

# Drug Use and Possession: Royal Commission

## *Question for Short Debate*

7.48 pm

*Asked by Lord Norton of Louth*

To ask Her Majesty's Government what consideration they have given to establishing a royal commission on the law governing drug use and possession.

**Lord Norton of Louth:** My Lords, this is an especially appropriate time, or at least an appropriate year, in which to ask this Question. It is 40 years since the UN Single Convention on Narcotic Drugs was promulgated and the Misuse of Drugs Act was passed. Whether I am the most appropriate person to raise the issue is another matter. Other noble Lords taking part in this short debate are far more qualified than I am to speak; I approach as someone totally detached from the subject. I am conscious that, as an academic, this is not my subject, and hence I tread with some trepidation.

However, my background is relevant in two respects. First, as I have said in the House before, I believe strongly that we should have evidence-based policy. I am often appalled at how much legislation is brought forward more on the basis of hope than of evidence. Secondly, I recognise that the best way to affect attitudes and behaviour is through education-I do not just mean formal education-and persuasion. The law alone cannot achieve change, and indeed it can be dangerous to rest on the law in place of education. As a Conservative, I do not believe that the purpose of the law is to send signals. Perhaps it is because I come from a detached position that I am struck by the problems and the contradictions that we now find in our attempts to address the problems generated by drug use. We prohibit

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certain drugs, but we allow people to purchase and consume substances that may be far more dangerous and account for far more deaths each year.

There are two dimensions to the issue: drug use and drug prohibition. There are clearly appalling costs associated with drug use, not only to those who become addicted and their families but also to the community. However, there are clear problems with prohibition. If drugs are illegal, the supply is therefore driven underground and supply becomes in the grip of organised and violent crime. What happened with prohibition in the United States, we see now repeated in respect of drugs and on a massive global scale. This has appalling consequences in some countries in terms of loss of life. The Government's *Drug Strategy 2010* concedes:

"The UK demand for illicit drugs is contributing directly to bloodshed, corruption and instability in source and transit countries, which we have a shared international responsibility to tackle".

In this country, the problem manifests itself in the crime figures and the sheer amount of police time occupied by combating drug use and supply. The exercise is highly inefficient in that only between 1 per cent and 10 per cent of drugs are believed to be stopped from reaching their target market. Nearly half of all crime is related in some way to drug use and abuse. Heroin and cocaine users are responsible for most burglaries, shoplifting and street prostitution. The economic and social costs are staggering. In the UK, as the Government concede, these costs in respect of class A drugs alone are estimated at more than £15 billion a year. More than half of prison inmates are believed to have serious drugs problems. I am all for incarcerating those who engage in serious crime, but locking up drug addicts generates a vicious, and costly, cycle. To feed their habits, drug users steal, rob and then get locked up, costing the public even more, with recidivism a marked feature once they are released.

My starting point is that there is a demonstrable problem. What, then, do we do about it? A great deal has been written on the subject, though at times we appear to get much more heat than light and a tendency on the part of politicians to wish the problem away. That in itself then becomes part of the problem.

When I knew that I had secured this debate, I invited comments from readers of Lords of the Blog, a collaborative exercise by several Members of your Lordships' House. I received a good number of informed, and sometimes anguished, responses. One comment came from a father who had lost his son to a heroin overdose. He wrote in support of maintaining the present law. His son had been cautioned for cannabis possession, but he and his wife were unaware of this and felt that if their son had been charged then they would have known about it and may have been able to do something to save him. That is a tragic case, but it is clear that the law did not prevent the son taking drugs in the first place.

That is the problem with which we have to wrestle. The law as it stands is not having the intended effect. It may deter some, but it is clearly not preventing a great many people taking drugs, with all the attendant and consequent costs that I have mentioned. The Science and Technology Committee in the other place, in its 2006 report, *Drug Classification: Making a Hash of It?*,

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found no solid evidence to support the existence of a deterrent effect. I gather also that there is no evidence that the level of classification within the 1971 Act has any effect on consumption.

One solution may be to move towards decriminalisation. The chairman of the Bar Council, Nicholas Green QC, has said that there is a growing body of comparative evidence that decriminalising personal use can have positive consequences. He said:

"It can free up huge amounts of police resources, reduce crime and recidivism and improve public health. All of this can be achieved without any overall increase in drug use".

This year is also the 10th anniversary of the passage of the law in Portugal to depenalise drugs. Drug deaths there decreased as did the prison population, and

seizures of large quantities of drugs have increased. Even if we do not go down the road of decriminalisation generally, there may be a case for at least permitting the use of cannabis where there are medical grounds.

That may be the way to go; it may not be. It may be that we should strengthen the existing law or devote more resources to enforcement and to education. Police resources are stretched. Drugs education can and does have an impact but most schools, I understand, choose to provide drugs education once a year or less and all too often develop their own curricula rather than using evidence-based programmes.

