



Mole Valley Conservative Association's Newsletter

Issue 55; January 2012

Welcoming Note

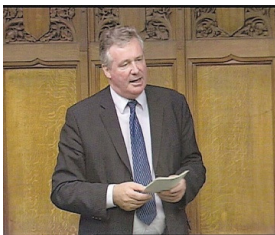
Welcome to the January issue of the Mole Valley Conservative Association's Newsletter from the House of Commons.

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We hope you enjoy reading the January issue.

News from the House of Commons

Lords consider the Domestic Violence, Crime and Victims (Amendment) Bill



Last Friday, 27th January, my Private Members' Bill received its Second Reading in the House of Lords. I was fortunate to have the greatly respected Lord Lamington presenting the Bill. Several well-informed Peers spoke and each one offered their support to the Bill and wished it a safe and speedy passage towards Royal Assent. Here are the highlights from Hansard, including Lord Lamington's opening and closing speeches. The Second Reading ended with a very welcome chorus of "Content" to allow the Bill to continue to Committee.

Lord Lamington: My Lords, the Domestic Violence, Crime and Victims (Amendment) Bill may be a slight document, but I hope the House will agree that it is one of the utmost importance in holding to account those who cause or allow a child or vulnerable adult to suffer awful deliberate harm.

Many Members of this House contributed most ably during the passage of the 2004 Act of the same title. Therefore, the House will recall that Section 5 of that Act introduced changes in the safeguarding of children and vulnerable adults that have proved to be enormously effective. That Act of 2004 provides that members of a household who have frequent contact with a child or vulnerable adult will be guilty if they cause the death of that child or vulnerable adult if three conditions are met. The conditions are: first, they were aware, or ought to have been aware, that the victim was at significant risk of serious physical harm from a member of the household; secondly, they failed to take reasonable steps to prevent that person coming to harm; and, thirdly, the person subsequently died from the unlawful act of a member of the household in circumstances that the defendant foresaw, or ought to have foreseen. In my lay terms, this meant that adults in the household could no longer avoid prosecution either by blaming each other or by remaining silent.

It is encouraging that there is now a body of evidence that demonstrates both the wisdom and utility of that legislation. Indeed, its success was so well illustrated by the outcome of the prosecution of the defendants in the dreadful case known as Baby P. The case of Baby P rightly caused widespread distress across the nation. Without the 2004 Act, those responsible would not have been held to



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account for the awful suffering and terrible death of that defenceless child. Indeed, they were successfully found guilty of causing or allowing the death of Baby Peter and they were given the maximum sentence. During the passage through Parliament of the 2004 Act, careful consideration was given to whether the offence should include serious physical harm. At the time it was well understood that there was much to be said for doing this, not least because there was already clear evidence that some children had managed to survive despite being victims of deliberate harm. Sadly, some of these children have remained damaged for life. Indeed, in some cases it was a matter of chance that the authorities had been able to intervene just in time to save the life of the victim. Understandably, saving the life of the child was rightly the urgent priority but, sad to say, it often meant that the adults of the household could not be prosecuted unless they co-operated with the authorities.

After a great deal of thought, the then Minister in the other place said that, "examples are compelling, which is why I do not rule out extending the offence at some time in the future. It is important, first, to put in place the new offence. Let us get that right first and see how the provision operates. If appropriate, we may return to the problem at a later date".-[*Official Report*, Commons, 27/10/04; col. 1473.]

We are now at that stage. Moreover, we now have the benefit of a body of evidence that indicates even more clearly that there is a real need for this legislation to include serious physical harm. Because of that, I am glad to say that there is widespread support for this Bill across government and throughout the front-line services. It comes to us having successfully completed its passage through the Commons.

I will spare the House details of individual cases as they are so awful, but I hope that it will help the House if I refer briefly to information from the Crown Prosecution Service. This is based on a survey undertaken by the chief prosecutors in six police areas: Sussex, Northumbria, Merseyside, Norfolk, Hertfordshire and Thames Valley, so it was a good cross-section of the country. The prosecutors were asked to identify the number of cases in 2010 in which they had been unable to prosecute for grievous bodily harm or cruelty to a child or vulnerable adult because there was insufficient evidence as to which of the members of the household was responsible for the injury. Those prosecutors identified a total of 20 cases involving children and three involving vulnerable adults that could not be prosecuted under existing legislation, and which they believed could be prosecuted under the changes proposed in the Bill. The areas surveyed account for 15 per cent of the Crown Prosecution Service's business. If extrapolated, those figures produce national figures of no less than 133 children and 20 vulnerable adults. I am therefore sure that noble Lords will agree that this indicates as clearly as possible that there is now an urgent need for this Bill.

