HER MAJESTY’S GOVERNMENT

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(FORMED BY THE RT HON. THERESA MAY, MP, JUNE 2017)

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LORDS IN WAITING—Viscount Younger of Leckie, The Rt Hon. Lord Young of Cookham CH

§ Members of the Government listed under more than one Department

Second Church Estates Commissioner, representing Church Commissioners—The Rt Hon. Dame Caroline Spelman, MP

Representing The Speaker’s Committee on the Electoral Commission—Bridget Phillipson, MP

Representing the Speaker’s Committee for the Independent Parliamentary Standards Authority—Mr Charles Walker, MP

Representing the House of Commons Commission—The Rt Hon. Tom Brake, MP

Chairman of the Public Accounts Commission—Sir Edward Leigh, MP
House of Commons

Monday 11 December 2017

The House met at half-past Two o’clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

Social Mobility

1. James Cartlidge (South Suffolk) (Con): What steps her Department is taking to enhance social mobility. [902843]

22. Nigel Huddleston (Mid Worcestershire) (Con): What steps her Department is taking to enhance social mobility. [902865]

The Secretary of State for Education (Justine Greening): We have made significant and ambitious reforms to the education system since 2010. We have expanded childcare provision, raised school standards, transformed apprenticeships and increased university access. We will continue to drive social mobility through the whole education system and beyond into careers. Equality of opportunity is essential to make our country one that works for everyone, not just the privileged few.

James Cartlidge: In light of the excellent news that we have seen the best improvement in reading standards in our schools for 15 years, not least due to the excellent work of the Minister for School Standards, my right hon. Friend the Member for Bognor Regis and Littlehampton (Nick Gibb), does my right hon. Friend the Secretary of State agree that no single measure can boost social mobility more than this kind of dramatic improvement in education standards?

Justine Greening: Absolutely, I do. In fact, it was put forward in the teeth of opposition from many Opposition Members. Last week’s international reading results showed not only that reading in England has improved for pupils from all backgrounds, but crucially that low-performing pupils are gaining the most rapidly. Just 58% of pupils reached expected reading standards in the first national phonic screening check in 2012. That figure is now 81%. There has been no welcome from the Opposition for this progress.

Nigel Huddleston: Does the Secretary of State agree that the recent Social Mobility Commission report showed that social mobility is an issue not just for inner cities but for our shire counties, including Worcestershire? Is that not further justification for a fairer funding formula to redress some of the relative underfunding of so many of our rural schools?

Justine Greening: My hon. Friend is right. This was an important funding reform to ensure that all children are invested in properly. On opportunity areas, we are focusing our effort on areas of the country with the greatest challenges and the fewest opportunities. We have invested £72 million in opportunity areas, some in rural areas. My hon. Friend is absolutely right to flag up the fact that talent is spread evenly, but opportunity is not. We are determined to change that.

Several hon. Members rose—

Mr Speaker: One Member of the House is so keen to demonstrate her commitment to equality that she is wearing what I will call a rainbow pullover, with the
rainbow symbol of equality. I am referring to the hon. Member for Wakefield (Mary Creagh), to whose contribution we look forward with eager anticipation.

Nic Dakin (Scunthorpe) (Lab): Sixth form colleges are well recognised for their role in delivering social mobility, yet that is now at risk with an underfunding of £1,200 per student, compared with 11 to 16 funding. Will the Secretary of State act to address this before it is too late?

Justine Greening: As the hon. Gentleman will know, we are putting more money into making sure that post-16 education is consistently gold standard, regardless of whether young people follow academic or technical education routes. I am sure he will have welcomed the announcement in the Budget a couple of weeks ago, of extra premiums for maths students.

Sir Vince Cable (Twickenham) (LD): Since the Secretary of State was the only member of the Cabinet to get a pass mark from the Social Mobility Commission, will she now cement her reputation by intervening to stop the catastrophic decline in apprenticeship starts?

Justine Greening: I will set out a social mobility action plan later this week. On the right hon. Gentleman’s claims about apprenticeships, starts remain on track to reach 3 million by 2020. There have already been 1.1 million since May 2015. Rather than talking them down, it would be better if he talked our education system up.

Robert Halfon (Harlow) (Con): I congratulate the Minister for School Standards on the incredible work done on young children’s reading. On social justice, will my right hon. Friend consider providing 30 hours of free childcare for foster children, in line with those of working parents, by dropping the eligibility earnings cap for free childcare to £65,000 from the existing £100,000 mark?

Justine Greening: The 30 hours free childcare policy has been incredibly popular with parents. Nine out of 10 say they very much like it and welcome it. We are actively looking at the issue my hon. Friend mentions in relation to foster children.

Justin Madders (Ellesmere Port and Neston) (Lab): As chair of the all-party group on social mobility, I am very concerned to read the Social Mobility Commission’s report and the subsequent comments from the outgoing chair. Will the Secretary of State, or one of her ministerial team, agree to meet the all-party group to discuss where we go from here?

Justine Greening: I hope the hon. Gentleman will be able to welcome the plan I will set out later this week. I think the time has come for us all to move on from talking about the problem, which we have done a lot for many, many years, to deciding that we have it within us to work together up and down the country to now tackle it.

Tracy Brabin (Batley and Spen) (Lab/Co-op): I agree with the right hon. Member for Harlow (Robert Halfon). Last week the Minister for Children and Families used the 30 hours of free childcare as an example of the Government’s commitment to social mobility. He knows that foster children are some of the most vulnerable, often starting school having already fallen behind their peers, and that many would benefit from access to high-quality early years education. Why have they been excluded from the 30-hours offer, and will the Secretary of State tell us when this discrimination will end?

Justine Greening: I am pleased that the hon. Lady implicitly recognises that the 30-hours policy is a good thing, which, ideally, would be extended to more children. As I just said to my right hon. Friend the Member for Harlow (Robert Halfon), we will be looking at that.

Multi-academy Trusts: Financial Accountability

2. Mike Hill (Hartlepool) (Lab): What steps she is taking to monitor the financial accountability of multi-academy trusts.

The Minister for School Standards (Nick Gibb): Academies and multi-academy trusts are subject to a much stronger financial accountability regime than local authority-maintained schools. Academies are required to publish audited financial accounts annually, and the Education and Skills Funding Agency oversees compliance with the funding agreement. We take swift and robust action at the first sign of failure, either financial failure or academic underperformance. The auditors gave 98% of academy trust 2015–16 accounts a clean bill of health.

Mike Hill: In my constituency, we have suffered significant cuts in central budgets that support the most vulnerable people in our communities. Hartlepool Council has suffered cuts of almost 50% over the last five years, at a time when demands on services continue to rise rapidly. The council has tried very hard to protect frontline children’s services, but there has nevertheless been a 14% reduction in funding for them. Can the Secretary of State explain how our most vulnerable children and young people will have increased social mobility, given the significant and growing pressures on social care, funding for those—I am afraid that it does not relate to the matter that we are discussing. We are supposed to be talking about the financial accountability of multi-academy trusts.

Nick Gibb: We are spending record amounts on school funding. We are spending £41 billion this year, and that will rise to £43.5 billion by 2019–20. In the new national funding formula, a fair system that previous Governments have shied away from introducing, we give huge priority to funding for the disadvantaged.

Philip Davies (Shipley) (Con): During education questions last month, I raised the case of High Crags primary school in my constituency, which had £276,000 snaffled from its funds by Wakefield City Academies Trust shortly before the trust’s collapse. The school is in a very deprived part of the constituency, and, quite understandably, it wants its money back. Will the Minister tell us what he is doing to ensure that that happens?
Nick Gibb: My hon. Friend should know that no academy trust can profit from its schools, and the Wakefield trust will not be able to retain any reserves that it has at the point of dissolution. We are working with all the academies and the preferred new trust to determine what is appropriate support and proper funding.

Mary Creagh (Wakefield) (Lab): I hope that the standard of the question is up to that of the jumper, Mr Speaker, but I fear that it may not be.

Notwithstanding what the Minister has said, the acting chief executive of Wakefield City Academies Trust managed to pay himself £1,000 a day in a company owned by his daughter and to pay £60,000 a year for clerking services. Despite those excessive sums, however, it appears that the audit committee did not meet for a full calendar year to sign off the probity of those payments. How many more academy trusts across the country are in special measures? Into how many more Multi-Academy Trusts are in peril on his watch?

Nick Gibb: All related-party transactions must be disclosed, and they are. We are working with the trust to transfer all 21 academies to new sponsors with a track record of improving schools and delivering high academic standards. Those transfers will take place in a way that secures the financial future of each school.

James Heappey (Wells) (Con): The excellent Priory multi-academy trust has been working with King Alfred school in Highbridge, in my constituency, since the school was placed in special measures last year. They have made some very good progress, but the trust’s board of directors is nervous about formalising the sponsorship until urgently needed repairs have been completed at the school. Will the Minister meet me, along with representatives of the trust and the school, so that we can resolve the impasse at the earliest opportunity?

Nick Gibb: Yes, of course; I will be delighted to meet my hon. Friend to try to resolve that impasse. We are spending record amounts of capital on our school system: £23 billion in this period.

Mike Kane (Wythenshawe and Sale East) (Lab): I am confused. In 2015 the Education Funding Agency conducted a financial management and governance review of the failed Wakefield City Academies Trust, but the Department refused to publish it, placing the trust’s commercial interests above the interests of the 8,500 pupils. So can the Minister answer the question of my hon. Friend the Member for Wakefield (Mary Creagh): how many more MATs are in peril on his watch?

Nick Gibb: As I said earlier, 98% of academy trust accounts for 2015-16 got a clean bill of health. We take the financial probity of the academy system very seriously. All academies have to publish audited financial accounts, which maintained local authority schools do not. The fact that far fewer schools today are rated as inadequate than in 2010 is a tribute to the structural reforms and the academies programme. Currently, 450,000 pupils are in sponsored academies rated as good or outstanding. Under the watch of the hon. Gentleman’s party these schools were typically underperforming, before we turned them into sponsored academies.

Schools: Capital Funding

3. Stephen Morgan (Portsmouth South) (Lab): What recent assessment she has made of the adequacy of capital funding for schools.

10. Bambos Charalambous (Enfield, Southgate) (Lab): What recent assessment she has made of the adequacy of capital funding for schools.

The Minister for School Standards (Nick Gibb): The Government are making a significant capital investment in the school estate: we have committed over £23 billion in capital funding over the period 2016-21. This will create over 600,000 new school places, rebuild buildings in the worst condition at over 500 schools through the priority school building programme, and deliver thousands of projects to improve the physical condition of school buildings. Since 2010, capital funding has resulted in 735,000 new places and revenue funding is at an all-time high at £41 billion.

Stephen Morgan: Recent research by the National Education Union and Tes found that 94% of teachers pay for essential classroom supplies, including at schools in my constituency where glue-sticks are being brought in by hard-working staff. With this in mind, does the Minister still maintain that Portsmouth’s schools have enough money and resources?

Nick Gibb: No parent should be expected to pay for the basic needs of their school, although they can, of course, be asked to fund school trips and extra things. We are spending record amounts on our school system: £41 billion this year, rising to £43.5 billion by 2019-20, and standards are rising in our school system, too, in reading, maths and GCSEs, despite a more rigorous curriculum in our secondary and primary schools.

Bambos Charalambous: Can the Minister confirm that, despite the additional £1.3 billion announced in July, the schools budget is still facing a £1.5 billion real-terms funding shortfall, which nothing has been done to reverse?

Nick Gibb: No. My right hon. Friend the Secretary of State announced an additional £1.3 billion in July, as the hon. Gentleman kindly acknowledged. That means that not only have we maintained school funding in real terms, as we did in the last Parliament, but we have maintained school funding in real terms per pupil in this period up to 2020.

Lucy Frazer (South East Cambridgeshire) (Con): Currently, bids for capital spending on maintenance for schools are assessed on the state of the building. Given that there is significant competition for these bids and it is very difficult to assess the state of buildings in different schools across the country, is there not a case for also assessing the historical underfunding in various areas of our country?
Nick Gibb: We deal with the historical underfunding through a fairer national funding formula. On capital funding, we are spending £10 billion between 2016 and 2021 on school replacements, maintenance and improvement. That must be determined according to the condition of the school, and we have conducted a national survey of all schools in the country so that the system is fair.

Kevin Foster (Torbay) (Con): Through the Minister, may I thank the Secretary of State and her Parliamentary Private Secretary for their superb response to the question I asked at the last Education questions session? On Friday, I was at Shipley Learning Academy meeting its headteacher Elaine Gill, to discuss the condition of its building, and particularly the roof. Will the Minister reassure me that there will be an adequacy of funding to seriously consider the bid it is about to put forward?

Nick Gibb: Obviously I cannot comment on a particular bid, but we are spending £10 billion on ensuring that we have sufficient capital to replace schools and improve the maintenance of schools. I hope that that answer was as superb as the previous answers that my hon. Friend has had.

18. [902861] Alex Sobel (Leeds North West) (Lab/Co-op): The executive member for children on Leeds City Council wrote to me today after writing to the Secretary of State on 28 September about health and safety issues in local education authority schools, including schools that are trying to become academies. The response from the Department was about the condition improvement fund for academies, so I am going to ask again: what funding and support are available for LEA schools with serious health and safety concerns, including concerns about asbestos and fire safety? What funding is the Secretary of State going to provide for those schools?

Nick Gibb: We have allocated £4.2 billion since 2015 to maintain and improve school buildings. Some of that is allocated to local authorities, because they are best placed to know the priorities of the schools in their local authority area.

Mr Shaiilesh Vara (North West Cambridgeshire) (Con): Sawtry Village Academy in my constituency is in serious financial difficulty, not least because of the activities of its former head, which included building a sex dungeon alongside his office for his private use. That headteacher is now in prison, but the financial difficulties of the school remain. Will the Minister kindly agree to meet me and representatives of the school to discuss the way forward?

Nick Gibb: Yes, I would be happy to meet my hon. Friend to discuss the financial and academic future of that school.

Angela Rayner (Ashton-under-Lyne) (Lab): Can the Minister confirm that the Budget actually cut education capital funding by £1 billion in this spending review, and that part of that cut involves removing more than three quarters of the healthy pupils capital programme? Perhaps he recalls the Government’s pledge earlier this year that the healthy pupils fund would not fall below £415 million, regardless. Will he now apologise for breaking that promise?

Nick Gibb: The hon. Lady has misunderstood the budget process. We have not cut £1 billion from the capital spending of schools. What we have done is convert an element of the healthy schools budget into revenue spending, to ensure that schools are properly funded on the frontline, because we believe that schools need to be properly funded and that is how we have managed to allocate an extra £1.3 billion to school funding—something that she and the school system have called for.

Academic A-levels: Knowsley

4. Maria Eagle (Garston and Halewood) (Lab): What steps she is taking to ensure that academic A-levels are taught in the Metropolitan Borough of Knowsley.

The Secretary of State for Education (Justine Greening): Knowsley Metropolitan Borough will benefit from an initial A-level offer in September 2018 through Knowsley Community College’s imminent merger with St Helens College. The 2018-19 prospectus has now been published, setting out the A-level offer available, and the Department is also working with Knowsley’s local authority to ensure the implementation of Knowsley Better Together, which is the wider local plan for improving access to A-levels in Knowsley.

Maria Eagle: I thank the Secretary of State for that answer, but in a number of meetings with Knowsley MPs over the past year, her Ministers have promised to bring in a recognised excellent provider to restore academic A-level provision to Knowsley. The provision of some college vocational A-levels is a welcome development, but it is not enough. What progress has the Department made on delivering the promises made by her Ministers to local MPs over the past year?

Justine Greening: I was happy to meet the hon. Lady and her colleagues, and I am sure she will remember from the letter I sent her following that meeting that I have asked my officials specifically to convene a further meeting locally to agree an approach on the maths support programme, which will focus on improving level 3 maths, and on the English hub roll-out for Knowsley.

Mr George Howarth (Knowsley) (Lab): The new A-level provision from next September in Knowsley is very welcome, but will the Secretary of State commit to working with the local authority and the commission established under the leadership of Christine Gilbert to ensure that more young people in Knowsley are able to take advantage not only of academic A-levels but of vocational qualifications?

Justine Greening: We want to ensure that that kind of offer is available for every child in our country, including in Knowsley. As the right hon. Gentleman suggests, there is a lot of work to be done to ensure that the education offer on people’s doorsteps in Knowsley gets better over the coming years. He will know that a lot of
work is going on locally, and that is complemented by our national focus on standards. I have written to him about this, and I am happy to do my role in ensuring that we work together to improve education outcomes for children in Knowsley.