My case is that we need to explore whether the present law is necessary and sufficient, whether it is necessary but not sufficient, or whether it is neither necessary nor sufficient. The Government's *Drugs Strategy 2010* is silent on the issue. Implicitly, it takes the first of these three positions. There is no critical reflection. Can we improve on the existing law? What are the alternatives? If we are to stick with the existing law, we need to know why and not simply take it as given.

It is these points which motivate this Question. I have put it in terms of a royal commission. Royal commissions have somewhat gone out of fashion, in part because they are seen as time-consuming, cumbersome bodies. They need not be, as the royal commission under my noble friend Lord Wakeham demonstrated. They can enable salient evidence to be placed before an authoritative public tribunal on a transparent basis and the evidence to be weighed.

However, I am not wedded to a royal commission. Another form of inquiry may be equally appropriate or possibly even more so. At the very least, we need to undertake an impact assessment of the 1971 Act. We need a structured means for weighing evidence, not proceeding on the basis of prejudice, with people simply speaking past one another. I would not be averse to a broad-ranging inquiry; drug use, as the Government recognise, can encompass alcohol consumption. There is a case for a holistic examination.

I am delighted that my noble friend Lady Neville-Jones is to reply. She is too intelligent to fall back on crass or knee-jerk responses that we cannot change because it would send out the wrong signals, or that it is an international problem which means that we cannot do much on our own. Such responses would not in any case be relevant, because I am not making the case for change. I am making the case for a proper, thorough and detached review of the evidence.

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**7.57 pm**

**Baroness Walmsley:** My Lords, I support the call of the noble Lord, Lord Norton of Louth, for a royal commission on the laws relating to drugs. I would like its remit to be as wide as possible. I agree with him that policy should be evidence-based, as

existing drugs policy is an expensive failure and based on ignorance and prejudice. All evidence points to drugs being a health issue. Only bad policy has turned it into a criminal justice issue, a public safety issue and an economic issue.

As a Liberal, I believe that what an intelligent adult chooses to put into his own body should be up to him. However, I cannot imagine why people use drugs when they know the harm that they cause and, of course, we have a duty of care to the young and vulnerable. The matter is therefore no business of government unless, first, users commit crimes in order to feed their habit; secondly, they do harm to other people; thirdly, the market that they create leads to organised crime and violence; and, fourthly, their habit costs the taxpayer money. All those four things are clearly the Government's business. We should address the matter by way of vigorous fact-finding and taking of independent professional advice.

I shall take the above four points in turn. First, I do not believe that possession for personal use should be a crime. However, stealing is, and should remain, a crime. Addicts steal to buy drugs because illegal drugs are expensive. It is a seller's market because many drugs are illegal. If addicts could get legal, safe supplies, their habit would be cheaper and safer for them. Most drug deaths occur because the drugs are cut with other substances or their strength is unknown. There is an incentive for dealers to cut the drugs and make more profit. This is the wrong incentive to have in the system.

Secondly, addicts harm other people as well as themselves. Many of those who abuse alcohol get violent. They get into fights on the street and, when they get home, they abuse their wives and children. Their children are not properly cared for because of the money that the addict spends on alcohol. The same applies to the children of drug addicts. I can also imagine the money spent on cigarettes being better spent on food and clothes for children. Perhaps I may ask the Minister whether the remit for the royal commission could include a section on the effect of drugs of all kinds on the lives of the children of addicts. It always amazes me that when drunks and addicts come into contact with medical services no one thinks to ask whether they have children at home so as to get the social services to look into the effects on them.

Thirdly, the market for drugs is primarily responsible for the gun and knife crime on our streets and the enormous amounts of money that attract organised crime. That is very big business but it filters right down into the heart of our communities, including our schools. Children know where to get drugs, guns and knives. Many of those who carry knives say that they do it to protect themselves. They do not realise that carrying a knife makes them even more likely to suffer injury from one. In order to stop our children wasting

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their lives, we must set up a study to look dispassionately at the facts and international experience and to act on recommendations.

Finally, the cost to the taxpayer of the current bad policy is enormous. At a time when we are trying to pay down the deficit, we must look seriously at this cost and consider how we could get better outcomes for less money. There are wide implications for

public policy suitable for consideration by a royal commission. My Government, who were elected with 60 per cent of the vote, should have the confidence to defy the tabloid newspapers. They should get the facts and act on them. We should not be afraid of ignorant, misleading and downright evil tabloid headlines. It is the right thing to do. Please let us do it.

8.01 pm

**Baroness Finlay of Llandaff:** My Lords, I am grateful to the noble Lord, Lord Norton of Louth, for introducing this important debate. There are two areas of real concern about our current drug laws: first, their enforceability; and, secondly, whether they are capable of achieving the desired goal.