It is against that background that I hope the House will agree that this brief introduction will suffice. I know from my time in this House that we all attach immense importance to the protection of children and vulnerable adults. Our aim is to protect them from serious neglect and deliberate harm. This Bill affords the opportunity to hold to account members of a household who cause or allow such awful suffering to these vulnerable people. I beg to move.



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Lord Lester of Herne Hill: This is a Private Member's Bill from the other place, and those who have read the right honourable Jack Straw MP's interesting article in today's *Times* newspaper will note that he said:

"I can't remember a time when Commons business was so light and the Lords so overloaded".

One of the points that Mr Straw made was:

"The infant mortality of Private Member's Bills is so high because they are vulnerable to all the 19th-century filibustering devices that were abolished decades ago for government Bills. These backbench measures should be taken from their Friday ghetto and brought into the normal Monday-Thursday Commons week. They should be sensibly timetabled like any others, so that MPs would be able to vote on their merits. This apparently prosaic change would wholly alter, for the better, the authority of MPs".

There seems nothing controversial in what is proposed here.

Baroness Butler-Sloss: As a former Family Court judge who tried many child abuse cases, particularly very serious non-accidental injury cases, as they are called in the Family Court, I very much welcome this extension to the 2004 Act.

It is a splendid Bill. It is exactly what is needed. It is overdue and I hope that it will be passed with acclaim by all Members of the House.

Lord Cormack: We are talking about cruelty to children and vulnerable adults. There should be no hiding place for those who are complicit in or guilty of acts of cruelty. To my mind, to be present is to be complicit.

Lord Loomba: Today's debate indicates how important it is to focus not only on domestic violence but on its impact on the family and, more importantly, more generally. No civilised society or nation can live in peace if crimes are committed against women and children.

Lord Elystan-Morgan

I consider that Sir Paul Beresford MP, who introduced it in the Commons, has placed the community very much in his debt. As for the noble Lord, Lord Laming, there cannot be anyone better qualified, through his distinguished services already in this field, to lead the Bill through the procedures of this House.

Lord Sheikh: Maintaining a wall of silence should not be a way to escape responsibility for perpetrating or allowing truly horrible offences against children or vulnerable adults in their own homes.

Baroness Howe of Idlicote: I hope that this will go some way to increasing support for greater powers to deal with other forms of family violence. Barnardo's tells us that the number of sexually exploited children it works with has grown by 8.4 per cent to 1,190 over the past year. The Bill will also raise awareness of what has sadly become an increasing problem; that is, the abuse and trafficking of women and children into this country for sexual and other forms of exploitation.



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Lord Reid of Cardowan: I have a confession: I was not scheduled to be here. Through the wonders of modern telecommunications, I happened to listen to the opening speech and changed my arrangements in order to be here. On hearing the discussion of wrongs of commission and omission, it seemed that by that definition it would be a wrong of omission for me not to be here, partly because when I was Home Secretary, which I suppose is a declaration of interest, I felt a degree of impotence and frustration when watching the expedient use in the courts of the blaming of the other party and thus the avoidance of justice.

Basically, as someone who has had to preside over the broad custody of the execution of some parts of justice in this country, I say that this is way overdue. I congratulate the people who have brought it in. I wish that previous Governments had made such an amendment but there are rarely occasions when the country, both Chambers, all parties and the whole cross-section of individuals in Parliament agree on an issue. If there was one, this is it and I hope that it gets a fair wind through this House.

Baroness Gale: Were a Labour Government in office now, I have no doubt that we would either have brought forward legislation or would be supporting a Private Member's Bill of this nature.

The Minister of State, Ministry of Justice (Lord McNally): Likewise I pay tribute to Sir Paul Beresford in the other place. The noble Lord, Lord Elystan-Morgan, said that we are all in his debt. Sir Paul already has a very distinguished parliamentary CV, but taking the Bill through the other place and getting it this far, with all the tribulations that Jack Straw has referred to, will be a badge of honour on that CV for the rest of his life. We are very grateful to Sir Paul for the work that he has done.