**STEM Subjects**

5. **Colin Clark** (Gordon) (Con): What steps the Government are taking to encourage pupils to take up science, technology, engineering and maths. [902847]

Justine Greening: My right hon. Friend raises an interesting proposal, and I am pleased that he is working so effectively with the Minister for Apprenticeships and Skills. We need not only to improve our investment in STEM, but to change young people’s perceptions of STEM so that they can see what a fascinating career can lie ahead after doing STEM subjects at A-level and, critically, STEM degrees. That is how we can steadily continue to change the situation for the better.

Carol Monaghan (Glasgow North West) (SNP): I am sure that the Secretary of State will know that STEM teachers in Scotland need a university-level qualification in a STEM subject, so we have retained the professionalism. However, my question is about getting girls into STEM.

As we approach Christmas, the gender stereotyping in toys is simply depressing, with boys being presented with technical toys while girls are expected to become pretty home makers—even Lego is making the distinction, with princess Lego sets. What representations is the Secretary of State making to toy manufacturers and retailers to ensure that gender-neutral toys are promoted and that girls are encouraged into STEM?

Justine Greening: My right hon. Friend the Minister for Apprenticeships and Skills will shortly be holding a roundtable on such issues, but she should focus more broadly on the underlying strategy of getting more young girls and women into STEM careers. The good news is that the number of women accepted on to STEM undergraduate courses increased in England by 25% since 2010.

**Coding and Programming Education**

6. **Scott Mann** (North Cornwall) (Con): What steps the Government are taking to encourage the increased take-up of STEM subjects.

Carol Monaghan: We are taking to encourage pupils to take up A-levels, but there is much work to be done.

Justine Greening: My hon. Friend is absolutely right. The Scottish Government have failed to deliver better education standards across the board for Scottish children. In fact, looking at Scotland’s PISA results, standards dropped across all testing areas between 2012 and 2015. That is the Scottish Government’s legacy for their children. Scotland is behind England in science, maths and reading, which is a shocking indictment.

Melanie Onn (Great Grimsby) (Lab): At last week’s meeting of the all-party parliamentary group on the UK oil refining sector, I met several young ambassadors who had excellent suggestions for encouraging young people to study STEM subjects. One suggestion was that Ofsted should measure the number of engineers that schools produce, rather than how many of their pupils go to university. Will the Secretary of State consider that?

Justine Greening: We are moving in the right direction. The hon. Lady is right to make a point about the pipeline, which means not just better grades at GCSE, but more young people taking A-level maths—now the most popular A-level. We want that to carry on into post-16 maths premium and a new £84 million programme to improve the teaching of computing, both of which aim to encourage the increased take-up of STEM subjects.

Colin Clark: Children in England are benefiting from the Government’s focus on STEM subjects, but does the Secretary of State agree that all children in the UK should be encouraged to study such subjects? A shortage of STEM teachers in Scotland risks undermining children’s opportunities, including at Inverurie Academy in my constituency.

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local businesses; train providers and colleges; and develop a comprehensive analysis of the area’s skills needs to help ensure that skills provision meets those needs.

James Frith (Bury North) (Lab): The success of T-levels, which will incorporate coding and programming in education, will largely rely on addressing the chronic underfunding of our colleges, so was the Secretary of State disappointed, as Bury College and Holy Cross College in my constituency were, that the Chancellor ignored the pleas to address the great iniquity of post-16 funding? What will the Secretary of State do about it?

Nick Gibb: Maybe the hon. Gentleman missed the announcement of £500 million of extra funding for technical education post-16.

Home-schooling

7. Wera Hobhouse (Bath) (LD): If she will make an assessment of the adequacy of local authorities’ oversight of the education and wellbeing of children who are home-schooled.

The Minister for Children and Families (Mr Robert Goodwill): Local authorities have the power to ensure that children being educated at home by their parents are well educated and safe, but I am not confident the power is being used properly everywhere. That is why the forthcoming consultation on revised guidance for authorities and parents is so important. Every child needs a good education, including those who are home-schooled.

Wera Hobhouse: Mr Speaker, I am ever so slightly disappointed that you did not notice my excellent sweater.

Mr Speaker: I have now.

Wera Hobhouse: Has the Department made any assessment of the skills that parents need to home-educate a child successfully?

Mr Goodwill: Certainly there are some very good examples of home education being delivered, in some cases by qualified teachers, but it is important that home education is not, for example, used as an alternative to exclusion or, indeed, because of the lack of provision of correct special educational needs. We are very much on the case.

Andrew Selous (South West Bedfordshire) (Con): Many Traveller children are home-schooled, yet only 4% go to university, compared with 43% nationally. The race disparity audit showed Traveller children having the worst educational outcomes of any group, so will my hon. Friend meet me to discuss how we can ensure that Traveller children access education like every other child in the UK?

Mr Goodwill: Certainly Traveller children are the outliers in many of the statistics that we see. Local authorities have no specific power or duty to monitor the quality of home education, although their duty to identify children who may not be receiving suitable education enables them to make informal inquiries and start a process that can, but seldom does, end in a school attendance order.

Lucy Powell (Manchester Central) (Lab/Co-op): Does the Minister agree with the chief inspector of schools, Amanda Spielman, that so-called off-rolling, which includes home-schooling and alternative provision off site, is one of the big scandals in our education system? The Institute for Public Policy Research estimates that 48,000 children are now off-rolled. What will the Government do to give local authorities the powers and capacity to deal with this issue, and to force multi-academy trusts to stop off-rolling people in the pursuit of standards?

Mr Goodwill: That is certainly against the admissions code. As I have already said, I am not satisfied that these rules are being applied properly on every occasion. That is why we will soon consult on revised guidance for parents and local authorities, with the aim of clarifying how local authorities can take effective action when children are not served well by home education.

Children in Care

8. Lucy Allan (Telford) (Con): What steps her Department is taking to reduce the number of children taken into care.

The Minister for Children and Families (Mr Robert Goodwill): We are driving forward reforms in children’s social care to ensure that all vulnerable children and families receive the highest-quality care and support. We have invested more than £200 million through the innovation programme to test and develop better practice, including testing approaches to help vulnerable children remain safely in their own home.

Lucy Allan: With record numbers of children being taken into state care, and with more and more families being subjected to statutory investigation, funding for children’s social care is increasingly directed at such last-resort interventions, instead of at supportive measures to help families at an earlier stage. Given the lifelong cost to children of this skewed model, will the Minister consider a fundamental review of children’s social care to ensure that families are supported to achieve the best outcomes for their children?

Mr Goodwill: I agree with my hon. Friend that a serious programme of reform for children’s social care is needed. We set out our vision for delivering excellent children’s social care in “Putting children first”. It outlines our reform programme, which seeks to improve the quality of social work practice; create systems and environments where great social work can flourish; and promote learning and multi-agency working, where all involved in supporting children and families can work effectively together.

Tony Lloyd (Rochdale) (Lab): The hon. Member for Telford (Lucy Allan) is absolutely right on this, and there should be agreement across the House that early intervention is not only more cost-effective, but more effective in human terms. Does the Minister accept that there is a crisis in the funding of children’s care, and that unless we are prepared to make the money for early
Mr Goodwill: I absolutely agree that early intervention, and innovation to learn how it can be more successful, is vital to delivering good children’s social care. That is why we have our £200 million innovation programme, which aims to ensure that we can best deploy the resources we make available to local authorities.

Mrs Emma Lewell-Buck (South Shields) (Lab): The Minister is presiding over a rise in care numbers and a shortage of foster carers. More than 70% of children’s homes are now run for profit. These providers are warning of imminent closures if his Government do not get their act together and tackle the issue of backdated sleep-in shift payments, which have led to debts of up to £2 million for some homes. Where on earth does the Minister propose placing our looked-after children when his Government’s reliance on the private sector fails?

Mr Goodwill: The hon. Lady draws attention to the figures. Children and Family Court Advisory and Support Service statistics show an increase of 14% in care order applications in 2016-17 compared with 2015-16, although the latest available figures for 2017-18 show a plateauing compared with the previous year. I pay tribute to all those who are developing effective children’s care—not only those in the private sector, but the many local authority providers and of course foster carers who operate outside local government employment rules.

Teacher Recruitment and Retention

9. Matt Rodda (Reading East) (Lab): What recent assessment she has made of trends in teacher recruitment and retention. [902851]

The Secretary of State for Education (Justine Greening): Teacher numbers are at an all-time high: there are 15,500 more teachers than there were in 2010; postgraduate recruitment is at its highest level since 2012-13; and in 2015-16 we welcomed back 4,200 teachers into the classroom, which is an 8% improvement on the 2011 figure. However, we are absolutely not complacent; we continue to invest in teacher recruitment and are actively addressing the issues that teachers cite as a reason for leaving the profession.1

Matt Rodda: I thank the Secretary of State for her answer, but I draw her attention to the situation in my constituency and the evidence from the School Teachers’ Review Body, which has stated that there is “a real risk that schools will not be able to recruit and retain a workforce of high quality teachers to support pupil achievement.” It says that this is particularly the case given the predicted increase in pupil numbers. What action have the Government taken to address teacher recruitment and retention? Will she meet me and local heads to discuss this matter?

Justine Greening: Retention rates are broadly stable over a 20-year period. In fact, the overall vacancy rate for all teachers is about 0.3%. The hon. Gentleman asks what we are doing on the quality of the people coming into teaching, and I can tell him that the proportion of people entering teaching with a degree or a higher qualification is now 98.5%, which represents a 4.3% increase since 2010. Indeed, 19% of this year’s cohort of trainees have first-class degrees, which is a higher proportion than in any of the past five years.

Mr Richard Bacon (South Norfolk) (Con): Given that the Self-build and Custom Housebuilding Act 2015 is now on the statute book, will the Secretary of State meet me and the National Custom & Self Build Association so that we can explain how the Act’s provisions can be used to recruit and retain teachers in difficult-to-fill subjects?

Justine Greening: I would be happy to meet, or for a ministerial member of my team to meet, my hon. Friend. This excellent Bill came through Parliament at an important time, and I am happy to talk to him about how we can make sure that young people coming through our education system are connected up with the great career opportunities that await them when they leave.

Angela Rayner (Ashton-under-Lyne) (Lab): Given what the Secretary of State just said about our excellent teachers, I hope that we can all agree that it is time to end the real-terms pay cuts for teachers. However, the Office for Budget Responsibility has warned that this will lead to schools squeezing non-pay spending and reducing the workforce without extra funding. The Chancellor wants us to believe that he has ended the public sector pay cap. The Secretary of State wants us to believe that she has ended cuts to schools. They cannot both be right, so which one of them is putting the “con” into the Conservatives?

Justine Greening: Obviously the School Teachers’ Review Body will be getting its remit letter shortly, but what I have tried to set out is a much broader strategy for teaching as a profession, and not just in relation to financial incentives and making sure that they are in the places where we particularly want teachers to teach. Later this week, we will issue our consultation on strengthening qualified teacher status, which I hope will be welcomed. Of course, we are working hard to remove unnecessary workload. Earlier this year, I held a flexible working summit with the professions and unions to talk about how we can make sure that teachers stay in the profession.

Apprenticeships

11. Mike Amesbury (Weaver Vale) (Lab): What progress her Department has made on meeting its 2020 target for quality apprenticeship starts. [902853]

Mr Virendra Sharma (Ealing, Southall) (Lab): What progress her Department has made on meeting its 2020 target for quality apprenticeship starts. [902854]

The Minister for Apprenticeships and Skills (Anne Milton): We are determined to reach 3 million apprenticeship starts in England by 2020. There have been 1.1 million new apprenticeship starts since 2015, but quality is also important. I am pleased that there were 24,600 starts on new employer-designed apprenticeship standards in 2016-17. That is a huge increase from 4,300 the year before.

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1. [Official Report, 18 December 2017, Vol. 653, c. 3MC.]
Mike Amesbury: Given that average monthly apprenticeship starts are 17% lower than they need to be to hit the Government’s 2020 target, does the Minister agree that local leaders and businesses are better equipped to meet that target than the Conservative Government?

Anne Milton: If he talks to employers, the hon. Gentleman will find that it is only because of the reforms we have introduced, which have allowed employers to be at the very heart of the process, that we have made the progress we have. Numerous Governments have attempted to do something about apprenticeships, but it is only now that we are seeing real change.

Mr Sharma: According to a new Sutton Trust report, “Better Apprenticeships”, two thirds of apprenticeships are the result of merely rebadging existing employee training as apprenticeships. What steps is the Minister taking to ensure that existing employees are participating in substantial training to develop new skills, and not just being accredited for their existing competence?

Anne Milton: This is critical. I have talked to apprentices and employers about apprenticeships, and there is no doubt that we have a skills shortage. Employers are absolutely determined to make sure that they have the workforce they need to deliver the skills they will need for their businesses in future.

24. [902867] Suella Fernandes ( Fareham) (Con): Fareham College, which is a great champion of vocational training and apprenticeships, was recently rated outstanding by Ofsted. Will my right hon. Friend join me in congratulating its principal, Nigel Duncan, and the staff and students who are all working so hard so that those students are equipped with training and skills fit for the future?

Anne Milton: I am delighted to join my hon. Friend in congratulating Fareham College. In fact, I recently met an employer who has started an innovative co-operation with that college, which is doing a brilliant job and really addressing the skills shortages in the area. It is good to see employers coming together, working successfully with a local college, and making sure that they have the power behind them to get the skills that are under-represented in the area.

Alan Mak ( Havant) (Con): Will the Minister update the House on her Department’s work to encourage more people with learning disabilities to get involved in apprenticeships and join the labour market?

Anne Milton: Yes. We are doing a huge amount of work; I know that my hon. Friend, as chairman of the all-party group on apprenticeships, is doing a lot of work himself. We have specific targets: we want people with learning disabilities to represent 20% of all apprenticeship starts by 2020. We have made progress, and the trajectory for people with learning disabilities is going up.1

Family Hubs

13. Henry Smith ( Crawley) (Con): What progress has been made on developing family hubs.

The Minister for Children and Families (Mr Robert Goodwill): We welcome the development of family hubs. Many areas are already moving towards this model of support for children and families. However, it is up to local authorities to decide how to organise and commission services in their areas. Local councils are best placed to understand local needs and how best to meet them.

Henry Smith: Following the recent publication of “Transforming Children and Young People’s Mental Health Provision: a Green Paper”, may I urge my hon. Friend to encourage local authorities to provide better support for parents and carers in the area of mental health?

Mr Goodwill: In the Green Paper, we commit to working with the What Works centres to publish and promote guidance for local areas to encourage the evidence-based commissioning of interventions aimed at supporting parents and carers, including parenting programmes. We are supportive of councils that wish to roll out family hubs. Ultimately, it is up to local councils to decide the best solutions for their areas.

Apprenticeships

14. Lee Rowley ( North East Derbyshire) (Con): What steps the Government are taking to invest in apprenticeships.

The Minister for Apprenticeships and Skills (Anne Milton): We have put in place key reforms to drive investment in apprenticeships: employer-designed apprenticeship standards to meet their needs and drive up quality; and the apprenticeship levy to encourage sustained employer investment. By 2019-20, spending on apprenticeships in England will reach £2.4 billion, which is double what it was in 2010 in cash terms.

Lee Rowley: I recently visited Stubbing Court Training, a local training provider in my constituency that specialises in the equestrian area. Given the Government’s recent changes to apprenticeships, will the Minister meet me to talk about how we can ensure that we continue to provide the support that the Government are offering for smaller and more rural employers and training providers?

Anne Milton: I would be extremely happy to meet my hon. Friend. In fact, I recently met my hon. Friend the Member for Taunton Deane (Rebecca Pow) to discuss this issue. We need to ensure that apprenticeships work for every community, wherever they are and in whatever sector.

Jim McMahon ( Oldham West and Royton) (Lab/Co-op): What are the Government doing to address the reported 61% fall in apprenticeship starts since the introduction of the apprenticeship levy?

Anne Milton: I am a bit disappointed that the right hon. Member for Twickenham (Sir Vince Cable) is not in the Chamber to listen to the rest of this question. If the hon. Member for Oldham West and Royton (Jim McMahon) looks at the figures more closely, he will see that there was a sharp spike of 46% between February and April this year compared with the situation in 2016.

This year’s starts are therefore down just 2.8% overall. This was entirely as we anticipated. We have brought in new systems, and it is right that employers that are now paying the levy are taking the time to plan. I suggest that Opposition Members need to talk up apprenticeships and apprentices.