The Misuse of Drugs Act, 40 years old in May, controls more than 600 substances, with more being added at an alarming frequency. Enforcement is becoming increasingly difficult as the remit of this Act expands. Officers are expected to identify controlled substances from a vast and expanding list. Tests are expensive and time-consuming. As the law becomes harder to enforce in full, it risks being brought into disrepute. Control of different psychoactive substances appears increasingly inconsistent. There is increasing public awareness of the harms associated with alcohol and tobacco, resulting in some action now in law, yet the law currently suggests that they are of less concern than the 600-plus substances already controlled under the Misuse of Drugs Act—a list to which about 40 substances a year will be probably be added. The law is sometimes said to give a message but, unfortunately, in this area, even if it does give a message, it does not get to those who are at risk and can have the opposite effect to that intended.

The temporary one-year banning powers proposed in the Police Reform and Social Responsibility Bill will come under pressure in response to all newly emerging substances, which are seen to have, or are just believed to have, potential harm. With about 40 new psychoactive substances a year, this will not be cost-free. Police time costs money.

Illicit substances have a perverse appeal to young people and fuel criminal trafficking of active and contaminated substances. When a substance becomes illegal, it is cut and diluted and the concentration of the contents is unknown. For example, despite the ban, mephedrone users are still obtaining the drug but with greater risk of overdose and poisoning from contaminants, adding to the NHS costs. Newer more harmful substances may be replacing mephedrone, so the impact of bans such as that applied to mephedrone needs evaluating. The evidence has to be looked at.

Annually, more than 41,000 people are sentenced for drug possession, of whom 1,200 enter immediate custody, so alternative civil powers, such as trading

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standards or medicines regulation, warrant consideration. These may be just as effective at protecting young people, while avoiding some of the harms associated with a ban under the Misuse of Drugs Act, including stigmatisation impeding recovery programmes.

The UK Drug Policy Commission, of which I declare an interest as a commissioner, will shortly publish a report looking at the issues around the control of new substances. This will highlight the need for a more open debate about drug control and a complete review of our approach towards all psychoactive substances. The debate today is a welcome start to such a process.

8.05 pm

**The Earl of Onslow:** My Lords, about 10 and a half years ago, two rather interesting things happened to me. First, I was elected a Member of this House. Secondly, on the same day, I went on "Have I Got News for You". The first question that Angus Deayton asked me was, "Oh, Lord Onslow, are you in favour of the legalisation of drugs?". I said, "Yes I am and I will answer this question seriously and not flippantly". I said that drugs seem to me to be the greatest threat to social cohesion that there is. They produce crime and getting out of the vicious circle is impossible. Therefore, we must have a much more sensible policy than the one that we have. All the evidence shows that the present policy fails.

I was delighted when my noble friend Lord Norton stressed the importance of evidence. I continued on the programme by saying that, if the evidence shows that we are failing, why do we go on and on? I continued in that vein for some time. The interesting thing was that the audience—they were not way-out hippies but a respectable cross-section of society who had gone to listen to a flippant and funny programme—all clapped at the end. I think that we overestimate the attitude of what could be classed as the red-top newspapers.

The late Lord Colville, who was such a distinguished Member of this House, said that he reckoned that 75 per cent of the people whom he sentenced to get a slight suntan were involved one way or another with drugs as well as crime, including robbery or whatever. It is easier to get drugs in prison than out of prison. I wonder why.

It is not so much the respectable people who suffer from drugs, even though there are to my certain knowledge Members of your Lordships' House with children who have had drug problems. We have even had—I am not breaking a secret—a distinguished Member of your Lordships' House who was a mainline heroin addict and has admitted to it; he has gone on to make a major contribution to the proceedings of this House. It is obviously possible to get out of the problem into which we are looking. It could be made more difficult: the supplier has an incentive if drugs are illegal, whereas if they are not illegal there is no incentive to push.

I am obviously privileged beyond anything to live in a civilised and pleasant place. I do not live in a tower block where needles are lying about the place. For those people the policy of criminalisation makes their lives so much worse. It is for that that I support the noble Lord, Lord Norton.

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Before I stop speaking, I should like to say one further thing. I have not been well recently and I should like to thank every single Member of your Lordships' House who has come to me with really nice things to say. It has moved me beyond peradventure and I should like to put that on the record.

**8.10 pm**

**Lord Rea:** My Lords, the noble Lord, Lord Norton, has chosen a relevant and important topic. We should thank him for securing this short debate. He and all other noble Lords who have spoken are right to point out that the current legal framework controlling drug abuse has been remarkably ineffective and very expensive. Recently, there has been a slight reduction in drug use by young people, but there has been a parallel increase in binge-drinking, with an alarming increase in death from liver disease.

