Lords, I am very sorry that I cannot agree with the noble Lord because this test has nothing to do with unemployment; it has to do with the conditions which must be fulfilled by people drawing unemployment benefit. With the greatest of respect, I am fully aware of the evils of unemployment. I have spent much of the past four or five years of my life concerned with such matters. I believe that we are on the right course for remedying an evil, but I must repeat that unemployment is not unique to the United Kingdom; it exists all over Europe. It is an illness of the industrialised world and we are taking steps to cure it; and we will.

Lord Mishcon: My Lords, will the noble Lord agree that this matter can be taken for one moment out of any political argument? Will he kindly deal with the question purely on the basis of humanity and practicality? Is he aware that many employers complain that their present employees find it difficult to be literate? Is he therefore aware that when he inflicts a number of the questions we have heard of today upon unfortunate people who are unemployed and may very well be lacking in literacy, he is in fact perpetrating what is nothing less than a torture?

Lord Young of Graffham: My Lords, I am grateful to the noble Lord, Lord Mishcon, who starts his question by saying that he should like to take this matter out of politics and then says to me the most underhand thing possible. Do your Lordships seriously believe that we are in the business of tricking people—

Lord Mishcon: I did not say—

Lord Young of Graffham: Oh no, my Lords, a torture, a trick—out of benefit they are entitled to? We are not. Literacy does not affect the position. Obviously if people are not literate, it does not mean to say that they are denied benefit. Of course it does not; nor will they ever be denied it. We are asking questions. We want answers from people, and by one means or another we shall obtain those answers in the most humane way and ensure that only those who are entitled to benefit receive it.

Lord Mishcon: My Lords, the noble Lord, the Minister, if I may say so, is doing what I did not do. I did not seek to twist any words. I am asking the noble Lord how he expects thousands of unemployed people who have not had the benefit of the education we have had to answer questions of this kind.

Lord Young of Graffham: My Lords, the noble Lord used the word "torture", but I shall not go so far as to say that that is below politics. But I shall say that I do not think you have to have a double first to be able to say what you are doing to find work, nor to answer the question, "What job do you normally do?", nor even to answer the question, "What job are you looking for?", or any of the other questions. These are not trick questions. These are all questions fundamental to the grant of benefit; and they are there for that purpose, and that purpose only. If the noble Lord thinks this is a trick, then the noble Lord carries deep and base suspicions.

Lord Mishcon: My Lords, I did not use those words.

Lord Young of Graffham: Is "a torture".

Lord Murray of Epping Forest: My Lords, will the Secretary of State accept that there is no disposition on the part of the occupants of these Benches to seek to defend people who do not treat fairly their applications for work, and that there is no propensity whatever to take action which would ensure that they were not required to pass a fair and effective test of being available for work? Any government must do this. It is equally fair that any government should pass an effective test of their capacity to ensure the availability of work; and will the noble Lord accept that on this test the Government have manifestly failed?

Lord Young of Graffham: My Lords, perhaps I can assure the noble Lord that this is a sensible and humane test. We allow applicants to take away the form and return it later. If anybody suffers under disabilities that are such that he feels he would rather not fill in the form, that course is possible. This is not a trick in any way, as I hope many noble Lords opposite and in other parts of the House will accept.

Lord Rochester: My Lords, will the noble Lord agree that a claimant who has been looking after an elderly or disabled relative and who has himself been unemployed for a long time should not be barred from unemployment benefit if he fails to make alternative arrangements immediately and does so only after a reasonable period of time?

Lord Young of Graffham: My Lords, I am sorry, but there may well be, and there often are, other benefits that people can get in those circumstances. Those are the benefits they should receive. I do not believe that we should make citizens of this country perjure themselves by saying that they are available for work when they are not. This is one of the points that the form is intended to detect.

Greater Manchester (Light Rapid Transit System) Bill [H.L.]

3.28 p.m.