Mandarin

16. Will Quince (Colchester) (Con): What steps her Department is taking to increase the number of pupils studying Mandarin.

The Minister for School Standards (Nick Gibb): The aim of our Mandarin Excellence programme, which was established in 2014, was to have 5,000 pupils fluent in Mandarin by 2020, and it is on track to achieve that. I pay tribute to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), who originally proposed this idea to me. The programme is now in 37 schools, with more than 1,400 pupils participating, all of whom are committed to eight hours of study—four hours in class and four hours of homework—each week. The intention is that by the time these pupils are in year 13, they will be fluent in Mandarin, reaching the international standard HSK (Level V).

Mr Speaker: The answers that are scribbled by those who serve Ministers are very informative, but the trouble is they are too long. It is the responsibility of Ministers to reduce their size. We are all very entertained by the Minister of State, but it would be good if he could do so more briefly.

Will Quince: Last week, the British Government hosted the UK young leaders’ roundtable and the people-to-people dialogue between the UK and China. Having recently visited China myself and seen the great opportunity that exists, does the Minister agree that having more schools offering Chinese or Mandarin as an option would help to strengthen the global strategic partnership between our two countries?

Nick Gibb: Yes, my hon. Friend is right. Last week we invited Minister Chen from China and my right hon. Friend the Secretary of State to meet 140 pupils who were participating in the Mandarin Excellence project. Minister Chen was impressed, as we all were, by the standard of the Mandarin being spoken by year 8 pupils who had been studying on the programme for just one year.

Leaving the EU: University Staffing

17. Joanna Cherry (Edinburgh South West) (SNP): What assessment she has made of the effect of the UK leaving the EU on staffing levels in universities.

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): EU staff make an important contribution to our universities. The UK and the EU have reached an agreement on citizens’ rights that will allow EU citizens to continue living here broadly as now, which will help to provide certainty to such staff in our institutions.
Members opposed every single change to the schools system that is driving up standards, with the help of teachers and students, including academies and free schools, the phonics check, the new curriculum, GCSEs and A-levels, and accelerated degrees. They never miss an opportunity to talk down schools and teachers, but there is always a deafening silence on welcoming actual improvements in standards. In the end, it is all about party politics.

Mr Speaker: I call Gordon Marsden—get in there, man.

Gordon Marsden (Blackpool South) (Lab): Friday’s National Audit Office report on the higher education market is hugely damaging. It says that the market is failing students and that such practice anywhere else would raise questions of mis-selling. Meanwhile, the Student Loans Company is in crisis. This is all under the watch of the Minister for Universities, Science, Research and Innovation. What does he say now to the NAO?

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): The National Audit Office rightly pointed out that students want value for money; which has been the guiding objective of our entire suite of HE reform programmes. That is why we have set up the Office for Students, which will ensure that universities are held to account for the teaching quality and value for money that they deliver to our students.

T4. [902872] Tom Pursglove (Corby) (Con): The Secretary of State is absolutely right to shout about the fact that 1.9 million more children are now in good or outstanding schools, including in Corby and east Northamptonshire. That equates to 87% of children in such schools now, compared with 66% in 2010. Does the Minister agree that that is real progress and not, as some have suggested, the result of an increase in the school-age population?

The Minister for School Standards (Nick Gibb): My hon. Friend is absolutely right. We want every child to have a good school place that provides them with the knowledge and skills to succeed in the future. Thanks to changes made by this Government, and the hard work of thousands of teachers across the country, he is right to say that 87% of children are now in good or outstanding schools compared with 66% in 2010.

Carol Monaghan (Glasgow North West) (SNP): The academic community in the north of Ireland might have a way ahead in the light of the recent Brexit negotiations. Will the Secretary of State give the same reassurance to the academic community in Scotland which, as my hon. and learned Friend the Member for Glasgow North West (Joanna Cherry) highlighted, is concerned about the recruitment and retention of EU nationals?

Justine Greening: I hope that the announcement from the Prime Minister and the European Commission on Friday will have very much allayed many of the understandable concerns that EU workers had about their future status in the UK.

T6. [902874] Nigel Huddleston (Mid Worcestershire) (Con): Many teachers in my constituency tell me that they spend a lot of time on their pastoral care responsibilities, particularly relating to mental health. What are the Government doing to help those schools where children’s mental health is a particularly acute issue?

Justine Greening: My hon. Friend is absolutely right to raise this issue. Indeed, on 4 December we published “Transforming Children and Young People’s Mental Health Provision: a Green Paper”. With £350 million of funding, the new measures include new mental health support teams to provide a real step change in the level of early intervention treatment available to pupils, and a clear ambition for a four-week waiting time for specialist NHS services. Of course, we will also provide new training for designated mental health senior leads in schools.

T2. [902869] Ellie Reeves (Lewisham West and Penge) (Lab): The House of Commons nursery is an award-winning nursery, and its manager was recently named nursery manager of the year for looking after the children during the Westminster terror attack. Will the Minister join me in commending the staff for their work, and will he also acknowledge the pressure they and other nursery providers are put under by the inadequate funding for the 30 hours of free childcare?

The Minister for Children and Families (Mr Robert Goodwill): I certainly pay tribute to nurseries up and down the country that are delivering fantastic childcare, particularly as part of the 30 hours’ free funding. I am actually getting a little tired of the Labour party criticising the scheme. It is being delivered fantastically well. Some 216,000 parents registered for the September intake, and 93% have taken those places. I look forward to another cohort of children coming in on 1 January.

T7. [902875] Mark Pawsey (Rugby) (Con): The Minister has already spoken about proposals for revised guidance on home-schooling. Warwickshire County Council tells me that there is no requirement for parents to register with the local authority, which can make it difficult for home-schooled children to get the education they deserve. Would such a change be part of the revised guidance?

Mr Goodwill: Children who are educated at home are the responsibility of their parents. Compulsory registration is not necessary. What is necessary is that local authorities take effective action in cases where parents are unable to provide a proper education. However, I am certainly happy to meet my hon. Friend to discuss his suggestion.

T3. [902871] Rosie Cooper (West Lancashire) (Lab): The parents of a child who has Asperger’s contacted me recently and explained in depth how their son’s school failed to consider his needs, and the great stress that that caused them as a family. As a signatory to the Ambitious about Autism pledge in the last Parliament, may I ask the Secretary of State what action her Department is taking to ensure that school staff are properly trained and have adequate resources?

Justine Greening: This is important. We have introduced the much broader education, health and care plans to make sure that young people get a much better assessment of their overall needs. I am very happy, though, to look at the particular case the hon. Lady mentions.
Bob Blackman (Harrow East) (Con): Parents in my constituency largely have access to schools offering faith-based education for their children, if they desire it, but every one of those schools is over-subscribed. What more can my right hon. Friend do to ensure that there is real choice for parents in faith-based education?

Nick Gibb: We greatly value the important role that faith schools play in our education system. They are high performing, they are popular with parents and they make an excellent contribution to our education system. Through the free schools programme, we have facilitated the creation of 71 new state-funded faith schools.

T5. [902873] Dan Jarvis (Barnsley Central) (Lab): What impact has the £659 million of cuts to Sure Start and early years investment had on the educational attainment of Britain’s poorest children?

Mr Goodwill: Sure Start schemes up and down the country are being delivered by local authorities, and it is up to them to make the decisions. However, we have already discussed the roll-out of hubs by some local authorities, which are proving particularly effective. As I say, it is for local authorities to determine what is best for their children.

Eddie Hughes (Walsall North) (Con): Figures released recently by the right hon. Member for Tottenham (Mr Lammy) show that the proportion of students in my constituency who get the top grades and go to top universities is lower than in the south-east of the country. What action can the Government take to address that inequality?

Joseph Johnson: Data published by UCAS today shows that the 18-year-old entry rate to full-time education in Walsall North has increased by 54% compared with 2006. In our last guidance to the director of fair access, we asked that areas with the poorest progression to university received particular attention.

T8. [902876] Louise Haigh (Sheffield, Heeley) (Lab): A maintained primary school in my constituency has received over 20 pupils in year from a local academy because of their permanent exclusion, or because they have been pushed out due to the risk of a permanent exclusion. What more can the Department and local authorities do to disincentivise academies from excluding pupils and pushing them on to maintained primaries?

Justine Greening: First, the new national funding formula much better helps schools to deal with this issue of students coming into schools in year. Secondly, following the race disparity audit, we launched an exclusions issue of students coming into schools in year. Secondly, we have launched an exclusions review to make sure that the whole process around how a child is permanently excluded is properly delivered.

Kirstene Hair (Angus) (Con): The Minister may be aware that the Scottish Parliament’s Education and Skills Committee recently voted to block plans to introduce the Scottish Government’s named person policy. Does he agree that that policy is a gross invasion of privacy, totally unnecessary, and diverts vital resources from the most vulnerable? Will he confirm that this Conservative United Kingdom Government have no similar plans for such an unnecessary policy?

Mr Goodwill: I can reassure my hon. Friend that there is currently no intention to introduce the named person system in England. We want a system that makes sure that children and their families get targeted help and the support that they need. Our “Working together to safeguard children” guidance is clear that services provided to children and families should be delivered in a co-ordinated way.

T9. [902877] Anna McMorrin (Cardiff North) (Lab): The Prime Minister’s refusal to remove foreign students from immigration figures is damaging our universities. What discussions has the Secretary of State had with the Home Secretary about the financial contribution of overseas students and staff, and their classification in Government immigration statistics?

Justine Greening: We have a world-class university system that is highly regarded by international students. There is no cap on the numbers of international students who can study in the UK. Indeed, we have seen a rise in the number of Indian and Chinese students coming to do so.

Stephen Metcalfe (South Basildon and East Thurrock) (Con): As my right hon. Friend will be aware, 2018 is the year of the engineer, with one of the aims being to change the perception of engineering, particularly among young women. Will she meet me in my role as the Government’s envoy for this campaign, to discuss how her Department can work with the Department for Transport to further these aims?

The Minister for Apprenticeships and Skills (Anne Milton): I would be delighted to meet my hon. Friend, and I praise the work that he has done on apprenticeships. It was a delight to see him at WorldSkills UK in Birmingham. I also praise the work that he is doing on the year of engineering.

Sir Edward Davey (Kingston and Surbiton) (LD): The Secretary of State might not be aware of this yet, but on 4 December I wrote to her to ask for an urgent meeting to discuss the funding of high needs in Kingston. Kingston’s high needs budget is set to be overspent this year by £6.5 million, or 35%—the worst in London. Will she meet me as soon as possible to discuss this?

Mr Goodwill: We are providing high needs funding of £5.84 billion to local authorities this year—next year’s figure rises to £5.97 billion—to help them to support children and young people with special educational needs. Earlier this year, we gave local authorities £23 million to support a strategic review of their special needs provision. We have allocated £215 million of capital funding to enable local authorities to create more places for those with special educational needs and disabilities. I would be happy to meet the right hon. Gentleman to discuss this issue.

Several hon. Members rose—

Mr Speaker: A single-sentence inquiry, perhaps, and conceivably a single-sentence reply.
Jo Churchill (Bury St Edmunds) (Con): Dividing lines of opportunity are now seen much more between metropolitan and rural areas. Will the Minister assure me that the bold creation of apprenticeships and institutes of technology will centre on rural areas as well as towns?

Justine Greening: We want to make sure that institutes of technology are based everywhere around the country. My hon. Friend is absolutely right to flag up the fact that rural areas are a place where we want to see more opportunity.

Mr Jim Cunningham (Coventry South) (Lab): What is the Minister doing to help young people with hearing difficulties to obtain apprenticeships?

Anne Milton: A lot of work and a lot of money is going into making sure that young people with learning difficulties can access apprenticeships. That is why we have set targets so that 20% of all apprenticeship starts will be people with learning difficulties by 2020.1

Rebecca Pow (Taunton Deane) (Con): It is essential that we highlight job opportunities to our young people when businesses have needs. There are large gaps in the £6 billion landscape industry. Does the Minister agree that there are big opportunities to address that through our careers services?

Anne Milton: It was a delight to launch the careers strategy last week. Its spine will be the Gatsby benchmarks, which are critical. The pilot in the north-east demonstrated just how much progress we can make if schools meet all those targets.

Stephanie Peacock (Barnsley East) (Lab): Class sizes in Barnsley are above the national average. As a former teacher, I know the impact that that can have. Does the Secretary of State accept that it has a detrimental impact on pupils?

Justine Greening: As we have heard routinely today, school standards in England are rising. In the end, that is what parents care about. There are 1.9 million more children in better primary and secondary schools, and the phonics check is improving literacy outcomes tremendously. It would be good if Opposition Members welcomed that for once.

Justin Tomlinson (North Swindon) (Con): Will the Minister for School Standards join me in congratulating Swindon Academy, in conjunction with Marlborough College, on doubling its intake this year, with children from all backgrounds now having a real chance of accessing the very top universities?

Nick Gibb: I would be delighted to join my hon. Friend in congratulating Swindon Academy. I enjoyed visiting the school with him and meeting Ruth Robinson, its exceptional principal. The school runs special programmes to help the most able children to fulfil their potential, as well as providing very high standards of education across the board.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): If the Department is serious about meeting its apprenticeships targets, surely the Minister will agree with me about the need to reclassify apprenticeships as improved education or training so that young, hard-working apprentices, such as Chloe from Hull, save money on their transport and prescription costs.

Anne Milton: As the hon. Lady will know, transport is the responsibility of local authorities. We are determined to make sure that there are no barriers to anybody taking up an apprenticeship. As I go around the country, it is amazing to hear stories about the programme. I am delighted by its success so far.

Sammy Wilson (East Antrim) (DUP) rose—

Mr Speaker: It is always good if we can see a smiling Sammy at the end of questions.

Sammy Wilson: T-levels are being developed in England, but it is not clear whether they will be available in Northern Ireland. Even if they are, the regulatory body will be England-only and based here in England. That has the potential to disrupt higher education, routes to employment and the transferability of skills. Will the Secretary of State commit to working with Northern Ireland’s Department of Education and examination board to ensure that T-levels are made available in Northern Ireland?

Mr Speaker: I think that is the hon. Gentleman’s version of a one-sentence question.

Justine Greening: I would be very happy to meet the hon. Gentleman to discuss that. We want T-levels to be transformative in improving technical education in our country, and I have no doubt that he feels the same way about Northern Ireland. Let us meet up to discuss how we can make sure that the strategy works for every child.

The Prime Minister (Mrs Theresa May): With permission, Mr Speaker, I would like to update the House on the negotiations for our departure from the European Union. On Friday morning, the Government and the European Commission published a joint report on progress during the first phase. On the basis of this report, and following the discussions I held throughout last week, President Juncker is recommending to the European Council that sufficient progress has now been made to move to the next stage and begin talks on the future relationship between the UK and the EU. President Tusk has responded positively by proposing guidelines for the next phase of the negotiations.

I want to pay tribute to my right hon. Friend the Secretary of State for Exiting the European Union and our whole negotiating team for their calm and professional approach to these negotiations. We have argued robustly and clearly for the outcomes we seek: a fair and reciprocal deal that will guarantee the rights of more than 3 million EU citizens living in the UK and 1 million UK nationals living in the EU, so that they can carry on living their lives as before; a fair settlement of the accounts, meeting our rights and obligations as a departing member state in the spirit of our future partnership; and a commitment to maintain the common travel area with Ireland, to uphold the Belfast agreement in full and to avoid a hard border between Northern Ireland and Ireland while upholding the constitutional and economic integrity of the whole United Kingdom. Let me set out for the House the agreements we have now reached in each of these areas.

More than 3 million EU citizens make an extraordinary contribution to every part of our economy, our society, our culture and our national life, and I know that EU member states similarly value the contribution of the 1 million UK nationals living in their communities, so from the outset I have made protecting citizens’ rights my first priority. But for these rights to be truly reciprocal, they need to be interpreted consistently in both the UK and the EU.

The European Union started by wanting all EU citizens’ rights to be preserved in the UK by a prolongation of EU law. They said these rights should not require any UK process to implement them, and that they should be supervised by the Commission and enforced by the European Court of Justice. Those proposals were not acceptable. When we leave the European Union, our laws will be made and enforced here in Britain, not in Luxembourg. So the EU has accepted that we will incorporate the withdrawal agreement into UK law, and citizens’ rights will then be enforced by our courts—where appropriate, paying due regard to relevant ECJ case law, just as they—[Interruption: Wait for it: where appropriate, paying due regard to relevant ECJ case law, just as they already decide other matters with reference to international law when it is relevant.