Fashions change in the popularity of mood-altering substances but it has always been a characteristic of human societies to use one or other of them for enjoyment or relaxation. Prohibition merely drives trade in these substances underground and into the hands of criminals. The main problem with current drug legislation has been what was described recently by Antonio Costa, former chief executive of the UN Office on Drugs and Crime, as a raft of "unintended negative consequences". These include a huge criminal market, policy displacement from healthcare to enforcement and geographical displacement-the "balloon effect" of enforcement activity in one area displacing the problem to another. We have a serious drug problem in the UK, but its extent stretches far wider. Illicit drug profits are fuelling crime, corruption and conflict across the globe. The recent spate of violence in Mexico is but one example.

I have been interested in the problem of drug abuse since my days in an inner-city general practice. The social and physical problems caused by excessive consumption of alcohol-a legal substance-were greater than those caused by drugs that are illegal. My strong impression was, as the noble Baroness, Lady Walmsley, has pointed out, that the health problems stemmed more from the fact that the street drugs that were used were adulterated rather than from the effect of the drugs themselves. The four deaths that occurred among my patients were all due to overdose from batches of street drugs that were unexpectedly potent. At the other end of the scale, I had several heroin-dependent patients who received pure pharmaceutical heroin from one of the few doctors still permitted to prescribe it. They were able to carry on responsible jobs and maintain normal households. They were eventually able to end their drug use while receiving careful counselling and medical supervision, but only when they felt ready to do so-a similar approach to that used in the most successful treatment units today.

The purpose of these remarks is to emphasise that most of the substances now listed in Schedule 2 to the 1971 Act, if used in moderate amounts in pure form, while not totally harmless are no more harmful than alcohol and tobacco. Tobacco actually raises mortality even when smoked as intended. The relative harm caused by different agents has of course been the

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subject of recent controversy and a bad-tempered spat between the Home Secretary and Professor David Nutt, the former chairman of the ACMD, resulting in his dismissal. He made the mistake of using a light touch in comparing the dangers of ecstasy with those of horse riding, for which he coined the term "equasy".

To conclude, is a royal commission the right body to review our health policy? It would certainly bring clarity to a controversial area, but the Government would not necessarily be bound to follow its recommendations, resulting in the issue being in effect kicked into touch. I recommend the use, as the noble Lord mentioned, of impact assessments, as recommended by the committee of the noble Baroness, Lady Finlay, the UK Drug Policy Commission. The advantage of this method is not only that the Government are more likely to follow and take seriously the recommendations, being part of the process, but that it has flexibility, enabling it to be applied internationally as well as nationally.

**8.15 pm**

**Baroness Meacher:** My Lords, I applaud the noble Lord, Lord Norton, for initiating this debate. The case for a review of the Misuse of Drugs Act 1971 is of course overwhelming. No one today would seriously argue that the possession of cannabis should be punished with a maximum penalty of two years or an unlimited fine, as in the Act. Likewise, surely no one would argue that seven years in prison should be on the statute book at all as a possible response to the possession of a few ecstasy tablets.

It is important for us to be clear about the meaning of success in the drugs field these days. The big change in the last 40 years has been the universal recognition that the call for a drug-free world was nothing but a pipe dream. The key question is what policies will minimise the level of drug addiction and of personal and societal harm. I applaud the Government's emphasis on recovery, but that policy would be vastly more effective if it were introduced alongside the decriminalisation of drug users.

Many countries have introduced health-oriented approaches alongside decriminalisation, with positive results. The Portuguese policy, as already mentioned, of decriminalising the possession of up to 10 days' supply of all drugs, linked to active treatment, has astonished the faint-hearted. Far from leading to a drugs tourist industry-which was well predicted-and soaring levels of drug addiction, the policy is recognised internationally to have been a resounding success. In many ways, the most important finding is that for young people-13 to 15 year-olds and 16 to 18 year-olds-the prevalence rates have declined in Portugal for virtually every substance since decriminalisation. This is the more remarkable because it goes against the trend of the surrounding countries that still have tough criminalising drug laws.

Of course, Portugal is not the only country that has moved away from criminalisation. Spain, Switzerland, the Netherlands, the Czech Republic, 13 states in the US and many other countries have liberalised drug policies in a range of ways. In no case have these liberal policies led to a general increase in drug use,

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more crime or more harm to individuals-quite the opposite. As the noble Lord, Lord

Norton, said, we need evidence. Actually, we have it and lots of it. The Czech Republic is particularly interesting. It introduced criminalisation in 1999, undertook a detailed scientific study which showed that criminalisation had been a disaster, and in 2010 reversed the policy and decriminalised drug use. Even the United Nations Office on Drugs and Crime concluded in a recent document that,

"punishment is not the appropriate response to persons who are dependent on drugs".