The Chairman of Committees (Lord Aberdare): My Lords, I beg to move the first Motion standing in my name on the Order Paper.

Moved, That the Commons message of Thursday last be now considered; and that the Promoters of the Bill have leave to suspend any further proceedings thereon in this Session, in order to proceed with the Bill in the next Session of Parliament, notice of their intention to do so having been deposited in the Office of the Clerk of the Parliaments;

That such Bill shall be deposited in the Office of the Clerk of the Parliaments not later than three o'clock on or before the third day on which the House shall sit after the commencement of the next Session of Parliament, with a declaration annexed thereto, signed by the Agent, stating that the Bill is the same in every respect as the Bill at the last stage of the proceedings thereon in this House in the present Session;

That the proceedings on such Bill shall, in the next Session of Parliament, be *pro forma* only in regard to every stage through which the same shall have passed in the present Session and that no new fees be charged in regard to such stages;

That the Standing Orders by which the proceedings on Bills are regulated shall not apply, in the next Session of Parliament, to such Bill in regard to any of the stages through which the same shall have passed during the present Session.—(*The Chairman of Committees.*)

There are four Motions in my name, and if I may, I should like to speak briefly to all four. They are all Motions responding to Motions moved in another place allowing Private Bills to be carried over into the next Session.

The first and third Motions on the Order Paper are in respect of Lords Bills now in the Commons. The second and fourth Motions deal with Commons Bills which are still in that House. I beg to move the first Motion standing in my name on the Order Paper.

On Question, Motion agreed to, and it was ordered that a Message be sent to the Commons to acquaint them therewith.

South Yorkshire Light Rail Transit Bill

The Chairman of Committees: My Lords, I beg to move the second Motion standing in my name on the Order Paper.

Moved, that this House do concur with the orders made by the Commons set out in their message of Thursday last.—(*The Chairman of Committees.*)

On Question, Motion agreed to, and it was ordered that a Message be sent to the Commons to acquaint them therewith.

Greater Manchester (Light Rapid Transit System) (No. 2) Bill [H.L.]

River Humber (Burcom Outfall) Bill [H.L.]

Mersey Docks and Harbour Bill [H.L.]

Port of Fosdyke Bill [H.L.]

The Chairman of Committees: My Lords, I beg to move the third Motion standing in my name on the Order Paper.

Moved, that the Commons messages of yesterday be now considered; and That the Promoters of the Bills have leave to suspend any further proceedings thereon in this Session, in order to proceed with the Bills in the next Session of Parliament, notice of their intention to do so having been deposited in the Office of the Clerk of the Parliaments.

That such Bills shall be deposited in the Office of the Clerk of the Parliaments not later than three o'clock on or before the third day on which the House shall sit after the commencement of the next Session of Parliament, with a declaration annexed thereto, signed by the Agent, stating that the Bill is the same in every respect as the Bill at the last stage of the proceedings thereon in this house in the present Session;

That the proceedings on such Bills shall, in the next Session of Parliament, be *pro forma* only in regard to every stage through which the same shall have passed in the present Session, and that no new fees be charged in regard to such stages;

That the Standing Orders by which the proceedings on Bills are regulated shall not apply in the next Session of Parliament, to such Bills in regard to any of the stages through which the same shall have passed during the present Session.—(*The Chairman of Committees.*)

On Question, Motion agreed to, and it was ordered that a Message be sent to the Commons to acquaint them therewith.

City of London (Various Powers) Bill

The Chairman of Committees: My Lords, I beg to move the fourth and last Motion standing in my name on the Order Paper.

Moved, that this House do concur with the orders made by the Commons set out in their message of yesterday.—(*The Chairman of Committees.*)

On Question, Motion agreed to, and it was ordered that a Message be sent to the Commons to acquaint them therewith.

Housing and Planning Bill

3.30 p.m.

Lord Denham: My Lords, I have it in command from Her Majesty the Queen and His Royal Highness the Prince of Wales to acquaint the House that Her Majesty and His Royal Highness, having been informed of the purport of the Housing and Planning Bill, have consented to place their prerogatives and interests, so far as they are affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

Bill read a third time.