In the interests of consistent interpretation of citizens’ rights, we have agreed that where existing law is not clear, our courts—and only our courts—will be able to choose to ask the ECJ for an interpretation prior to reaching their own decision, but this will be a very narrow remit and in a very small number of cases, and unlike now the courts will not be obliged to do so; this will be voluntary. The case itself will always be determined by the UK courts, not the ECJ, and there will also be a sunset clause to after eight years even this voluntary mechanism will end.

The end point of this process is very clear. EU citizens living in the UK will have their rights enshrined in UK law and enforced by British courts, and UK citizens living in the EU will also have their rights protected. The jurisdiction of the ECJ in the UK is coming to an end. We are taking control of our own laws once again, and that is exactly how it should be.

Let me turn to the financial settlement. Following some tough conversations, we have agreed the scope of our commitments and the principles for their valuation. We will continue to pay our net contributions under the current EU budget plan. During this time, our proposed implementation period will see us continuing to trade on current terms, and we will pay our fair share of the outstanding commitments and liabilities to which we committed during our membership. However, this is conditional upon a number of principles we have negotiated over how we will ultimately arrive at a fair valuation of these commitments, which will bring the actual financial settlement down by a substantial amount. This part of the report that we agreed on Friday, like the rest of it, is also subject to the general reservation that nothing is agreed until everything is agreed. This means we want to see the whole deal now coming together, including the terms of our future deep and special partnership, as I said in Florence.

These are the actions of a responsible nation honouring the commitments that it has made to its allies, having gone through those commitments line by line, as we said we would. It is a fair settlement for the British taxpayer, who will soon see significant savings compared with remaining in the European Union. It means we will be able to use that money to invest in our priorities at home, such as housing, schools and the NHS, and it means the days of paying vast sums to the European Union every year are coming to an end.

Our departure from the European Union presents a significant and unique challenge for Northern Ireland and Ireland, so it is absolutely right that the joint report makes it clear that we will uphold the Belfast agreement in full. This agreement, including its subsequent implementation agreements and arrangements, has been critical to the progress made in Northern Ireland over recent decades. Our commitments to those agreements, the principles that underpin them, the institutions they establish, and the rights and opportunities they guarantee remain steadfast. The joint report reaffirms our guarantee that there will be no hard border between Northern Ireland and Ireland. So much of daily life in Northern Ireland depends on being able to cross the border freely, so it is right that we ensure that no new barriers are put in place.

We have also been absolutely clear that nothing in this process will alter our determination to uphold the constitutional and economic integrity of the whole United Kingdom. It was right that we took time last week to strengthen and clarify the joint report in this regard, listening to Unionists across the country, including the Democratic Unionist party. On Friday, I reinforced that further by making six principled commitments to Northern Ireland.
[The Prime Minister]

First, we will always uphold and support Northern Ireland’s status as an integral part of the United Kingdom, consistent with the principle of consent. As our Northern Ireland manifesto at the last election made clear, the Government I lead will never be neutral when it comes to expressing our support for the Union.

Secondly, we will fully protect and maintain Northern Ireland’s position within the single market of the United Kingdom. This is by far the most important market for Northern Ireland’s goods and services, and Northern Ireland will continue to have full and unfettered access to it.

Thirdly, there will be no new borders within the United Kingdom. In addition to there being no hard border between Northern Ireland and Ireland, we will maintain the common travel area throughout these islands.

Fourthly, the whole of the United Kingdom, including Northern Ireland, will leave the EU customs union and the EU single market. Nothing in the agreement I have reached alters that fundamental fact.

Fifthly, we will uphold the commitments and safeguards set out in the Belfast agreement regarding north-south co-operation. That will continue to require cross-community support.

Sixthly, the whole of the United Kingdom, including Northern Ireland, will no longer be subject to the jurisdiction of the European Court of Justice.

As the joint report makes clear, our intention is to deliver against these commitments through the new deep and special partnership that we will build with the European Union. Should this not prove possible, we have also been clear that we will seek specific solutions to address the unique circumstances of the island of Ireland. Because we recognise the concerns felt on either side of the border, and we want to guarantee that we will honour the commitments we have made, we have also agreed one further fall-back option of last resort. If we cannot find specific solutions, the UK will maintain full alignment with those rules of the internal market and the customs union that, now or in the future, support north-south co-operation, economic co-operation across the island of Ireland and the protection of the Belfast agreement. The joint report clearly sets out that cross-community safeguards and consent are required from the Northern Ireland Executive and Assembly for distinct arrangements in that scenario, and that in all circumstances, Northern Irish businesses must continue to have full and unfettered access to the markets in the rest of the United Kingdom on which they rely. So there can be no question about our commitment to avoiding barriers both north-south and east-west.

We will continue to work with all Northern Irish parties and the Irish Government in the second phase of the talks, and continue to encourage the re-establishment of the Northern Ireland Executive so that Northern Ireland’s voice is fully heard throughout this process.

Finally, in my Florence speech I proposed an implementation period to give Governments, businesses and families the time they need to implement the changes required for our future partnership. The precise terms of this period will be for discussion in the next phase of negotiations. I very much welcome President Tusk’s recommendation that talks on the implementation period should start immediately and that it should be agreed as soon as possible.

This is not about a hard or a soft Brexit. The arrangements we have agreed to reach the second phase of the talks are entirely consistent with the principles and objectives that I set out in my speeches in Florence and at Lancaster House. I know that some doubted we would reach this stage. The process ahead will not be easy. The progress so far has required give and take for the UK and the EU to move forward together, and that is what we have done. Of course, nothing is agreed until everything is agreed, but there is, I believe, a new sense of optimism now in the talks, and I fully hope and expect that we will confirm the arrangements I have set out today in the European Council later this week.

This is good news for people who voted leave, who were worried that we were so bogged down in tortuous negotiations that it was never going to happen, and it is good news for people who voted remain, who were worried that we would crash out without a deal. We are going to leave, but we will do so in a smooth and orderly way, securing a new deep and special partnership with our friends while taking back control of our borders, money and laws once again. That is my mission. That is this Government’s mission. On Friday we took a big step towards achieving it. I commend this statement to the House.

3.50 pm

Jeremy Corbyn (Islington North) (Lab): I would like to thank the Prime Minister for an advance copy of the statement. Eighteen months on from the referendum result, the Prime Minister has scraped through phase 1 of the negotiations after 18 months, two months later than planned, with many of the key aspects of phase 1 still not clear.

This weekend, Cabinet members have managed to contradict each other. Some have managed to go even further and contradict themselves. We respect the result of the referendum, but due to the Government’s shambolic negotiations it is getting increasingly difficult to believe this is a Government who are even capable of negotiating a good deal for Britain. These negotiations are vital for people’s jobs and for our economy. Our future prosperity depends on getting them right. So let us hope that today we can elicit some uncharacteristic clarity from the Prime Minister.

First, on the financial statement, can the Prime Minister confirm the figure quoted by the Secretary of State for Exiting the European Union that we will pay between £35 billion and £39 billion in exit payments? After this weekend’s confusion, can the Prime Minister clarify whether this payment is conditional on securing a final deal, as the Brexit Secretary said, or whether it is an obligation for the UK to pay, as the Chancellor said? If it is conditional, how much is it? When can the Prime Minister publish a full breakdown of the settlement, and does she agree that the settlement should be audited by the National Audit Office and the Office for Budget Responsibility? Does she yet have any indication of what level of ongoing payments the UK will make to the EU for ongoing participation in joint EU programmes and ongoing membership of EU agencies?
Secondly, on the issue of citizens’ rights, can the Prime Minister confirm that the Government have agreed that the European Court of Justice will oversee the deal on EU citizens’ rights for the next eight years, and that the UK courts will have “due regard” to ECJ decisions indefinitely? Can she therefore update the House on her red line that there will be no future role for the ECJ? What will that mean for trade negotiations?

Importantly for British citizens living in EU countries, can the Prime Minister confirm that the Government’s negotiations mean that they will maintain all their existing rights indefinitely? Will she confirm today that UK pensions will continue to be paid and uprated for all British citizens?

Thirdly, on the complex question of the Irish border, there are again conflicting statements—this time between the Brexit Secretary and, of course, the Brexit Secretary. Can the Prime Minister confirm whether the deal reached last week is legally enforceable? Article 46 of the agreement seems pretty clear that it “must be upheld in all circumstances, irrespective of the nature of any future agreement between the European Union and the United Kingdom.”

What does regulatory alignment mean? Does it mean the exact same rules, or different rules with similar outcomes? If it is the latter, who will adjudicate on whether those different rules are similar enough? Which policy areas are covered, and how long will regulatory alignment last? Is it only for the transition—the implementation period, as the Prime Minister calls it—or is it permanent?

Finally, on deadlines, the Government wasted time on phase 1, partly with a general election that I am sure the Prime Minister now regrets calling. The Government originally aimed for phase 1 negotiations to be complete in October. Then everything was ready for an announcement last Monday. Ultimately, we saw a rather fudged agreement late last week. Has this experience given the Prime Minister reason to consider dropping the unnecessary exit date of 29 March 2019 from the European Union (Withdrawal) Bill? I am sure the whole House—indeed, I think probably the whole country—would rather get the best possible deal a little bit later if it meant a better deal for people’s jobs and the economy.

The second phase of negotiations will have a huge impact on our relationship with our largest trading partner. The Brexit Secretary committed to deliver the “exact same benefits” as now. Does that remain the Government’s aim? I assume it does, as the Prime Minister has just said that the UK will maintain full alignment with the rules of the internal market and the customs union.

I have left the trickiest question till last. Can the Prime Minister explain what the Brexit Secretary actually meant when he said that he wanted to have trade relationships in the future that are CETA-plus-plus-plus? Can she explain what on earth he was talking about?

[Interruption.] The Foreign Secretary is trying to bring clarity to the situation. I wish the Prime Minister well in adjudicating that debate.

I hope the next crucial phase of negotiations is not punctuated by the posturing, delays and disarray that have characterised the first phase. I am sure the whole country would welcome clarity from the Prime Minister on exactly what has just been agreed.

The Prime Minister: I have to say to the right hon. Gentleman that the only posturing taking place has been on the Opposition Front Bench.

The right hon. Gentleman talks quite a lot about alignment. I set out our objectives for the Brexit negotiations very clearly in my Lancaster House speech, and I set them out further and in some more detail in the speech I gave in Florence. Meanwhile, the Labour party has had 12 different Brexit plans. In fact, the right hon. Gentleman has had so many Brexit plans he cannot even reach alignment with himself.

To answer the right hon. Gentleman’s questions, he started off by saying he wanted to uphold the referendum result. Later in his comments, however, he said he did not want to accept the leave date of 29 March 2019. We are leaving the European Union on that date. That is what the British people voted for, and that is what the Government are going to put in place.

The right hon. Gentleman asked about the financial settlement. We have agreed the scope of commitments, and methods for valuations and adjustments to those values. The calculations currently say that the valuation would be £35 billion to £39 billion, so the answer to his question is yes. He asked whether that was conditional on securing a deal. It is clear in the joint progress report, and I have repeated it in my statement just now, that the offer is on the table in the context of us agreeing the next stage and the partnership for the future. If we do not agree that partnership, then the offer is off the table.

The right hon. Gentleman asked how much we were going to pay into joint programmes. That is all part of the negotiation in phase 2, and it will be negotiated depending on the programme and depending on the agency, should we wish to remain part of it. He asked whether I would confirm that the European Court of Justice would oversee the rights of EU citizens for the next eight years. The answer to that is no, because it will not be overseeing the rights of EU citizens for the next eight years. I made it absolutely clear that citizens’ rights would be determined by the courts here in the UK. The right hon. Gentleman asked about the legal nature of that agreement. It will be brought into law in this country in the withdrawal and implementation Bill that will be presented to the House. He asked about the payment of pensions for UK citizens. Yes, that will continue. He asked whether the arrangements that were in place in relation to citizens’ rights in the ECJ would have an impact on other parts of the deal. Paragraph 41 of the joint report makes it very clear that this is in no way prejudges discussions on other elements of the withdrawal agreement.

The right hon. Gentleman asked about alignment. What is necessary is that we have the same objectives. We may reach those objectives in different ways, but what we need to ensure—and this is not a theological argument; it is about the practical decisions that need to be made—is that the trade across the border between Northern Ireland and Ireland can continue, and that is what we will be looking at. The Taoiseach and I have been very clear in our discussions: we both believe that we should be working to ensure that that can be achieved through the overall agreement between the UK and the EU, and that is indeed what we should be aiming for.

The right hon. Gentleman asked about the trade deal, and about CETA-plus-plus-plus. We have always said that we are not looking for a deal that is Norway,
and we are not looking for a deal that is CETA. What we are looking for is a deal that is right for the United Kingdom. Sadly, we know what a Labour approach to these negotiations would mean. It would mean paying the European Union billions of pounds every year in perpetuity. It would mean following EU rules with no say on them. It would mean no divergence whatsoever from EU rules in the future. It would mean zero control of immigration. I have to say to the right hon. Gentleman that that would not make a success of Brexit; it would be no Brexit at all.

Mr Kenneth Clarke (Rushcliffe) (Con): Let me first congratulate the Prime Minister on her triumph last Friday. [HON. MEMBERS: “Hear, hear.”] I hope that that is maintained, because I have never previously known the days following a British Government’s entry into a treaty-like agreement with 27 friendly Governments to be followed by Ministers and their aides appearing to cast doubt on whether we have agreed to anything finally, and regard ourselves as bound at all.

Will the Prime Minister confirm that “nothing is agreed until everything is agreed” is a well-known phrase which means that details can be revisited once you have sorted out what the ultimate destination is, but which does not mean that you are going to tear everything up and start all over again on EU citizens and paying money and regulatory convergence if something goes wrong in the future? Will she confirm that we have settled the rights of EU citizens, that we know how we are going to calculate the financial obligation that undoubtedly falls on this country because of past commitments by British Governments, and that open borders do require some regulatory alignment in any country in the world if we are to have an open border—and we are committed to an open border between the Republic of Ireland and Northern Ireland, which in part, of course, means between the United Kingdom and the European Union?

The Prime Minister: I thank my right hon. and learned Friend for his positive comments about the stage that we have reached in the negotiations. The report that was issued is a joint progress report on the point that we have reached and the agreements that we have reached. As my right hon. and learned Friend said, it enables us to go on to the detailed negotiations on various of these issues. The area on which we have had perhaps the most detailed negotiations so far is that of citizens’ rights, which covers a range of issues relating to benefits and so forth for EU citizens who are here. Obviously, we have also had negotiations on the other elements, which are not just about Northern Ireland and the financial settlement, but about a number of issues connected with the withdrawal. Of course, that withdrawal agreement, as we have set out in this joint progress report, will be brought into UK law at the point at which Bill is brought before this House, and this House will have an opportunity to vote on that Bill.

My right hon. and learned Friend made the point at the end about trade deals, and he is absolutely right that in any trade agreement there is a necessity for both sides to agree certain regulations, rules and standards on which they will operate. This will be no different from that; it will be different only in the sense that we are already operating on—mostly—exactly the same rules and regulations as the European Union, so we start from a slightly different place than we would do if we were negotiating with another country.

Ian Blackford (Ross, Skye and Lochaber) (SNP): What a difference a day makes! Yesterday, the Secretary of State for Exiting the European Union said that the agreement reached in Brussels on the UK’s withdrawal was “a statement of intent” rather than “a legally enforceable thing”. The Secretary of State was put in his place by the Deputy Prime Minister of Ireland, who tweeted:

“The commitments and the principles are made and must be upheld in all circumstances”.

This morning, the Secretary of State hit the radio waves to reveal that the deal is “more than legally enforceable”. So, for the avoidance of any doubt, can the Prime Minister tell the House today that in no circumstances will we be returning to a hard border between Northern Ireland and the Irish Republic? Let us make that commitment in this House today.

Last week, we had the humiliating scene of the Prime Minister being forced out of the original deal by the DUP, and rushing back to London. The Government had to rewrite the agreement so as to reach the DUP’s approval. We really have to wonder who is running the UK: is it Arlene Foster or the right hon. Member for Maidenhead?