Surely our Government needs to take account of the UNODC.

We do not impose criminal penalties on patients suffering with cancer or heart disease. Of course, it is self-evident that such a response would be not only unethical but also counterproductive. Exactly the same arguments apply to drug addiction—punishment is unethical and counterproductive. The new All-Party Parliamentary Group on Drug Policy Reform, which I chair, together with the Beckley Foundation, supports further research on drug policies and the drafting of a new UN convention permitting—not asking—countries to introduce more liberal drug policies.

We are now 50 years on from the single convention of 1961, when it was hoped that drugs could be eliminated through tough, criminalising policies. These policies have failed. A royal commission lasting I hope no more than 12 months would be sufficient to pull together the evidence. If this were followed by sensible drug policy reform, it would do more to generate a safer world, reduce conflict and weaken al-Qaeda and criminal gangs across the world than any other initiative I can think of. The case for change has been made. I hope the Minister will be able to respond positively.

**8.19 pm**

**Lord Taverne:** My Lords, all the speeches so far have made an overwhelming case for a really authoritative, weighty inquiry into the whole question of drug use. The first question is: should possession of drugs be a crime? When I was a Minister in the Home Office in that glorious period between 1966 and 1968, when Roy Jenkins was Home Secretary, possession of drugs was not actually a crime. Heroin addicts could get a GP's prescription for uncontaminated heroin and they were much more likely to go for treatment. Of course, circumstances were very different, but it is notable that at that stage drug addiction was much less of a problem than it is now.

Is the criminal law the right instrument for dealing with drug abuse? The experience of Portugal, the Netherlands and a number of other places shows that education and rehabilitation are a far more profitable route. Why do the Government not recognise the reality that the war on drugs is not being won and never will be won? If you are losing a war—or certainly not winning it—at enormous cost, is it not time to look at the whole question again?

There is the further question of the reclassification of drugs. As the noble Baroness, Lady Meacher, has just said, it is absurd to have ecstasy put in the same category as hard drugs of other kinds, and the reclassification of cannabis has no scientific evidence behind it.

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When it comes to alcohol, it is high time for us to consider what could be a much more effective approach. The recent inquiry by the independent committee on drug use showed, in a very systematic analysis, that alcohol was by miles the most harmful drug being sold at present. At the moment it is less directly harmful to the individual, but even that may change. On present trends, many people forecast that liver disease will soon be a bigger killer than heart disease.

The present policy is not based on scientific evidence. It is true that scientific evidence is not necessarily conclusive. However, if the policy is not based on scientific evidence, reasons should be given why it is not and it should be based on some other evidence. All these are eminently matters for a royal commission. The Government should recognise, if they make any pretence of having policy based on evidence, that the present way in which they approach drugs is not.

**8.22 pm**

**Lord Cobbold:** My Lords, I rise to support the question proposed by the noble Lord, Lord Norton. It is high time that the drugs problem was subjected to an unbiased investigation. Prohibition has manifestly failed, a fact that even the United Nations ODC has recently acknowledged. To me it seems illogical to treat drugs differently from alcohol. It amazes me that democratic Governments can tolerate the global drugs market being totally in the hands of criminals.

Drug usage should be a health issue, not a criminal justice issue. Our prisons are overcrowded. Drug prisoners are frequent reoffenders because many of them have nowhere else to go and they are well looked after in prison. The drugs trade costs our country an enormous amount of money—unlike alcohol, which is licensed and taxed. The savings could finance further treatment and rehabilitation centres, as well as help to reduce the national deficit.

I strongly support the efforts being made by the noble Baroness, Lady Meacher, to bring together people from other countries that have taken a more sensible attitude towards drug laws to try to see whether a common process can be developed. This is a significant problem and it is extremely important that something should be done in the not-too-distant future.

**8.24 pm**

**Baroness Murphy:** My Lords, I am tempted to say that I agree with everybody else and just sit down, but I have four minutes and I am going to make the best of them.

I add my thanks to the noble Lord, Lord Norton of Louth, for this opportunity to press for a serious review of drug misuse policy. I am not usually supportive of royal commissions because they tend to kick matters into the long grass. However, we are

already in the long grass on this matter. We are saddled with a policy that we all agree has largely failed. Small bits of it may have been successful, but it has largely failed. We are rather frightened to focus on the alternative harm reduction policies for reasons that we have amply aired.

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On the question of evidence-based policy and the research to support it, although we have plenty of evidence about the failure of current policies, I fear that we have surprisingly little evidence on which a royal commission could base its positive recommendations for future policies. As an academic, I am always pressing people to say, "Stop calling for more research and just get on with what we know". However, there is an extraordinary lack of social research. After all, drug use is a social activity with social impacts.