Clause 1 [*Exception to the right to buy with respect to dwelling-houses for persons of pensionable age*]:

[*Amendment No. 1 not moved.*]

Baroness David moved Amendment No. 2:

Before Clause 7, insert the following new clause:

(“ *Public Local Inquiry.*

(1) Where a local authority intends to sell, transfer, or devolve management of land held for housing purposes which is subject to an existing tenancy or tenancies, to another person or body, and where objection in writing has been registered by no less than one third of the holders of such tenancies, the Secretary of State shall cause to be held a public local inquiry.

(2) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (giving of evidence at inquiries) shall apply to such a public local inquiry.”)

The noble Baroness said: My Lords, we come to an amendment similar to one which we have spoken to on a previous occasion—the tenants’ right to a public local inquiry. I am encouraged to bring this amendment forward because of what the Minister said on Report in answer to my noble friend Lord Elystan-Morgan, as reported in *Hansard*. He said:

“I am perfectly prepared to look into the whole subject again totally without commitment, because I know it is a subject on which noble Lords opposite have been exercising their minds.”—[*Official Report*, 22/10/86; cols. 320-1.]

We have changed the amendment so that it is now a modest amendment. We ask that an inquiry should occur,

“Where a local authority intends to sell, transfer, or devolve management of land held for housing purposes which is subject to an existing tenancy or tenancies, to another person or body, and where”—

and this is where we have changed the amendment—

“objection in writing has been registered by no less than one third of the holders of such tenancies, the Secretary of State shall cause to be held a public local inquiry.”

As I said, this is a modest amendment. We have introduced it because we are not happy about the degree of protection which tenants have in law when such schemes are proposed for their homes.

The first reason for our amendment is that the Government’s proposals for a tenants’ right of veto are very limited in scope. They do not provide for tenants to have a real say in decisions which are being taken about the future of their homes. As the Minister said in Committee on 9th October (at col. 392 of *Hansard*), Clauses 6 and 10 merely require that

tenants are consulted about one option presented by their local authority landlord for the handover of their homes to the private sector. Without discussion about alternative options, a majority of tenants may accept this option by default—a decision they may well later regret.

Under the Government’s proposals, tenants could easily find themselves conscripted into, not volunteering for, schemes of the kind that the Government wish to encourage under Clauses 6 and 10 of the Bill. Clearly that might not be in the tenants’ best interests, or in the interests of the private sector. That is the first reason for our amendment, which would ensure that where a substantial minority of tenants object to such a scheme they would have the right to demand a public inquiry into such proposals.

The second reason for our amendment is that the Government’s proposals fail to provide any protection for tenants in most cases where it is proposed to dispose of their homes to the private sector, for redevelopment or refurbishment for sale. These cases will be far more common than those involving the handover of tenants’ homes to a private sector manager or landlord, where the right of veto would apply. In such instances, a right of public inquiry may be even more important because tenants may be directly threatened with the loss of their homes as a result of such a scheme.