While Members on the SNP Benches welcome both sides moving into phase 2 negotiations, the next phase will be significantly tougher and it is essential that all Governments across the UK are fully involved in the negotiations on the UK’s future relationship with the EU—something that has not happened to this point. The provisions relating to Northern Ireland in the agreement raise major new questions over proposed UK-wide frameworks. Let me be clear: any special arrangements for Northern Ireland must now be available to all nations of the UK. The SNP will continue to speak with one loud and clear voice. The Prime Minister must commit today to keeping the UK in the single market and the customs union; to do otherwise would be catastrophic for jobs, workers’ rights, people’s incomes and living standards.

The Prime Minister: The right hon. Gentleman asked me to confirm in this House that there will be no hard border between Northern Ireland and Ireland. I have to say to him that this is not the first time that I have made that statement in this House; he can google it and find from Hansard how many times I have said it. Indeed, if he had listened to and looked at my statement, he would have learned that I said that “the joint report reaffirms our guarantee that there will be no hard border between Northern Ireland and Ireland.”

The right hon. Gentleman asks about the circumstances and anything that relates to Northern Ireland being given to Scotland. Northern Ireland is, of course, in a different position from Scotland; it is the only part of the UK that has a land border with a country that will remain in the European Union, and it is in fact already the case that there are a number of unique and specific solutions that pertain to the island of Ireland, such as the common electricity market and the single phytosanitary
area. Various resolutions have already been put in place to recognise that physical relationship between Northern Ireland and Ireland.

The right hon. Gentleman asks yet again for the UK to stay in the single market and customs union. I said, again, in my statement that we will be leaving the single market and the customs union, and we will be doing that because we will be putting in place the vote that took place in 2016 to leave the EU. I repeat to the right hon. Gentleman: he talks about the statement I have made and the commitments of this Government, but it would be good for him to stand up and say he supports, as I have in this statement, the continued constitutional and economic integrity of the whole United Kingdom.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I join my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) in congratulating my right hon. Friend the Prime Minister on driving through an improved agreement on Friday, which many thought would not be feasible. She has been incredibly clear in the past about the fact that the two-year period that follows our departure will be an implementation period. Is it still the Government’s position that that implementation phase will be used to implement all that has been agreed, and not, as some say, just to carry on with no change at all?

The Prime Minister: The point of the implementation period is exactly as my right hon. Friend says—namely, to ensure that the changes necessary for the new relationship to work can be put in place. Examples include the registration of EU citizens here in the UK, which the Home Office will be running during that period. It is also about ensuring that businesses and citizens have the confidence and reassurance of knowing how they will be operating during that period, that there is no double cliff edge for businesses and that they have a smooth process of change. That is the point of the implementation period. Further details of it will be negotiated in the next phase, and I am pleased that the European Commission and the President of the EU Council are clear that that should start immediately.

Hilary Benn (Leeds Central) (Lab): The most important part of this agreement is paragraph 49, which I welcome. It says clearly that

“the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all island economy and the protection of the 1998 Agreement.”

Given that those words are prefaced by the words:

“In the absence of agreed solutions,”

can the Prime Minister please confirm to the House today that this crystal-clear commitment will apply in all circumstances, including if no trade deal is reached with the European Union?

The Prime Minister: The point of saying “In the absence of agreed solutions” in paragraph 49 is that we believe that the solution we find in relation to the issue of the border between Northern Ireland and Ireland will come from the negotiated trade settlement that we have with the European Union in the overall relationship of the UK and the European Union. If we fail to get it through that, specific solutions will be put in place for Northern Ireland. If we fail that—this is why I have described it as a last resort—we will look to the arrangement that is described in paragraph 49.

Tom Tugendhat (Tonbridge and Malling) (Con): Unusually, I join my right hon. Friend Mr Duncan Smith and my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke)—[Interruption.] Chingford, forgive me. I join my right hon. Friend the Member for Chingford and my right hon. and learned Friend the Member for Rushcliffe in welcoming the Prime Minister’s achievements this weekend. Will she have spent as much time as I have in recent weeks and months speaking to European friends and reminding them that we are leaving the EU, not leaving Europe, and that the next stage should involve our working together to build a prosperous future together?

Mr Speaker: We should not forget Woodford Green. It would be rather unkind, and probably rather resented by the people of Woodford Green, if they were arbitrarily excised from reference to the right hon. Gentleman’s constituency.

The Prime Minister: I absolutely agree with my hon. Friend the Member for Tonbridge and Malling (Tom Tugendhat) that we are leaving the European Union but not leaving Europe. This is a statement that we have made on a number of occasions. We will continue to work with our European allies in a whole variety of areas in the interests of Europe as a whole. Indeed, just this morning, I had a meeting with my opposite number from Bulgaria to talk about the work we can continue to do with Bulgaria on the western Balkans, where much work needs to be done by us in Europe. We will continue to do that whether we are in the European Union or not.

Several hon. Members rose—

Mr Speaker: Ah, yes—the Member with the bright jumper! I call Mary Creagh.

Mary Creagh (Wakefield) (Lab): The Brexit Secretary has captivated the House with tales of regulatory impact assessments that do not exist. The Chancellor has said that the divorce bill will be paid in all circumstances, but the Brexit Secretary contradicted him at the weekend, saying that it would be conditional on a trade deal. The Prime Minister’s deal with the Taoiseach, promising full regulatory alignment, has been dismissed by the Brexit Secretary as a statement of intent. If she cannot even get her Brexit Secretary to agree with her, how on earth is she going to get a good deal that protects jobs, investment and growth in this country?

The Prime Minister: The Brexit Secretary and I—indeed, the whole Cabinet and the whole Government—are behind the agreement, the deal and the progress report that we have negotiated in relation to moving on to phase 2. We are of one accord on that. The only party that is not of one accord is the Labour party.

Anna Soubry (Bromsgrove) (Con): Across the Government Benches, there is complete unanimity about congratulating the Prime Minister on securing the agreement. If I may say so, it was a pitiful performance from the Leader of
the Opposition, and I still do not know whether he actually welcomes the agreement, but he should support this major step forward. Looking to the future, around this time next year we should have begun to conclude the trade negotiations towards the trade deal, so does the Prime Minister anticipate that we will have details of our new trading relationship with the EU, or will there be a set of heads of agreement?

The Prime Minister: We have always said that we will be working to negotiate our full agreement on the future relationship that we have with the EU. Of course, it will not legally be possible for the EU to sign up to that agreement until after we have left and become a third country, because it is not possible for such an agreement to be signed while we are in the EU. The pieces of work that will now go forward will include the details of the implementation period, the details of the withdrawal agreement, which will have to go through certain parliamentary processes in European member states and will also be put to Parliament here in the UK, and our future relationship with the EU on trade, security and other areas.

Sir Vince Cable (Twickenham) (LD): In order to strengthen the Prime Minister’s leverage in the next stage of negotiations, may I suggest that she suspend tribal politics and invite the Leader of the Opposition and his Front-Bench colleagues to join her negotiating team? Whatever their tactical differences, they agree with her on the fundamentals of Brexit and on withdrawal from the single market and the customs union—disastrous though that may be.

The Prime Minister: There is a huge assumption underlying the right hon. Gentleman’s question, because he says that the Labour party actually agrees with us on membership of the customs union and the single market, but there are many views on that in the Labour party. It is not at all clear that it agrees with the Government on the future relationship with the internal market and the customs union, because it keeps taking different positions. If the right hon. Gentleman has inside information on the Labour party’s position, I would be very glad to hear it.

Sir William Cash (Stone) (Con): Does my right hon. Friend welcome the outbreak of unity on the Government Benches regarding the outcome of the progress report? Does she agree that a number of matters still need to be resolved? Serious questions will be addressed, and the European Scrutiny Committee will be paying serious attention to those questions. Does she also agree that the Opposition have demonstrated not only today but over past weeks a complete inconsistency on every point of principle and detail? They are simply a national disgrace.

The Prime Minister: I certainly agree with my hon. Friend, and I am grateful to him for his reference to the statement of unity. I know that the European Scrutiny Committee has always taken its role very seriously and will continue to do so. Its role is particularly important as we reach this point in time and as it considers these particular arrangements. Yes, there are serious issues that still need to be addressed and will be addressed in phase 2 of the talks, but the important thing was getting on to phase 2 so that we can look at such issues in much more detail. As he says, the Labour party has distinguished itself only by the fact that it has had 12 different Brexit plans over the past 18 months. It really does not know what its view is on this at all.

Alison McGovern (Wirral South) (Lab): Last week, the Chancellor of the Exchequer told me that the Cabinet had never even discussed the decision to leave the single market and the customs union. As we move on, we need to be absolutely clear about the Cabinet’s view, so will the Prime Minister inform the House when the Cabinet last discussed the negotiating objectives for the final trade deal?

The Prime Minister: The Cabinet has had a number of discussions on various aspects of the negotiations, and it will continue to have those discussions. The Cabinet was united behind the Florence speech, which set out the objectives, and it was behind the Lancaster House speech. The objectives for the Government have not changed, and they have been agreed by the Government.

John Redwood (Wokingham) (Con): I wish the Prime Minister every success in negotiating a comprehensive free trade deal. Does she agree that when we leave, with or without a deal, we will be trading under World Trade Organisation terms, which now include the extremely helpful and comprehensive trade facilitation agreement that allows good progress over borders for all WTO members? Does not that strengthen our position when she negotiates a good deal?

The Prime Minister: My right hon. Friend refers to the developments at the WTO, and they will of course be interesting to us as we look ahead and negotiate our deal for the future. I hope the optimism that has been shown by the European Union as we progress on to the next stage will give everybody confidence and reassurance that we can indeed agree the comprehensive free trade agreement we want for our future relationship with the European Union.

Mr Pat McFadden (Wolverhampton South East) (Lab): For phase 2 of the discussions, the Brexit Secretary has set a benchmark of securing a free trade agreement with the exact same benefits that we currently enjoy. Does the Prime Minister agree with her Environment Secretary and many others that if the public do not like the terms of the final deal, they have every right to change their mind?

The Prime Minister: That is a misinterpretation of what the Environment Secretary said at the weekend. I have been very clear that there will be no second referendum on this issue. This Parliament overwhelmingly voted to give the British people the decision on membership of the European Union. The British people voted, and we will now deliver on their vote.

Nicky Morgan (Loughborough) (Con): On behalf of the thousands of EU citizens living in the Loughborough constituency and across the country, may I thank the Prime Minister for the Christmas present she has given them by providing certainty about their future in this
country? It is a shame that that part of last week’s deal has not had the coverage it should have had because of the other important issues. Does she agree that her work last week is testament to the power of continued dialogue between the parties, and that those who suggest that when things get tough, we should walk away do not represent the way she attacks these issues?

The Prime Minister: My right hon. Friend is right. I hope people will look seriously and carefully at the negotiated agreement on citizens’ rights, which is important. We are in a negotiation, which takes hard work on both sides. It also takes determination, and this Government have shown the determination to get it right for the UK.

Mr George Howarth (Knowsley) (Lab): Does not CETA-plus-plus-plus-plus amount to a similar—but not the same—set of arrangements to those in the single market and the customs union? Would not the Government have to accept a similar set of arrangements on free movement of labour?

The Prime Minister: The right hon. Gentleman and a number of others keep talking about membership of the single market and the customs union. The point is that the European Union has made it very clear that the four pillars are indivisible. We are leaving the European Union, and therefore we will be leaving the European single market and the European customs union. What we will negotiate is a separate trade deal, which we want to be as tariff-free and frictionless as possible.

Michael Fabricant (Lichfield) (Con): Constituents of mine who have parents and grandparents living in the European Union are very concerned by comments made by the Labour party, which wanted to conclude an early deal that would rightly protect Europeans living in the United Kingdom, but would sell down the river those British citizens who live in Europe. Does my right hon. Friend agree that the primary role of the Prime Minister is to defend the interests of British citizens? Will she confirm that the text of this agreement now makes it clear that in the event of a deal, Northern Ireland will not be separated politically, economically or by any regulatory requirements from the rest of the UK—this is along with the aim of having no hard border on the island of Ireland—but that in the event of no overall deal, nothing is agreed?

The Prime Minister: May I say to the right hon. Gentleman that I am grateful for the contributions that were made, as I said in my statement, by the DUP and others who were concerned about the Union of the United Kingdom? The joint progress report was strengthened to make it absolutely clear, as he says, that of course under the Belfast agreement we recognise the principle of consent, but nothing in that agreement will lead to a separation of Northern Ireland from the rest of the United Kingdom.

Sir Roger Gale (North Thanet) (Con): I thank my right hon. Friend for her reaffirmation that British citizens resident throughout the EU will continue to receive uprated pensions and, as I now understand it, healthcare and health-related exportable benefits. May I ask her to indicate whether those will continue into the foreseeable future?

The Prime Minister: Yes, I can. The point of the agreement is to ensure that those rights and obligations do carry on in the future. A number of these issues are set out in the joint progress reports; there are specific references to the rules on healthcare, on social security systems and so forth. We are very clear that it is important that those rights be available for UK citizens in the EU, and they will be.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): I wonder whether the Prime Minister will help us to clarify what is meant by “full alignment”. There was speculation in the newspapers this weekend that No. 10 had been selling it to the Foreign Secretary as a meaningless concept. I do not want her to say, “Full alignment means full alignment”; I want her to say whether she means it to apply to all areas of trade, or whether it is limited to agriculture and energy. Will she explain what she means by “full alignment”?

The Prime Minister: Full alignment means that we will be achieving the same objectives. I set out in my Florence speech that there are a number of ways in which we can approach this. There will be some areas where we want to achieve the same objectives by the same means. In others we will want to achieve the same objectives by different means. If we look at the areas covered currently by north-south co-operation, we see there are six of those areas. Two of them are not covered generally by the acquis—education and health—but there are other issues, such as the environment, waste and water management, the electricity market, agriculture, and questions relating to road and rail transport.

Several hon. Members rose—

Mr Speaker: The hon. Member for Grantham and Stamford looks poised to begin a 100-metre sprint. I call Mr Nicholas Edward Coleridge Boles.
Nick Boles (Grantham and Stamford) (Con): Thank you, Mr Speaker. I am no cricket fan, but may I tell my right hon. Friend that that was a performance worthy of Geoffrey Boycott? May I ask her to clarify an important point? When it comes to the settling of the accounts—the second batch of payments—it is little understood among my constituents that these payments will be made over 20 or 30 years as they fall due, and that there is never going to be a moment when she signs some humungous cheque to settle the accounts. It would be incredibly reassuring for people to hear that from her at the Dispatch Box.

The Prime Minister: For the avoidance of doubt, I should say to the whole House that I regard any reference to Geoffrey Boycott as a compliment. What is said in the joint progress report is that these payments will be made as they fall due, unless otherwise determined by the United Kingdom and the European Union.

Kate Hoey (Vauxhall) (Lab): This is a little bit of repetition, but to be absolutely clear, will the Prime Minister confirm that leaving the single market—the internal market, as I prefer to call it—and the customs union is not an option, and that anyone who is pushing for that is really still trying to stay in the EU?

The Prime Minister: The hon. Lady asked me to confirm that anybody wanting to leave the single market and the customs union effectively wants to stay in the EU; I think she meant that anybody who wants to stay in the single market and the customs union wants that.

[Interruption.] She is nodding her affirmation. Yes, that is absolutely right. It is clear that actually leaving the EU means leaving the single market and the customs union.

Sir Edward Leigh (Gainsborough) (Con): Despite all the prophecies of doom and gloom, the Prime Minister, with her calm, true grit, has shown that Brexit can and will be done. We congratulate her on that. Of course it is a compromise, but when Brexiteers like me look at the alternative—namely, a Labour Government staying in the single market forever and having no control over immigration—it is amazing how our minds are concentrated in support of the Prime Minister. Will she confirm that, although as a great country we can of course choose to align our regulations with those of other countries, once the implementation period is over, we will have full regulatory autonomy?

The Prime Minister: That is the whole point. Once we are outside the European Union, we will be able to determine our regulations and where we wish to diverge from the regulations of the European Union. As I said in my response to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), in any trade agreement there is an agreement about the rules, regulations and standards on which both sides will operate, but also an agreement about what happens when one side wants to diverge from them. The important point is that this Parliament will be the body deciding those rules and regulations.

Chuka Umunna (Streatham) (Lab): Senior civil servants across Whitehall have reportedly been instructed from here on not to commit to writing any evaluation they make of the impact of Brexit on their industry sectors. Is that true? If so, why the cover-up?

The Prime Minister: No.

Dr Julian Lewis (New Forest East) (Con): At a time of intolerable financial pressure on defence, will the Prime Minister confirm that there can be no question of our paying billions of pounds to the European Union that we do not need to pay, unless as part of an overall trade deal?