To my mind, it is strange what large and fundamental gaps remain in our understanding. For example, we have not tackled the dramatic changes in cannabis use that have occurred over the past 20 years and we know very little about enforcement of the drug laws. Following the second reclassification of cannabis back to a class B drug, there is a pressing need to evaluate how this change is impacting on policing, for example. We lack a good understanding of the routes both into and out of problematic drug use and the long-term impact of drug use on families. For example, social workers are making difficult decisions every day about the placement of children and are placing them back with families in which there is profound drug addiction, yet the evidence that they have on which to make those decisions is very poor indeed. I could mention many other pressing topics. This is merely a short list of examples of the gaps in research.

Until recently, neither the Economic and Social Research Council nor the Medical Research Council had funded major programmes of work in this area, although in the charitable sector the Joseph Rowntree Foundation has published some admirable research with modest funding. The majority of government money devoted to drug research has been spent on usage surveys, monitoring and evaluation—quite properly, since that is the Government's job—rather than on exploratory research designed to fill the gaps.

There have been positive developments. Early in 2009, the MRC launched its addiction and substance misuse research strategy and it has now launched a new programme. However, the ESRC seems to have spent a total of just £3,000 in the last year and has given no grants either in programme grants or responsive mode funding. I think that that is extraordinary for one of the major problems that society has developed over the last 40 years.

The major research centres are mostly focused in clinical or epidemiological centres. Senior academics are from medical disciplines. I do not want to detract from the importance of this work, but I think that we have to get the balance of government

research funding right. It is not heartening for researchers to know that, if they get good evidence, it will not be implemented. We have already had some evidence of that.

Finally, drugs are a highly emotive topic, which generates hyperbole, controversy and political vacillation, but it is crucial that we invest in proper social research to advise any independent inquiry on the way forward. Will the Minister say what plans the Government have to invest in the social scientific research that we need to take forward evidence-based policies?

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**8.28 pm**

**Lord Stevenson of Balmacara:** My Lords, I congratulate the noble Lord, Lord Norton of Louth, on securing this excellent debate. When he introduced it, he said that he was not an expert. I am left with the feeling that I would hate to hear him on his own topics, but of course we hear him on them regularly and we are all the better for that. It was also interesting to hear his blog responses, which informed what he said. I think that they added a touch of absolute certainty about what is happening out there in the real world, which was very useful to hear.

I am sure that I speak for the whole House when I say how pleased we are to see the noble Earl, Lord Onslow, in his place. I thank him for his interesting anecdote about "Have I Got News For You". I must watch that. I had not realised that the noble Earl had been a star of the small screen. It also shows, from what he said, that the public are well ahead of us in some of the things that we think about in this debate.

As the noble Baroness, Lady Finlay, reminded us, the Misuse of Drugs Act 1971 now controls over 600 or so so-called psychoactive substances, of which there seem to be about 40 discovered each year. We have too many regimes and approaches. Alcohol and tobacco are regulated separately, largely through trading standards legislation, while solvents and solvent abuse are regulated through the Intoxicating Substances (Supply) Act 1985. As a number of noble Lords have said, there is no evidence that the level of classification within the Act has any effect on consumption. When cannabis was reclassified downward to class C and then back up again to class B, there was no discernible change in the already downward trend in use.

Penalties for drug possession have a considerable impact on the criminal justice system. Two years ago, over 41,000 people were sentenced for drug possession offences, including over 1,200 people sentenced to immediate custody. Drug use and its associated problems have real and considerable implications for the justice, prison, education, health and mental health systems and, of course, for victims and families and generally for society.

As the noble Lord, Lord Cobbold, said, there is a good case for drugs policy being transferred to health and taken away from the Home Office. The Misuse of Drugs Act is now 40 years old and, arguably, ripe for review. The noble Lord, Lord Taverne, gave us an interesting insight into policy as it must have been around the time when the Act was passed. That gives us a chance to argue that a review is required. If the Act is going to be reviewed, there is a list of issues that need to be addressed, including enforceability, which is becoming more and more difficult and bringing the law into disrepute; inconsistency in our approach to controlling illicit and licit psychoactive substances; technology and the fact that new drugs are being developed all the time; criminality, with the huge and growing criminal black market and the associated violence that it brings; and collateral damage, in the sense that drugs and drug use have a significant and growing impact on our education, health and prison systems.

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As the noble Baroness, Lady Finlay, said-and it was a good phrase-we have also to think about the perverse appeal that drugs have for young people. All our evidence is that the educational process at the moment is not effective. As the noble Lord, Lord Norton, said, we have a problem. The issue of decriminalisation has been raised. There is good evidence from other parts of the world that it can have an effect. As my noble friend Lord Rea said when he spoke about his experiences of general practice, there is in some sense a form of decriminalisation effected when people are able to prescribe directly and get around the laws. We obviously need to tackle that, as well.