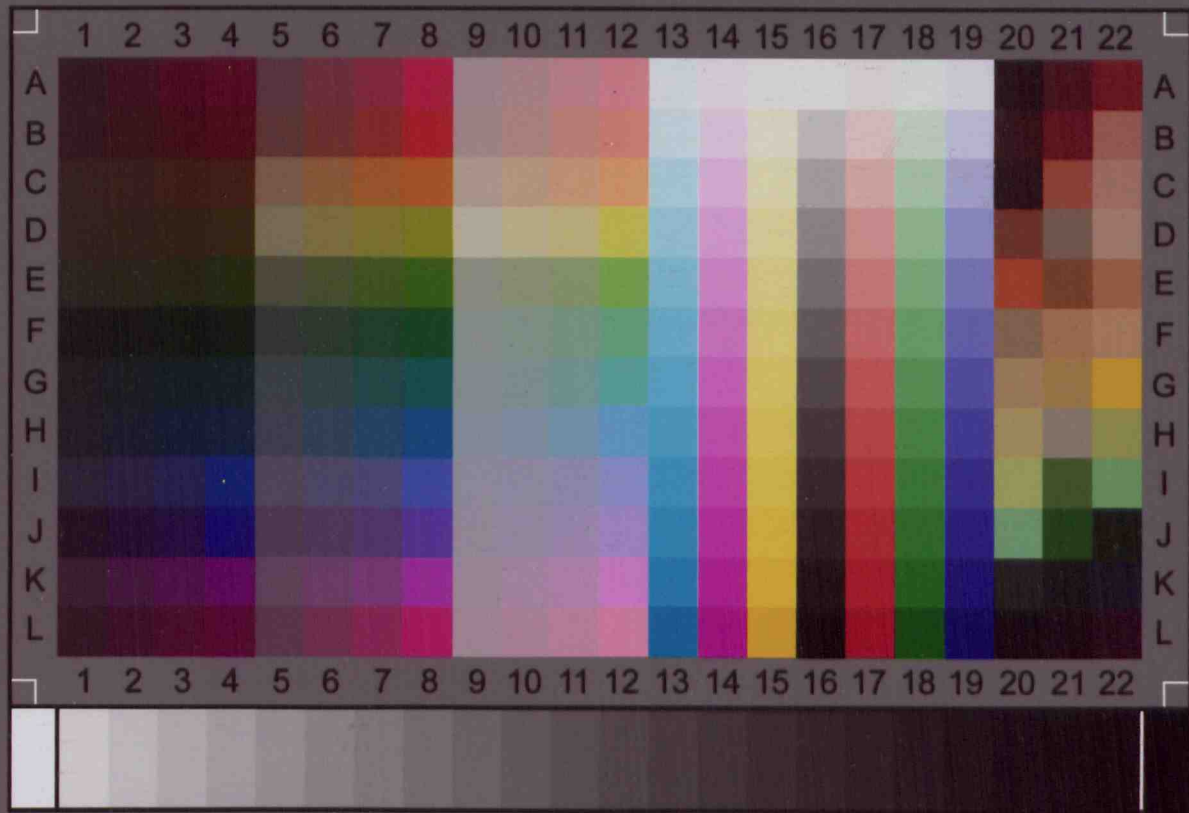
The Minister suggested on Report that tenants could not be deprived of their homes, but I do not think that is correct. He is reported in *Hansard* on 22nd October at the bottom of col. 318, as saying:

“We are not talking about tenants losing their homes. They will continue to live in the same house, but with a different landlord.”

We referred on Report to one such scheme where tenants did lose their homes—the disposal of tenants’ homes against their wishes on the Waterlow estate, Bethnal Green for refurbishment and sale by Barrat. The Minister said (at col. 322 of *Hansard*) that tenants on the Waterlow estate would have had the right of veto on the disposal of their homes if the Bill had been in law and the schemes had been approved. That is not the case. The disposal was to a developer to refurbish tenants’ homes for sale, as a result of which they have been threatened with eviction. It was not a disposal with sitting tenants to a private landlord.

Our amendment would ensure that tenants threatened with compulsory disposal of the homes in such circumstances would have the right to demand a public local inquiry into their landlord’s proposals, just as owner-occupiers would have a similar right where their local authority threatened compulsorily to acquire their homes for a redevelopment scheme.

The Waterlow case is important because it shows that tenants’ existing rights of consultation are inadequate in relation to such disposals. Tenants were unable to get their landlord to consult with them until they took court action. They were also unable to persuade the council seriously to consider alternative options that they put forward for the refurbishment of their homes for rent. They were unable to obtain straight answers to questions they asked about the justification for the council’s proposals. If they had had a right to demand a public local inquiry—more than a third of the tenants affected did object to the



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