

Police, Crime, Sentencing and Courts Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Third Marshalled List]

Amendment
No.

Clause 140

LORD GERMAN

90A★

Page 130, line 22, at end insert –

“(8) A local authority may establish and maintain a secure 16 to 19 Academy.”

Member’s explanatory statement

This amendment would enable local authorities to run secure 16 to 19 Academies, either alone or in consortia.

After Clause 140

LORD PONSONBY OF SHULBREDE

90B★

Insert the following new Clause –

“Provision of secure accommodation

- (1) Each relevant local authority in England must –
 - (a) assess, or make arrangements for the assessment of, the need for secure accommodation in its area,
 - (b) prepare and publish a strategy for the provision of such accommodation in its area, and
 - (c) monitor and evaluate the effectiveness of the strategy.
- (2) For the purposes of subsection (1) –

“secure accommodation” means accommodation of a description specified by the Secretary of State in regulations.
- (3) A relevant local authority that publishes a strategy under this section must, in carrying out its functions, give effect to the strategy.
- (4) Before publishing a strategy under this section, a relevant local authority must consult –

After Clause 140 - continued

- (a) the secure accommodation local partnership board appointed by the relevant local authority under section (*Secure accommodation local partnership boards*),
 - (b) any local authority for an area within the relevant local authority's area, and
 - (c) such other persons as the relevant local authority considers appropriate.
- (5) A relevant local authority that publishes a strategy under this section—
- (a) must keep the strategy under review,
 - (b) may alter or replace the strategy, and
 - (c) must publish any altered or replacement strategy.
- (6) A relevant local authority may request any local authority for an area within the relevant local authority's area to co-operate with it in any way that the relevant local authority considers necessary for the purposes of its functions under this section.
- (7) A local authority must, so far as reasonably practicable, comply with a request made to it under subsection (6).
- (8) The Secretary of State may by regulations make provision about the preparation and publication of strategies under this section.
- (9) The power to make regulations under subsection (8) may, in particular, be exercised to make provision about—
- (a) the procedure to be followed by a relevant local authority in preparing a strategy;
 - (b) matters to which a relevant local authority must have regard in preparing a strategy;
 - (c) how a relevant local authority must publish a strategy;
 - (d) the date by which a relevant local authority must first publish a strategy;
 - (e) the frequency with which a relevant local authority must review its strategy or any effect of the strategy on the provision of other local authority support in its area.
- (10) Before making regulations under this section, the Secretary of State must consult—
- (a) relevant local authorities, and
 - (b) such other persons as the Secretary of State considers appropriate.”

90C★ Insert the following new Clause—

“Secure accommodation local partnership boards

- (1) A relevant local authority in England must appoint a secure accommodation local partnership board for the purposes of providing advice to the authority about—
- (a) the exercise of the authority's functions under section (*Provision of secure accommodation*), and
 - (b) the provision of other local authority support in the authority's area.

After Clause 140 - continued

- (2) The members of the secure accommodation local partnership board must include—
- (a) a representative of the relevant local authority;
 - (b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
 - (c) at least one person appearing to the authority to represent the interests of vulnerable children;
 - (d) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with vulnerable children in its area;
 - (e) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;
 - (f) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
- (3) In this section—
- “health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008);
- “other local authority support” has the same meaning as in section (*Provision of secure accommodation*).”

90D★ Insert the following new Clause—

“Annual reports

- (1) As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority’s functions under this Part during the year.
- (2) The Secretary of State may by regulations make provision about—
 - (a) the form of the report, and
 - (b) the content of the report.
- (3) In this section “financial year” means—
 - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.”

90E★ Insert the following new Clause—

“Guidance

- (1) The Secretary of State must issue guidance relating to the exercise by local authorities in England of functions under this Part.
- (2) Local authorities in England must have regard to the guidance when exercising a function to which the guidance relates.

After Clause 140 - continued

- (3) The Secretary of State may from time to time revise any guidance issued under this section.
- (4) Before issuing or revising guidance under this section, the Secretary of State must consult—
 - (a) local authorities, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (6) The Secretary of State must publish—
 - (a) any guidance issued under this section, and
 - (b) any revisions of that guidance.”

90F★ Insert the following new Clause—

“Interpretation of this Part

In this Part—

“local authority” means—

- (a) a relevant local authority;
- (b) a district council for an area for which there is a county council;
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;

“relevant local authority” means—

- (a) a county council;
- (b) a district council for an area for which there is no county council;
- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly.”

After Clause 164

LORD BLENCATHRA
LORD CORMACK

97ZA★ Insert the following new Clause—

“Sex-specific incarceration for offenders

- (1) Where a person who has undergone gender reassignment is serving a custodial sentence, that person is to be ordinarily treated with respect to housing on the prison estate by reference to their sex registered at birth.
- (2) Where a person who has undergone gender reassignment is remanded in custody on suspicion of committing an offence, that person is to be ordinarily treated with respect to housing on the prison estate by reference to their sex registered at birth.

After Clause 164 - continued

- (3) Where the case-by-case assessment of a prisoner who has undergone gender reassignment determines that the prisoner should not be accommodated with prisoners of the same sex as registered at birth, separate accommodation must be provided to ensure that there is no access to or association with prisoners of the opposite sex as registered at birth.
- (4) This section applies whether or not the person has a gender recognition certificate.
- (5) Within 12 months of the passing of this Act the Secretary of State must ensure accommodation is available for the purposes of this section.”

Member’s explanatory statement

This amendment would provide that all prisoners should live in accommodation provided in consideration of both their sex registered at birth and their gender identity. Prisoners with the protected characteristic of gender reassignment will ordinarily be housed according to their sex as registered at birth. On a case-by-case basis, prisoners may be allocated to a specialist transgender unit, with no contact with prisoners whose sex registered at birth was the opposite of their own.

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