As the noble Baroness, Lady Meacher, said, a balanced debate is needed-one that considers the impact of prohibition and the potential benefits as well as harms from use and abuse of psychoactive substances. We have to think about the costs involved in this process. This debate could then feed into a complete review of our approach to drug control, with the aim of producing a single, coherent, overarching framework for regulating all psychoactive substances.

If there is a case for a complete review, should it be done by a royal commission? There are those who feel that a royal commission just means a whole lot of people with letters after their names taking several years and spending a lot of public money just to tell us what we already know-so maybe not a royal commission. Should it be done by Parliament? One problem is that our political and legislative systems contain what has been described as a fundamental bias in favour of the prohibition of drugs. It has been persuasively argued that politicians find it very hard to deal with these social issues in any case. Even so, there is a case for this matter to be referred to Parliament, possibly through a Joint Committee of the two Houses and subsequent pre-legislative scrutiny. The Government are presumably nearing the end of their drug strategy consultation. Perhaps the Minister can shed some light on progress with this and, in so doing, indicate which of these options-royal commission or Parliament-she favours. As the noble Baroness, Lady Murphy, said, we are already in the long grass, so let us

not leave ourselves there for much longer. Judging from the evidence that we have heard tonight, something clearly has to happen soon.

**8.33 pm**

**The Minister of State, Home Office (Baroness Neville-Jones):** My Lords, I thank my noble friend Lord Norton for the thoughtful way in which he introduced this debate on a subject of very considerable public import that, precisely because of the harms associated with it, excites very considerable strength of feeling and, I have to say, disagreement. There is a broad consensus on some of the damage that it does; where those who are informed as well as those who are uninformed part company with each other is on what we do about it.

I would like to respond to the points raised and set out the Government's thinking as it has developed on the drug strategy. Between us and those advocating decriminalisation, which I have to tell noble Lords the Government are not going to engage in, there is common

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ground on some of the things that we consider need to accompany a policy that continues to classify drugs and criminalise the taking of them. Do we believe in an evidence-based policy? Most certainly. Do we think that the law can do it all by itself? Certainly not. We certainly think that both education and treatment need to be integral parts of policy. Do drugs contribute to global crime at all levels, violent as well as organised? Yes, absolutely they do. Do we need therefore to take action? Clearly, we do.

The example of Portugal has been mentioned, and I shall come to that in a moment, because the conclusions that you draw from the evidence in front of you is going to influence what you say about what should happen next. The picture that emerges from Portugal is somewhat more complex than some noble Lords have allowed.

Let me say something about how the Government's thinking is developing and then I shall return in the light of that to some of the comments that have been made. As the House will be aware, in December last year the Government launched their new drugs strategy, whose component parts include: reducing demand; restricting supply; building recovery; and supporting people to live a drug-free life. The supporting part is very important.

The strategy has two high-level ambitions, one of which is to reduce illicit and other harmful drug use. I might say that we do take a dim view of alcohol abuse, which we also believe needs to be tackled. Some of the treatments that accompany that are much like those for the abuse of drugs. It is for the reason that alcohol abuse is certainly going up that we are clamping down on below-cost sales of alcohol and restricting their sale to young people, and so on. We do think that that needs tackling—so there is nothing between us on the subject of the evils of alcohol abuse. However, we do not believe that because alcohol abuse is going up, that is somehow reason for not being tough about drugs as well.

Our second ambition is to increase the number of individuals who are able to recover from their dependency on drugs or alcohol. In delivering these ambitions for the next four years, we are committed to an evidence-based approach, and we will undertake evaluation of the policy as we go along. We are not suggesting that we will pursue this policy irrespective of what the evidence shows that its results might be. I assure and promise noble Lords that constant evaluation will be an integral part of the approach that we pursue, and we will take into account the wider evidence available. I have to say to the noble Baroness, Lady Murphy, that I have asked whether we have any social research on the stocks at the moment. I fear that the answer is no, and I think that is something that we should take away.

High-quality advice on this complex field is obviously of the utmost importance. We value greatly the work of the Advisory Council on the Misuse of Drugs, and the proper consideration of its advice is at the heart of enabling us to deliver this strategy. We are developing with it an evaluation framework to assess the effectiveness and value for money of the drugs strategy. We will redo that on annual basis and from that annual review we will then develop further initiatives and actions as

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the programme develops. That I hope will give us the necessary flexibility to respond to changes in the drugs scene and the nature of the trade and based on the outcomes that we are managing to achieve.