The Prime Minister: As I said earlier, the offer in the progress report is there, as the report itself makes very clear, on the basis that we will be making an agreement with the European Union on our trading relationship, and on our relationship in other areas, such as security.

Edward Miliband (Doncaster North) (Lab): In her reply to the hon. Member for Gainsborough (Sir Edward Leigh), the Prime Minister seemed to confirm that she believes that we will have full regulatory autonomy after we leave the European Union. Will she explain how that is compatible with regulatory alignment between Northern Ireland and the Republic of Ireland and no hard border?

The Prime Minister: The point I made in response to my hon. Friend the Member for Gainsborough (Sir Edward Leigh) was that decisions about the future rules and regulations on which this country operates will be made by this Parliament. We have said very clearly that we will avoid, and guarantee that we will not have, a hard border between Northern Ireland and Ireland. In any trade agreement, a decision will be taken as to those rules and regulations on which we wish to operate on the same basis, those areas where we have the same objectives but will operate on a different basis, and those areas that are irrelevant to the issue of the trade agreement.

Stephen Crabb (Preseli Pembrokeshire) (Con): I congratulate the Prime Minister on the skill and pragmatism she has shown in steering a course to this point. Does she agree that the very positive response of business over the weekend underlines the importance of maintaining an approach that is both pragmatic and ambitious? Those are the qualities on which we need to stay focused if we are to land that free trade deal with the EU.

The Prime Minister: My right hon. Friend is right, and I am pleased that business has welcomed the progress we have made as we move on to the next stage of the negotiations. It is important that we retain that optimism and ambition for the future. It is possible to achieve a really ambitious comprehensive trade agreement with the European Union, and that will be not only to our benefit but to the benefit of the EU27.

Joanna Cherry (Edinburgh South West) (SNP): We are told that this first-stage deal is a statement of intent that is not legally binding. Does the Prime Minister agree that the same could be said of her article 50 letter, and that if a satisfactory deal is not reached overall at the end of the day, it would be open to this sovereign Parliament, as a matter of EU law and in accordance with our constitutional requirements, unilaterally to revoke the article 50 letter?

The Prime Minister: The hon. and learned Lady started off by referencing the issue of the status of this joint progress report. It is a joint progress report on the agreements that have been reached so far in the negotiations,
which has enabled the European Commission to determine that sufficient progress has been made to pass on to the next stage of negotiations. Further details on certain aspects of withdrawal will need to be determined as we go ahead in the coming months, alongside the work on the implementation period and the future partnership with the European Union. As I have said on a number of occasions, that withdrawal agreement will be put into legislation here in this House.

Mr David Jones (Clwyd West) (Con): I congratulate the Prime Minister on what has been achieved thus far, which we must hope will translate into mutually beneficial withdrawal and trade agreements, but given that that cannot be guaranteed, will she give instructions for the sum set aside by the Chancellor in his Budget last month to be expended on upgrading our customs infrastructure, in order to secure smooth international trade after Brexit and reassure business in this country?

The Prime Minister: As my right hon. Friend knows, in addition to the £700 million already allocated by the Treasury to the current year for the changes that will be needed for the contingency arrangements to be put in place, £3 billion was put forward in the autumn Budget. That will be allocated to Departments, obviously, according to their need and requirement. On the specific issue of customs arrangements, Her Majesty’s Revenue and Customs is moving forward on them, and will have in place what is necessary in order for us to have a customs system when we leave the European Union.

Stella Creasy (Walthamstow) (Lab/Co-op): Frequently with this Prime Minister, we have found that when she says nothing has changed, everything has changed. In particular, this statement talks about residents of Northern Ireland being able to cross the border freely and there being no hard border. If she thinks that it is in the best interests of Northern Irish residents to continue to benefit from freedom of movement, why is she denying equal rights to my constituents?

The Prime Minister: The hon. Lady says that something significant has changed. I suggest that she looks back in history a little, because she will find that the common travel area has been in place since 1923.

Several hon. Members rose—

Mr Speaker: I advise the House that, in the first hour, we have had 27 Back-Bench contributions, but there are no fewer than 57 Members still wishing to participate. The Prime Minister has been commendably succinct in her replies, but some questions have erred on the side of prolixity, so there is now a premium on brevity, which is brilliantly exemplified, on almost every occasion, by Sir Desmond Swayne.

Sir Desmond Swayne (New Forest West) (Con): Does any regulatory alignment exclude the possibility of sharing a common external tariff?

Mr Speaker: I am grateful to the right hon. Gentleman for proving my point.

The Prime Minister: Full alignment means that we will ensure that we can operate in a practical sense on a basis that will enable that continued trade to take place between Northern Ireland and Ireland. We have put forward a number of suggestions in relation to the customs union arrangements that currently exist and the customs arrangements that we will have in the future. One of those included different arrangements in relation to the external tariff. We will ensure that there is no hard border, but I think that we can come to a customs arrangement that will mean that we can have that tariff-free and frictionless trade between the United Kingdom and the whole of the EU.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Prime Minister said in her statement that “significant savings” would be made through the Brexit agreement. Will she tell us how she knows what those significant savings will be before she has reached an agreement? If she does know them, will she publish their value to allow the whole House to see what they are?

The Prime Minister: Of course, significant savings will be made when the United Kingdom leaves the European Union and is no longer paying the price of membership of the European Union to the European Union every single year.

Philip Davies (Shipley) (Con): The Prime Minister said that there has been give and take in these negotiations. Of course she is absolutely right: we are giving the EU tens of billions of pounds, and the EU is taking them. She said that the money will not be paid unless there is a final agreement. By definition, that must mean that we are not legally obliged to make these payments because otherwise that option would not be available to us. Will she explain why she is paying tens of billions of pounds that are not legally due to the European Union when she is continuing a policy of austerity at home? Many of my constituents simply do not understand where all this extra money is coming from.

The Prime Minister: I said in my statement, and have repeated, that the offer we have made is in the context of us achieving that agreement on the future partnership between the United Kingdom and the European Union. I said in my Florence speech—I have repeated this on a number of occasions—that we are a country that honours our commitments, and it is important that we do that.

Mike Gapes (Ilford South) (Lab/Co-op): The draft phase 2 guidelines say: “negotiations in the second phase can only progress as long as all commitments undertaken during the first phase are respected in full and translated faithfully in legal terms as quickly as possible.” When are we going to get the legislation?

The Prime Minister: We will get the legislation when we have agreed the details that are required to have that withdrawal agreement. The European Commission negotiator, Michel Barnier, has said that he wants to achieve that detailed withdrawal agreement by October next year.

Vicky Ford (Chelmsford) (Con): I congratulate the Prime Minister on a very detailed agreement. Paragraph 73 says that the UK “may wish to participate in some Union budgetary programmes...post-2020” as a third country. Is it likely that those programmes could include co-operation on the three S’s—security, scientific research and student exchanges?
The Prime Minister: The simple answer is that those areas could be included. I have said—my hon. Friend will not be surprised by this, given my background—that we may wish to include a number of security programmes. We may also very well wish to remain involved in the other areas that my hon. Friend identifies. Those decisions will be part of the next stage of the negotiations, and they will be taken on the basis of what will be in the best interests of the United Kingdom.

Hywel Williams (Arfon) (PC): I thank the Prime Minister for prior sight of her statement. On 26 October last year, I raised with her the danger of favouring particular sectors in any future trade deal. She replied: “I will be cutting the best deal for the United Kingdom—all parts of it.”—[Official Report, 26 October 2016; Vol. 616, c. 281.]

On Sunday, the Brexit Secretary said that he would seek a trade deal that would be Canada-plus-plus-plus-plus. Will the Prime Minister therefore identify the particular sectors referred to under “plus-plus-plus”?

The Prime Minister: There is no inconsistency in this. We want the best trade deal for all our trade with the European Union, and that is what we will be working to.

Charly Elphicke (Dover) (Ind): Will the Prime Minister agree that finding agreed solutions is critical not just for the Northern Ireland border, but for the channel ports, including the port of Dover? Will she make it a key priority of the trade talks that we ensure that we have a smooth flow of trade and the option of diversity?

The Prime Minister: My hon. Friend is absolutely right. We recognise the importance of Dover as a border port and, indeed, that of other ports around the United Kingdom. The future customs relationship will be a key part of negotiating the trade deal. We have said that we want to be as tariff-free and frictionless as possible, and that is what we will be working to.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): The issue of regulatory divergence is an ongoing matter of concern for many sectors of our economy. When the Prime Minister read the summary outcomes of the Brexit sectoral analyses, did she happen to read about the impact of Brexit on chemicals? The Chemical Industries Association has today written to the Secretary of State for Environment, Food and Rural Affairs to ask the Government “to do all it can to remain within or as close as possible” to the EU’s rule book for the sector, the exports of which are worth £50 billion a year. What reassurance will the Prime Minister give to the association?

The Prime Minister: We have been very clear that we were looking at a variety of areas in which the question will be asked as to whether we wish to retain the same arrangements, or arrangements that achieve the same outcomes but are not necessarily the same arrangements, or if we wish to diverge completely. We recognise the importance of the pharmaceutical industry to the United Kingdom—it is a key industry in the industrial strategy, of which my right hon. Friend the Business Secretary published only a couple of weeks ago—but these will be matters for negotiation in the second phase.

Robert Halfon (Harlow) (Con): I congratulate my right hon. Friend on displaying almost Zebedee-like qualities of resilience in terms of the Brexit magic roundabout, but on the figure she has quoted of up to £39 billion, will she confirm that there will not be any more offered in the continued negotiations? Could she also set out a detailed cost-benefit analysis that I can present to my constituents?

The Prime Minister: As I indicated, if we look at the scope and analysis that has been done, the estimate is that the sum of money would be £35 billion to £39 billion, but we have said, as my right hon. Friend will have heard in answer to previous questions, that there may be some programmes of which we do wish to remain a member, and therefore we would be willing to pay an appropriate price for the cost of that. But a very good piece of work has been done on these financial arrangements, and, obviously, we take that forward, as I said, in the context of agreeing that future relationship.

Wes Streeting (Ilford North) (Lab): Paragraph 49 of the agreement says very clearly: “In the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement.”

In making that undertaking, can the Prime Minister provide the reassurance that British people, businesses and public services are looking for—that she has finally closed the door to the disastrous no-deal scenario that so many Government Members have advocated?

The Prime Minister: No. If the hon. Gentleman looks at the joint progress report, he will also see that these things are all set in the context of agreeing the future partnership and the future trade arrangement between the United Kingdom and the European Union, but I remain of the view that no deal is better than a bad deal.

Mr Peter Bone (Wellingborough) (Con): I came to the Chamber today thinking that we were going to leave the European Union on 29 March 2019 and that the whole House agreed. We now know from the Leader of the Opposition that Labour wants to stay in indefinitely. Will the Prime Minister confirm that we will come out in 473 days’ time and that that date will be put in the European Union (Withdrawal) Bill?

The Prime Minister: I thank my hon. Friend. Friend, and I can confirm that we will be leaving the European Union on 29 March 2019. I think the fact, as he reflects, that the Leader of the Opposition was so equivocal about the Labour party’s view on this issue shows that the Opposition want to try to play to two houses: they want to say at the start that they are confirming the referendum and respecting it; and yet, at the same time, they do not want to accept that we will be leaving the European Union—and we will be leaving.

Wera Hobhouse (Bath) (LD): Will the Prime Minister confirm that Northern Ireland could have different customs arrangements from the rest of the UK?

The Prime Minister: No. What we have said is that we will put practical arrangements in place to ensure that there is no hard border between Northern Ireland and
Ireland, but we have also been clear that we will respect the internal market of the United Kingdom. That means no border down the Irish sea.

Mr Laurence Robertson (Tewkesbury) (Con): Does the Prime Minister agree that one of the many benefits of leaving the EU customs union is that we will be able to forge our own trade deals with countries across the world—deals that the EU has failed so far to strike? Is it not the case that that would benefit the whole United Kingdom, including Northern Ireland, which would actually lose out if it stayed in the customs union, because it would not then get that full benefit?

The Prime Minister: My hon. Friend makes a very important point. We will be able to strike those trade deals around the world, and Northern Ireland will benefit from those trade deals, as will the rest of the UK.

Alison Thewliss (Glasgow Central) (SNP): In answer to a question I asked about the tampon tax, the Financial Secretary to the Treasury said that the Government continue to press for a VAT zero rate for women’s sanitary products at EU level. If the Government cannot negotiate, in two years, a zero rate for the tampon tax, what hope do we have of a trade deal?

The Prime Minister: We are leaving the European Union and we will be able to make decisions of that sort for ourselves in future.

Andrew Bridgen (North West Leicestershire) (Con): I thank my right hon. Friend for confirming very clearly that the so-called EU divorce bill will be paid only if we are successful at negotiating an acceptable trade deal with the European Union. Does she agree that this will certainly focus the minds of EU negotiators and is our best chance of obtaining an acceptable outcome for the UK?

The Prime Minister: I am optimistic about getting that good trade deal for the United Kingdom with the EU, because actually it is in the EU27’s interests for their businesses to be able to continue to trade on good terms with the UK.

Stephen Timms (East Ham) (Lab): The European Union says that we will stay in the single market and the customs union during the implementation phase. The Prime Minister is saying, I presume, that we will leave at the start of the implementation phase, but will she confirm that the jurisdiction of the European Court of Justice will continue throughout the two years or so of the implementation phase?

The Prime Minister: As the right hon. Gentleman knows, the details of the implementation period are to be negotiated. Assuming that the EU Council takes the decision to move ahead on Thursday or Friday of this week, that will happen very quickly. He talks about leaving the single market and the customs union. We will do that when we leave the European Union in March 2019, but we will then have a relationship with the European Union during the implementation period to ensure that businesses and individuals have the reassurance of not needing to make two stages of adjustments to our future partnership.

Mr Shailesh Vara (North West Cambridgeshire) (Con): May I congratulate the Prime Minister on her sheer determination and stamina in reaching the stage of having this joint report? To the extent that we do have an agreement in March 2019, and that thereafter, for many years to come, we do make payments to the EU as agreed, will she consider publishing the amount of money that we are not paying to the EU so that the British people can see the benefit that they are deriving in the years to come?

The Prime Minister: I thank my hon. Friend for his suggestion. I think that in due course we will be able to show not only the amount of money that we will not be spending through the European Union, but the positive ways in which we can spend that money here in the UK.

Ian Paisley (North Antrim) (DUP): That little-known French newspaper, L’Opinion, today quotes Mr Verhofstadt as claiming that the Prime Minister is relying on “those little Protestant allies in the Democratic Unionist party”. Will the Prime Minister make it clear to Mr Verhofstadt that she is implementing the will of the British people unashamedly on behalf of all the British people, including those of us from Ulster? Will she also confirm that the trade negotiations will include control of our fishing policy going forward?

The Prime Minister: Yes, I am very happy to say to the hon. Gentleman that what I and the Government are doing is delivering on the vote of the people of the United Kingdom to leave the European Union. In terms of going forward on the trade deals, when we leave the European Union, we will of course leave the common agricultural policy and the common fisheries policy, and we will have to determine arrangements in relation to those for the United Kingdom in the future.

Mr William Wragg (Hazel Grove) (Con): My right hon. Friend has been very busy in recent days, but may I thank her very much indeed for the birthday card that arrived on my desk this morning? Sadly, Mr Juncker’s is yet to arrive.

The Prime Minister will know that many people in this country want us to get on with leaving the European Union, so what guarantee can she give that I will not have to suffer another significant birthday before that is achieved?

The Prime Minister: I am sure that the whole House will want to wish my hon. Friend a very happy birthday today. I hope that he and others will take reassurance from the fact that we have achieved sufficient progress and we can move on to the second phase. That shows that through determined work we can achieve what we want to achieve, which is a good withdrawal agreement, a good future relationship with the European Union, and leaving on 29 March 2019.

Ian Murray (Edinburgh South) (Lab): Within a few paragraphs of the Prime Minister’s statement, she reaffirms that the UK will leave the single market and the customs union, says that the Government “will fully protect and maintain Northern Ireland’s position within the single market of the United Kingdom”, and says that there will be “no hard border” and “regulatory harmonisation”. Are not those three statements contradictory?
The Prime Minister: No.

Antoinette Sandbach (Eddisbury) (Con): May I congratulate the Prime Minister on acting in the national interest? I urge her to continue to show the spirit of pragmatism and compromise when regulatory alignment will benefit businesses, for example in the north-west. I am thinking of the energy, aerospace, chemicals and pharmaceuticals sectors, all of which employ tens of thousands of people in the north-west.