Lord Laming: We have been treated today to one of the great merits of your Lordships' House—outstanding and well-informed contributions from all sides of the House in favour of our principle concern of safeguarding children and vulnerable adults. Such is the distinction of the contributions and the Members who made them that it would be presumptuous of me to even comment on the wisdom of what they have said.

As the House knows, the Bill was ably steered through the other place by Sir Paul Beresford. That being so, I felt distinctly apprehensive this morning about taking on that responsibility in your Lordships' House. I am therefore particularly grateful to all noble Lords who have spoken so helpfully and constructively. It is clear that my anxiety was misplaced.

There are, of course, still hurdles to be overcome and some way to go before the Bill reaches the statute book. At this stage, I thank all noble Lords most warmly for the contributions that they have made and the support they have given. I invite the House to give the Bill a Second Reading.

Sir Paul Beresford
Member of Parliament for Mole Valley



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Feature Article

Dangerous Dogs Policy



A recent Early Day Motion (EDM) supported by Andrew Rosindell MP and a campaign on Guide Dogs alongside recent high-profile cases in the press concerning dangerous dogs has sparked public interest in the Government's policy on this subject. Although the majority of MPs view EDMs as 'Parliamentary graffiti' and refuse to add their signatures to them as they are an expensive and ineffective way of bringing a subject to the Chamber of the House of Commons, various campaign groups use them to rally their members to support a particular subject.

EDM 1202 – RESPONSIBLE DOG OWNERSHIP (ANDREW ROSINDELL): *That this House believes that irresponsible dog ownership causes significant problems for the safety and welfare of both humans and animals; believes that to promote responsible dog ownership all dog owners should ensure their dogs are microchipped; notes that current legislation is proving inadequate to ensure sufficient protection for people and animals; believes there is a need to ensure there are sufficient resources at a local level potentially self-funded and a Bill that consolidates the legislation so that it has a genuine preventative effect, as well as tougher sanctions to address the problem; and calls on the Government to act forthwith and bring forward suitable proposals to achieve this.*

The Department for Environment, Food and Rural Affairs (Defra) believes that the issue of dangerous dogs is not solely a problem of dangerous breeds but also one of irresponsible owners. Ultimately, are dangerous dogs or dangerous owners causing other people or pets to be injured?

The Government conducted a consultation on dangerous dogs last year that included proposals such as a requirement that all dogs are micro-chipped and registered on a database. Ministers published a summary of the responses to this consultation in November. In total, 4,250 responses were received from members of the public.

The Government is now considering a number of options relating to the control of dangerous dogs and improving responsible dog ownership, with an announcement expected soon. Their decision will take into account the views expressed during the consultation period.



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National news in brief

Daylight Saving Bill Update

Rebecca Harris's Daylight Saving Bill was down for the Report Stage and Third Reading in the House of Commons. The hope was that the strong support of over 120 MPs would produce a positive vote and ultimately a progression through the House of Commons and on to the House of Lords.

However, on 20th January, rather than taking a step forward, the Bill floundered under lengthy discussions of numerous amendments. Eventually, the session ran out of time, to the great disappointment of many MPs, Lords, campaign groups and members of the general public.

Daniel Vockins of the campaign group 'Lighter Later' reflected upon the result of the Friday sitting, saying "There are a few options on the table, from persuading the government to take up the legislation itself, to lobbying for more parliamentary time... Together we've moved the clock change debate further forward than it's been for decades, and shown how a whole new approach to campaigning can work."

Newspaper Polls

The Conservatives seem to be pulling away from the other Parties – depending on which poll you read.

The ICM poll for the Guardian newspaper in January shows the Conservatives up by 5 points on 40% while Labour trails at 35% and the Liberal Democrats at just 16%. These figures illustrate that the Tories have gained three percentage points since the same survey was carried out in December. Furthermore, these January figures would see Cameron on the brink of taking a majority at a General Election. The Conservatives have not seen their popularity rise to such a level since the March before the General Election.

A Populus poll carried out for the Times newspaper shows slightly less pleasing figures with Labour taking the lead with 38% and the Conservatives at 37%. However, the poll does point out that Labour's popularity is on the slide and most voters "find it difficult to imagine Ed Milliband running the country as Prime Minister. In fact, 685 of Labour's own supporters can't imagine Ed Milliband as their PM.

Dwindling Labour support for their Party leader was also echoed by the Sun's YouGov poll which found 63% of Labour voters do not want him to lead the Party at the next election.