The Government are also ensuring that our policies complement each other and build the necessary links between the strategy itself and sentencing, welfare and public health reforms so that we optimise the outcomes and the cost-effectiveness of individual policies.

A number of noble Lords have mentioned the whole question of impact assessment. I have some sympathy with this notion. It is very hard, however, to know what you are measuring. One reason is that it is extremely difficult to disaggregate the interaction of various phenomena. Two honest people can measure an impact and come out with a different answer. I hope the House would agree that we have to tackle the complexity of the interaction of various factors. I hope if we are able to do that it will give us a better clue as to how to proceed.

I suppose I need to say at this point that, although we are going to go through evaluation, we do not intend to go for a thoroughgoing review. We do not consider that that is warranted. What we want to do is to give the strategy that we are outlining, which contains new components of policy, a good try to see what it delivers. We are not a Government who will take no notice of the results of policy, but we certainly think that the case at the moment is made for proceeding with the policy on the basis of constant review.

As I said, we have decided that we are not going to decriminalise, but we are going to deal with a lot of the features of the scene. The four decades of the Misuse of Drugs Act have provided the UK with a coherent legislative framework. Although some noble Lords seemed to think that we could somehow duck our international obligations, we do not believe that is actually the case. We have to engage in policies

which restrict the availability of drugs and their misuse and which protect public health and welfare. We will continue to try to do that.

We will engage in a number of positive features in our policy-I think it is important to do that-but before I come to that issue I want to say something about the relationship between the level of crime and drug use. The findings from the British Crime Survey 2009-10 show that drug use among young people in the 16 to 24 age group has fallen to 20 per cent, from 29.7 per cent when the survey began. That is quite a significant drop. The latest figures from the NHS Information Centre's annual survey of drug misuse in England, which was published earlier this year, confirmed the downward trend of the past few years. That is why I mentioned the complexity of interaction. That is an encouraging phenomenon and we would like to know exactly why that is happening.

We want to empower young people to steer clear from drugs rather than encourage their consumption. In due course we shall be debating the Government's proposals in the Police Reform and Social Responsibility Bill for the introduction of temporary banning measures, which was mentioned by a number of noble Lords. We believe that it is right and proper to have measures in place to be able to ban such substances. The experience

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of methadone convinces us it is the right thing to have done. The ban had an impact on attitudes-consumption went down. We are certainly not of the view that it is wise to give the impression that, because a drug is legal, it is therefore safe. Indeed, some of those drugs are extremely damaging.

As part of reducing the demand strand of the drug strategy, we want to help people resist the pressures to take drugs and the encouragement that may come in their lifestyles and we want to make it easier for those who have taken drugs to stop. This is key to reducing the huge cost to society. We will focus in our strategy on early years prevention, particularly for families who have complex needs, and we will provide high-quality drug and alcohol education and information to young families and parents through schools, colleges, universities and the Frank service. Education was stressed by a number of noble Lords. We certainly intend to lay a lot of emphasis on that. We will provide intensive support to vulnerable young people to stop them becoming involved in drug and alcohol misuse.

We also wish to give discretion to the police on whether to prosecute in given circumstances and to the judiciary to take into account all the circumstances of an offence. In practice, the law enforcement element is one that we wish to see used judiciously. It is fair to say that some of the results in Portugal, where it has been said that legalisation has taken place, do the opposite in that they put people into treatment, which is what we want to see happen here. However, some of the picture in Portugal is not so good. It is the country in Europe, I think, that has the second highest level of HIV. There are relationships between these various phenomena.

Very few custodial sentences are imposed for simple possession offences and a fine is the most commonly imposed conviction.

**Baroness Meacher:** Before the Minister sits down, will she explain why she will not have a review of the Misuse of Drugs Act 1971? It has obviously now been in place for 40 years. Whatever may be said about Portugal, the reality is it had a very high level of HIV before decriminalisation and now has a very good record. Most importantly, young people there are now less and less likely to go into drug addiction. In view of this evidence, will the Minister explain to the House why the Government will not even look at and evaluate, whether through an impact assessment or a royal commission, their own policies? We have very high levels of drug use in this country, and we are not doing well.

**Earl Attlee:** My Lords, I am afraid that we are out of time.

**Baroness Neville-Jones:** The noble Baroness is doing us a slight injustice. I did not say that we would not look at anything; I said that we were going to base our current policy on constant evaluation. We understand that we need to look at how successful our policy is being. We do not believe, on the basis of the strategy that we wish to pursue, which has new elements to it, that the moment has come for a thoroughgoing review, but we are going to continue to evaluate the effects of our policy. I hope that that will convince noble Lords that we are not going into this absolutely blindly.

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I would like to say one or two other things, but I must conclude. The Government will put resources, energy and ambition into pursuing a policy that we are endeavouring to make broader in its scope and more effective in its outcomes.