The Prime Minister: We are very conscious of the impact of decisions that are taken. We want to ensure that the industries that are so important to my hon. Friend’s constituency, and to others in the north-west and elsewhere in the UK, are able not just to continue, but to grow, expand and be world leading in a number of areas. We will take those considerations into account as we look at our future trade arrangements.

Clive Efford (Eltham) (Lab): The Prime Minister has negotiated a financial package for exiting the European Union. Can she confirm that there is a further bill to be paid for access in the future, and that there is absolutely no question of our leaving the European Union without settling our tab for the commitments that we made prior to the referendum?

The Prime Minister: We are not talking about paying for access to something in the future. There might be certain programmes and areas of which we do want to remain a member—[Interruption.] I have given examples in the past. In justice and home affairs, there may be some areas in which it makes sense for the United Kingdom to continue to operate with members of the European Union. The commitments that are set out in the joint progress report are very clear. This is about honouring the commitments that we have made in the context of agreeing the future partnership.

Mr Jonathan Djanogly (Huntingdon) (Con): In congratulating the Prime Minister and the Brexit Secretary on this very significant achievement, may I point out that when the Brexit Committee met Mr Barnier recently, he spoke about decoupling future security discussions from future trade discussions? I would be interested to hear my right hon. Friend’s views on whether that is the right way forward.

The Prime Minister: As we move into the next phase, we will be negotiating our future relationship and future partnership with the European Union. That will be across all aspects of our current relationship with the European Union, so it will be about negotiating on trade and negotiating on security. I set out in my Florence speech that we expect to negotiate a separate treaty on our security arrangements and co-operation.

Stephen Kinnock (Aberavon) (Lab): The Prime Minister has repeatedly claimed today that the financial settlement is subject to the conclusion of the future deep and special partnership. May I draw her attention to paragraph 96 of the progress report, which clearly states that the financial settlement is contingent only on conclusion of the article 50 withdrawal agreement and the transitional arrangements? Will she please provide some clarity on this vital issue and confirm that her precise understanding of paragraph 96 is that the settlement is contingent only on the withdrawal agreement and the transitional arrangements, not on the future partnership?

The Prime Minister: No, that is not my understanding of the joint progress report or the position that we will be in. It is very clear at the beginning of the joint progress report that this is a set of proposals that have been put forward in the context of negotiating that final agreement. I refer the hon. Gentleman to the reference to the framework for the future relationship in paragraph 96.

Robert Neill (Bromley and Chislehurst) (Con): The Prime Minister has shown not only pragmatism and determination, but a lot of courage. I congratulate her on that, as do the 36% of my constituents who work in the financial services sector. Given the key importance of the sector to our economy, will she undertake to show the same pragmatism as we develop the proposals in paragraph 91 of the joint report, particularly when it comes to finding a pragmatic means of seeking regulatory co-operation and grandfathering existing services contracts, as suggested by TheCityUK?

The Prime Minister: I am grateful to my hon. Friend for her statement and also for her support for the financial sector. Will she confirm that any regulatory alignment required to ensure north-south co-operation will not require either the United Kingdom or Northern Ireland to be a member of any single market or customs union?

Jim Shannon (Strangford) (DUP): I thank the Prime Minister for her statement and also for her support for the financial sector. Will she confirm that any regulatory alignment required to ensure north-south co-operation will not require either the United Kingdom or Northern Ireland to be a member of any single market or customs union?

The Prime Minister: I am very clear that we will not be a member of the single market or customs union, and we were not proposing that any part of the United Kingdom will be a member of the single market or the customs union separate from the rest of the United Kingdom. The whole of the United Kingdom will be out of the internal market and the customs union.

Richard Drax (South Dorset) (Con): I warmly congratulate my right hon. Friend on the progress she has made. We are getting there, but I shall be relieved when we get to March 2019. For clarity’s sake, may I ask whether, if no deal is struck on the border between Northern Ireland and Ireland come March 2019 and the issue is still on the table, I am right in assuming that when we leave the EU, Northern Ireland will still be influenced by EU regulations? I think that is what she said—or have I got that completely wrong?

The Prime Minister: No, the agreement that has been reached—the terms are set out in the joint progress report—is against the background of securing the agreement on the future relationship between the United Kingdom and the European Union. Of course, we do want to...
ensure that there is no hard border between Northern Ireland and Ireland, and we will be looking to ensure that in all circumstances.

Heidi Alexander (Lewisham East) (Lab): When the Prime Minister and her colleagues were putting themselves on the back last week for surviving the first round of negotiations, Irish freight handler John Dunne told ITV News it was “a fudge”. He said:

“You’re either in the customs union or you’re outside of it. It’s like you can’t be a little bit pregnant, so either there is customs clearance required or there isn’t”.

He is right, is he not?

The Prime Minister: The hon. Lady will know that there are various aspects of the customs union, so actually it is not quite as simple as that. We have set out already—we did this in the summer—arrangements that we believe could be in place, which we will now be able to discuss in detail with the EU27 as we move into phase 2 of these negotiations. They would enable us to retain tariff-free and frictionless access across borders, while at the same time ensuring that we are not a member of the customs union and the single market.

Mike Wood (Dudley South) (Con): While we recognise that Britain will respect any liabilities that are properly owed, will the Prime Minister reassure my constituents that the United Kingdom will not be making payments that are not paid by countries remaining in the European Union, so that there can be no question of punishment payments?

The Prime Minister: I am absolutely clear that we are not talking about punishment payments. I have said on a number of occasions that we will honour our commitments. We have come to an agreement about the scope of commitments and how those should be valued, but as I said earlier, this is in the context of agreeing the future partnership.

Emma Little Pengelly (Belfast South) (DUP): I thank the Prime Minister for her strong statement of support for Northern Ireland as an integral part of the United Kingdom. Businesses in Northern Ireland do not want a hard border, and we in the DUP are fully committed to working closely with the Prime Minister to find solutions and a good outcome in relation to that. However, will the Prime Minister confirm and commit that, in finding solutions, not only will Northern Ireland businesses have full and unfettered access to the UK market, but UK businesses will have full and unfettered access to Northern Ireland markets?

The Prime Minister: Yes, I am very happy to confirm that. What we are talking about is ensuring that the internal market of the United Kingdom is maintained, so that that flow for businesses both in Great Britain and in Northern Ireland can continue.

Huw Merriman (Bexhill and Battle) (Con): I join colleagues in congratulating the Prime Minister on largely excluding the influence of the European Court of Justice; others said that could not be done. With respect to the eight-year period during which courts can refer to the ECJ, will that run from the date when the UK leaves the EU, the end of the implementation period or the date from which EU citizens apply to enforce their rights, which could of course be a later date?

The Prime Minister: I apologise, I have not found the specific reference in the report, but it will be at the point at which the citizens’ rights are implemented. The expectation is that it will be on the date when we leave the European Union.

Vernon Coaker (Gedling) (Lab): The agreement between the UK and the EU contains many welcome and significant references to the Good Friday agreement. Does the Prime Minister agree that if the Good Friday agreement were included in the European Union (Withdrawal) Bill, that would help build confidence in the whole process?

The Prime Minister: I would hope that there is confidence in the process from our being so clear in the joint progress report, which has been published by us and the European Commission, about the importance of respecting the Belfast agreement. As a Government, we have said that consistently throughout the negotiations. There is no difference in our position: we are very clear that we will uphold the Belfast agreement.

Alberto Costa (South Leicestershire) (Con): One year ago, I said in the Chamber to my right hon. Friend that it would be inconceivable for me to vote to take away the rights of my parents or other EU nationals. Incidentally, I understand that my parents are watching proceedings closely today. I thank the Prime Minister for honouring her commitment to me, which she gave earlier this year, in return for which I gave her my full loyalty. I look forward to the agreement in principle becoming a proper legal agreement in due course.

The Prime Minister: I thank my hon. Friend for the attention that he has given to EU citizens’ rights throughout this period, and for the discussions that he and I have been able to have on the matter. I am pleased that the agreement has been reached, as reported in the joint progress report. I also congratulate my hon. Friend, who has recently been honoured by the Italian Government. Many congratulations.

Mr Speaker: Well done!

Thangam Debbonaire (Bristol West) (Lab): The Prime Minister must have had a different ballot paper from the one we had in Bristol West last year. There was no mention on mine of the single market or the customs union, nor was there any mention of Euratom, to which item 89 of the report refers. Will the Prime Minister please tell us which other organisations she believes she has a mandate to sweep off the table as we go through the negotiating period?

The Prime Minister: What was in the decision that people took in the referendum—what they were asked to decide—was whether to stay in the European Union. [Interruption.] The hon. Lady shakes her head and says that it did not mention the single market or the customs union. It was made very clear during the debate what leaving the European Union meant, and the British people voted for it.

Mims Davies (Eastleigh) (Con): Thank you, Prime Minister. It is no mean feat to balance remainers and leavers inside and outside the House, and to balance the...
rights of British citizens abroad—we think about that a lot, and my constituents have raised it with me—with those of the 3 million EU citizens here, many of whom work in our public services, as well as balancing people who live in the past and have not accepted the result. Does the Prime Minister agree that the agreement bodes well for the second phase and that all our constituents, and UK plc, should look positively to the future?

**The Prime Minister:** Yes, I absolutely agree. We have shown that we can achieve what we want to achieve for the United Kingdom. That bodes well for the next phase of the negotiations. I am optimistic about that next phase and I hope others will be, too.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): In the light of the nearly £40 billion that we will now be spending to leave the EU, when does the Prime Minister anticipate our regaining our triple A credit rating?

**The Prime Minister:** Of course, the credit ratings are determined by external bodies, but one thing is certain: if the hon. Lady wants to ensure that we have good credit ratings in the future, we do not want a Labour Government and a run on the pound.

**Wendy Morton** (Aldridge-Brownhills) (Con): The Prime Minister is to be commended for her perseverance and her commitment to delivering the result of the referendum for us all. We acknowledge that this is a vital step forward, so will she confirm that she remains absolutely committed to delivering the best deal for the whole of the UK?

**The Prime Minister:** I can absolutely confirm that. That is exactly what we are working to, and I am optimistic that it is exactly what we are going to achieve.

**Tony Lloyd** (Rochdale) (Lab): The Prime Minister will understand that there is real scepticism about squaring all the various circles needed to deliver the frictionless border and the ambition she has set forward for our national interests—a proper agreement with the EU on the whole of Ireland. Will she give a guarantee to the House that there can be no veto, from those on her Back Benches or in the DUP looking for the maximum regulatory freedom, if that will put at risk a proper agreement on the island of Ireland?

**The Prime Minister:** We have set out in the report that we intend to ensure that there is no hard border. We are guaranteeing that we will do what is necessary to ensure there is no hard border between Northern Ireland and Ireland. I imagine that there is not a single person in the House who thinks that a hard border should be returned between Northern Ireland and Ireland. We are also clear that we need to retain the constitutional and economic integrity of the whole of the United Kingdom. I believe that it is possible to do that. We have already set some ideas out earlier this year on customs, and we are now able to move on—post Thursday and Friday, if the Council confirms that sufficient progress has been made—to discuss that in detail.

**Jeremy Lefroy** (Stafford) (Con): May I thank the Prime Minister for her tremendous work and for the letter that she has written to citizens today, which is incredibly helpful? When does she think we will get a clear picture of what the transitional or implementation period will look like? Mr Barnier has mentioned that it will possibly be by March.

**The Prime Minister:** As I said earlier, assuming that the EU Council confirms on Thursday and Friday that we can move on to phase 2 of the negotiations, I expect that work on the transitional or implementation period will start immediately. There are some details to be sorted out, but the general agreement is that it will be agreed as early as possible in the new year. As my hon. Friend says, Michel Barnier has indicated that it could be during the first quarter.

**Jonathan Reynolds** (Stalybridge and Hyde) (Lab/Co-op): I put it to the Prime Minister that if, for instance, the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) and the right hon. and learned Member for Rushcliffe (Mr Clarke) are in full agreement, than either one—or probably both—must be mistaken about what has really been agreed. With respect, the Prime Minister cannot have full autonomy and full alignment at the same time. Cross-border trade in services will require some sort of long-term regulatory co-operation to be in place. When, for instance, will we find out whether solvency II still applies, whether the prospectus directive is still in operation, and whether we are still in the single euro payments area? Those are all genuine questions for consumers and businesses, but we still have no idea about the answers.

**The Prime Minister:** The nature of those arrangements for future trade in goods and services will be negotiated in phase 2 of the discussions. If my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) are in agreement, I think it suggests that the Government have done a good job.

**Rebecca Pow** (Taunton Deane) (Con): I welcome the give and take that has been shown in these negotiations, especially the sense that we will not crash out without a deal, which gives a sense of optimism even to wannabe remainers. While Taunton Deane is a wonderful place to live, I have had several people come into my constituency office who also have homes in the EU. They are very concerned about whether their rights will be protected, and whether they will have to make a choice to stay there or come back here. Can the Prime Minister make it clear that even for them, we are making good progress?

**The Prime Minister:** One of the things we wanted to ensure was that we were not just coming to an agreement on the rights of EU citizens in the United Kingdom, but that it would be reciprocal for UK citizens in the EU27. That is exactly what we have achieved through these negotiations, and I am grateful to the negotiating team for the detailed effort that they have put in to ensure that UK citizens can have that confidence for the future.
Kevin Brennan (Cardiff West) (Lab): The Prime Minister did not answer the second part of the question from the hon. Member for Wellingborough (Mr Bone), who has just resumed his place, about the exit date of 29 March 2019. He asked specifically if she was still committed to it being in the withdrawal Bill. Is she telling us today that under no circumstances will she countenance withdrawing the amendment the Government have tabled to put that date in the Bill?

The Prime Minister: We put that amendment down because we believe it is important to confirm, and so that people have the confidence of knowing, the date we will leave the European Union, which is 29 March 2019.

Nigel Mills (Amber Valley) (Con): I welcome the progress made last week. Will the Prime Minister confirm that an ongoing role for the ECJ for eight years does not mean that EU nationals in the UK will have greater rights than UK nationals?

The Prime Minister: The basis on which we have agreed various arrangements relating to the rights that will apply to EU citizens here and to UK citizens in the EU27 is the principle that they can maintain the life choices they have already made. We want somebody who has moved here with a set of expectations to be able to carry on living as they have done and with the same expectations for the future.

Alan Brown (Kilmarnock and Loudoun) (SNP): If EU citizens’ rights were the Government’s No. 1 priority, it is frankly shocking that they have taken 18 months to get an agreement. The Prime Minister undercut that agreement by twice saying in her statement that “nothing is agreed until everything is agreed”. That insinuates that they still might be bargaining chips. So that I can give my constituents some sort of reassurance, will she tell me when the voluntary application process outlined in the technical note will be up and running?

The Prime Minister: We triggered article 50 in March this year, and we have been engaged in detailed negotiations. The hon. Gentleman refers to the phrase “nothing is agreed until everything is agreed”, which is in the joint progress report. It is language used by the European Union in relation to the negotiations going forward. One issue for EU citizens here has been the ease of the process of applying for settled status. The Home Office is developing that process and will bring it forward. It is very clear that it will be a very easy and light-touch process, so that nobody need have fears about the arrangements they will have to go through.

Henry Smith (Crawley) (Con): As we move on to the trade negotiations with the EU27, may I seek assurances that aviation will be one of the priority areas? It is important to many of my constituents—indeed, to the whole country as an island trading nation.

The Prime Minister: I am very happy to give my hon. Friend that assurance. We are very clear about the importance of the aviation sector and maintaining the free flow of flights to the United Kingdom. It is a priority.

Nic Dakin (Scunthorpe) (Lab): How will we control immigration in future when migrants from the EU can move freely across the Irish border into the United Kingdom?

The Prime Minister: We will be setting out the immigration rules that will apply. The Home Office is working on these issues. The question of movement of people between the United Kingdom and Ireland is not suddenly new because we are leaving the European Union—the common travel area has been in place since 1923.

Tom Pursglove (Corby) (Con): Will my right hon. Friend confirm that once we leave the European Union we will no longer send billions of pounds a year to Brussels, a Brexit dividend that could instead be spent on our schools, hospitals and housing? Does she share my surprise that those on the Opposition Benches do not welcome the opportunity for more public spending on our public services? The Leader of the Opposition had nothing to say about it.

The Prime Minister: I absolutely confirm to my hon. Friend that once we have left the European Union we will not be paying huge sums of money every year to the European Union. That money will be available to us to spend on our priorities here. Perhaps the silence of the Leader of the Opposition on this issue, rather than welcoming that money potentially going into public services, is because the Labour party’s position is to be willing to pay any price to the European Union regardless of how big the bill is.

Kate Green (Stretford and Urmston) (Lab): A number of businesses in my constituency manufacture goods that they then ship direct to end customers in the Republic of Ireland. Will those businesses continue to benefit from a special deal or full alignment in the same way as businesses that manufacture in Northern Ireland?

The Prime Minister: As I have said, the full alignment position in paragraph 49 is the final backstop. We expect to get a good agreement on the relationship between the United Kingdom and the European Union that will ensure not just north-south trade but east-west trade. It is not just about businesses here in the UK—the trade between Great Britain and the island of Ireland is more important to Ireland in financial terms than the trade from north to south. It is important that we do not have a hard border and that we maintain east-west trade.

Carol Monaghan (Glasgow North West) (SNP): One issue that certainly was not debated during the run-up to the EU referendum was membership of Euratom. Will the Prime Minister now inform people working in nuclear medicine—such as my sister, and many of my constituents—where they will obtain radioactive sources to treat and diagnose cancer when we are outside Euratom?

The Prime Minister: The hon. Lady will know that membership of Euratom is linked to membership of the European Union. That is the legal position, and that is why, as we triggered coming out of the European Union, we triggered coming out of Euratom. However, the Department for Business, Energy and Industrial Strategy
is putting in place arrangements that will ensure that we have the same capabilities and can operate in the same way as we do today. We recognise the importance of the issue; it will just be handled in a different way in future.

**Liz McInnes** (Heywood and Middleton) (Lab): Will the Prime Minister provide some clarity about the progress of negotiations on the other border that we share with the EU, the border between Gibraltar and Spain?

**The Prime Minister**: We are continuing to work with the Government of Gibraltar. They are part of our considerations as we proceed with these matters. That issue will be part of the wider negotiation on the trade relationship between the European Union and the United Kingdom in the future, and we will continue to work on it with the Government of Gibraltar.

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): I thank the Prime Minister for her statement—it was certainly optimistic.

Last week the Irish Government showed the UK Government what effective negotiation looks like. Given that there was zero mention of any devolved Government in her 10-minute statement, may I ask the Prime Minister why the Irish Government have more influence on the UK’s position than the democratically elected Scottish Government?

**The Prime Minister**: We have regular dialogue with the Scottish Government about the negotiations and the future arrangements that we want between the United Kingdom and the European Union. Those arrangements will take into account the concerns and interests of the whole United Kingdom, and will constitute a deal that will be good for the whole United Kingdom.

**Matt Western** (Warwick and Leamington) (Lab): The agreement, as written on Friday, states that commitments relating to Ireland will be “upheld in all circumstances, irrespective of the nature of any future agreement between the European Union and the United Kingdom.”

Can the Prime Minister confirm that that is absolute?

**The Prime Minister**: We are very clear about the fact that we will not see a hard border between Northern Ireland and Ireland. That is what we have put in place, and that is what we will be working to ensure that we deliver.

**Mr Speaker**: I am most grateful to the Prime Minister. She was at the crease for an hour and 45 minutes, which was a very substantial commitment, although I am not sure that Geoffrey Boycott would view it in those terms. He would probably think that it was a pretty short space of time for him to get his first few runs on the board.

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**5.23 pm**

The House knows of Iran’s disruptive role in conflicts across the region, including in Syria and Yemen. Our discussions on these subjects were frank and constructive, although neither I nor my Iranian counterparts would claim that we reached agreement on all issues. If we are to resolve the conflict in Yemen, Houthi rebels must stop firing missiles at Saudi Arabia. The House will recall that King Khalid International airport in Riyadh—Saudi Arabia’s equivalent of Heathrow—was the target.
of a ballistic missile launched from Iran on 4 November. I pressed my Iranian counterparts to use their influence to ensure that these indiscriminate and dangerous attacks come to an end.

On bilateral issues, my first priority was the plight of the dual nationals behind bars. I urged their release on humanitarian grounds, where there is cause to do so. These are complex cases involving individuals considered by Iran to be their own citizens, and I do not wish to raise false hopes, but my meetings in Tehran were worthwhile, and while I do not believe it would be in the interests of the individuals concerned or their loved ones to provide a running commentary, the House can be assured that the Government will leave no stone unturned in our efforts to secure their release.

I also raised with Mr Zarif the official harassment of journalists working for BBC Persian and their families inside Iran. I brought up Iran’s wider human rights record, including how the regime executes more of its own citizens per capita than almost any other country. But where it is possible to be positive in our relations with Iran—for instance, by encouraging scientific, educational and cultural exchanges—we should be ready to be so.

I then travelled to Abu Dhabi for talks yesterday with the leaders of the UAE, focusing on the war in Yemen, joined by the Saudi Foreign Minister, Adel al-Jubeir, and colleagues from the United States. We agreed on the importance of restoring full humanitarian and commercial access to the port of Hodeidah, which handles over 80% of Yemen’s food imports. We also agreed on the need to revive the political process, bearing in mind that the killing of the former President, Ali Abdullah Saleh, by the Houthis may cause the conflict to become even more fragmented, and we discussed how best to address the missile threat from Yemen, welcoming the United Nations investigation into the origin of the weapons launched.

Our concern for the unspeakable suffering in Yemen should not blind us to the reality that resolving a conflict of this scale and complexity will take time and persistence, and success is far from guaranteed. But it is only by engagement with all the regional powers, including Iran, and only by mobilising Britain’s unique array of friendships in the middle east, that we stand any chance of making headway. I am determined to press ahead with the task, mindful of the human tragedy in Yemen, and I shall be meeting my Gulf and American colleagues again early in the new year. I commend this statement to the House.

5.30 pm

Emily Thornberry (Islington South and Finsbury) (Lab): I thank the Foreign Secretary for giving me advance sight of his statement. I also thank him for the obvious efforts that he has put in over recent days on these issues, which are of such great concern to this House and beyond.

Let us start, as we must, with the case of Nazanin Zaghari-Ratcliffe. I have no wish to go over old ground concerning the Foreign Secretary’s remarks to the Foreign Affairs Committee. It is right that he has finally apologised for those remarks and admitted that he was wrong. It is also right that he has finally met Richard Ratcliffe, and that he has spent the weekend in the region attempting to atone for his mistake and get Nazanin released. We welcome the tentative progress that the Foreign Secretary has made in that regard. As Richard Ratcliffe himself put it, “it doesn’t change the fundamentals but it makes the change in the fundamentals more likely.”

I appreciate that the Foreign Secretary cannot give a running commentary, but I should like to ask him two specific questions on this issue. First, did he seek meetings during his visit with representatives of the revolutionary courts, the Interior Ministry or the Ministry of Justice? In other words, did he seek to meet those who, in Richard Ratcliffe’s words, have the power to “change the fundamentals” in Nazanin’s case? Indeed, did he seek a meeting with Nazanin herself while he was there? Secondly, in the Foreign Secretary’s meetings with President Rouhani and others, did he make it perfectly clear to them personally that his comments to the Foreign Affairs Committee, which were widely publicised in the Iranian state media, had been mistaken?

Turning to the Iran nuclear deal, we welcome the fact that the Foreign Secretary raised this issue, and he spoke for all of us in reassuring Iran that whatever other bilateral differences we may face, Britain will continue to honour our part in the nuclear deal as long as Iran continues to do the same. But of course, that is not where the real problem lies. As with so much else, the real problem lies in the White House. Can the Foreign Secretary tell us what the plan is now? What is the plan in relation to persuading President Trump to see sense and stop his senseless assault on the Iran deal? What is the plan to get President Trump back on board? Or is this yet another area in which the Government are forced to concede that they have no influence to wield?

Turning to Yemen, we welcome the fact that, as well as visiting Tehran, the Foreign Secretary visited Abu Dhabi and Oman and raised the issue of Yemen there as well. While we welcome the talks, we are bound yet again to ask the question: what is the plan now? What is the plan to get the blockades fully lifted and enable full access for humanitarian relief? What is the plan to secure a ceasefire agreement and make progress towards long-term political solutions? And where is the plan for a new United Nations Security Council resolution, 14 months since the UK first circulated its draft?

Last week, the UN Security Council cancelled its scheduled open meeting on Yemen, and instead held one in private. Britain’s representative, Jonathan Allen, said that a closed doors session was needed so that “Council members could have a frank conversation”.

We appreciate that the best progress is often made behind closed doors, but the people of Yemen have been waiting for two years for any kind of progress and for any sort of hope of an end to the war and to their suffering. Instead, things just get worse and worse. Does the Foreign Secretary accept that people are tired of hearing that progress is being made behind the scenes, when things are getting ever worse on the ground? In the wake of his talks this weekend, in the wake of his meetings with the Quint, and in the wake of last week’s closed Security Council session, will he now spell out what the plan is for peace?

I am sure that many other regional security issues were discussed on the Foreign Secretary’s trip, from the tensions with Saudi Arabia to President Trump’s declaration on Jerusalem, but may I ask specifically what conclusions
he reached from his discussions on the prospects for a political solution to end the fighting in Syria? Is Iran ready to accept, as an outcome of the Astana process, that it will withdraw its forces from Syria, and will Hezbollah and the Shi'a militias do likewise, provided that President Assad is left in place, that all coalition forces are withdrawn, and that Syria is given international assistance with its reconstruction? If that is the case, will the UK Government accept that deal, despite the Foreign Secretary’s repeated assertion that President Assad has no place in the future government of Syria? If they will not accept that deal, will the Foreign Secretary tell us when it comes to the future of Syria, as on everything else that we have discussed today, what is his plan now?

Boris Johnson: I am grateful to the right hon. Lady for the spirit in which she poses her questions. I can tell her that in Tehran I met Vice-President Salehi, the head of the Supreme National Security Council Ali Shamkhani, the Speaker of the Majlis Ali Larijani and Foreign Minister Javad Zarif and had long discussions with President Rouhani. In each of those conversations, I repeated the case for release on humanitarian grounds, where that is appropriate, of the difficult consular cases that we have in Iran, and that message was certainly received and understood. However, as I said to the House, it is too early to be confident about the outcome.

The right hon. Lady asked about the plan in Yemen, and she will understand that the plan certainly was until last Saturday that Ali Abdullah Saleh would be divided from the Houthis, which seemed to be the best avenue for progress. Indeed, Ali Abdullah Saleh was divided from the Houthis, but he then paid the ultimate price for his decision to go over to the coalition. We are left with a difficult and tense situation, and what we need to do now, the plan on which everybody is agreed, is to get Hodeidah open, first to humanitarian relief, to which the Saudis have agreed, but also to commercial traffic, too.

I heard the right hon. Lady’s question about the use of the UN Security Council. Resolution 2216 is still operative, but as penholders in the UN we keep the option of a new Security Council resolution under continuous review. It is vital that all parties understand, as I think they genuinely do in Riyadh, in Abu Dhabi and across the region, that there is no military solution to the disaster in Yemen. There is no way that any side can win this war. What we need now is a new constitution and a new political process, and that is the plan that the UK is in the lead in promoting. As I said to the right hon. Lady, we had meetings of the Quad last week, again last night in Abu Dhabi, and we will have a further meeting in early January.

As for the UK’s role in Syria, the right hon. Lady asked about the Astana process and whether it would be acceptable. Our view is that if there is to be a lasting peace in Syria that commands the support of all the people of that country, it is vital that we get the talks back to Geneva. I believe that that is the Labour party’s position. Indeed, I believe it was also the Labour party’s position that there could be no long-term future for Syria with President Assad. If that position has changed, I would be interested to hear about that. However, our view is that it is obviously a matter for the people of Syria, and we will be promoting a plan whereby they, including the 11 million or 12 million who have fled the country, will be given the chance to vote in free, fair, UN-observed elections to give that country a stable future.

Tom Tugendhat (Tonbridge and Malling) (Con): I must pay tribute to my right hon. Friend for the amount of effort that he has put in in the region—not only in the UAE and Oman, which are of course great friends of ours, but in Iran, where the situation is of course very difficult. He listed many of the people he met and kindly told us what he asked of them, so will he perhaps enlighten us as to what they asked of him?

Boris Johnson: I can summarise it by saying that what they really want is the kind of diplomatic energy and leadership that, as I was trying to explain to the right hon. Member for Islington South and Finsbury (Emily Thornberry), the UK is supplying particularly in Yemen, where an appalling, catastrophic conflict has been going on for three years. The conflict is a scar on the conscience of humanity and, as she rightly said, we are penholders at the UN. We have a duty to Yemen, and we are in the lead on trying to bring the sides together to advance a political solution. As I told the House earlier, one of my reasons for going to both Oman and Iran is that we cannot ignore the role of those countries in advancing the cause of peace in Yemen.

Stephen Gethins (North East Fife) (SNP): First, I add my thanks to the Foreign Secretary for going to Iran. I am glad he made clear our continued commitment to the nuclear deal, in divergence from President Trump.

Forgive me if I missed this in the Foreign Secretary’s response to the shadow Foreign Secretary, but did the Foreign Secretary make it crystal clear that his remarks to the Select Committee on Foreign Affairs did not quite reflect why Mrs Zaghari-Ratcliffe was in Iran? Did he make that clear to the Iranians when he met them?

On Yemen, the Foreign Secretary is right to highlight the devastating consequences of the war. Can he tell us a little more about the lifting of the blockade on the port of Hodeidah? A few more details on that would be helpful for the House. Did he make it clear to everyone he met that any tactic of “starvation or surrender” is abhorrent? Finally, did he commit to any increase in aid to Yemen at the end of the blockade?

Boris Johnson: The Iranians have always been clear, and indeed they were clear with me again, that none of my remarks in any context has had any bearing on any judicial proceedings in relation to any UK consular case.

As for the suggestion that starvation is being used as an instrument of warfare, that is indeed what I said in terms. What I said to our friends in the region is that, unless we sort this out, we run the risk that the judgment of history will deem that starvation has been used as an instrument for the prosecution of a war. That is not something that anybody wants to see, least of all the coalition forces, which have a legitimate task in hand. They are defending their own countries, and there is a UN resolution and a coalition supporting what they are doing.
In answer to the hon. Gentleman’s question about how much the UK Government are giving, I can tell him it is currently running at £155 million, and the sum is under continual review.

**Sir Nicholas Soames** (Mid Sussex) (Con): May I congratulate the Foreign Secretary on his trip? I agree with him that it is absolutely essential that we maintain energetic engagement with all the regional powers, particularly Iran, and use our very considerable diplomatic expertise and influence to resolve what he rightly says are problems that cannot be solved by war and must be solved by diplomacy. Finally, will he pay a warm tribute to the British armed forces that, collectively, have played the most remarkable and yet unsung role in the defeat of Daesh?

**Boris Johnson** (Rochford and Southend East) (Con): Does my right hon. Friend agree that maintaining an ever-closer relationship with Saudi Arabia is very important in developing stability in the region?

**James Duddridge** (Rochford and Southend East) (Con): If we possibly can, which is one reason why we want to move forward with the talks I have described. As for the forthcoming visit by the President of Yemen, I will undertake, on behalf of the right hon. Gentleman, to discuss with the Prime Minister her timetable, and will revert to him as soon as is convenient.

**Ann Clwyd** (Cynon Valley) (Lab): There are two immediate things this country should do. First, it should stop selling arms to Saudi Arabia, as that has simply fuelled what is going on in Yemen. Secondly, it should pay to Iran the money we owe it in debt—perhaps the Foreign Secretary has agreed to do that. I hope we can thus see the release of the dual nationals—Mrs Zaghari-Ratcliffe and others who are held in Iran and should be released. Will the Foreign Secretary share with us whether he attempted to see Mrs Zaghari-Ratcliffe? Did he ask to see those people? Was he refused? What exactly was the situation?

**Boris Johnson**: I pay tribute to the right hon. Lady, who has been a great campaigner on humanitarian issues throughout the middle east. I must say, though, that I disagree with her on this issue, as she knows. We in the UK have the strictest possible rules and laws on the administration of our arms exports to ensure that they are used only in compliance with international humanitarian law. Were the UK to abstract itself from that scene, there would be plenty of other countries that would be only too happy to fill the void and we would lose our ability to engage and influence in the way I have described.

On the right hon. Lady’s point about debts, we acknowledge the debts that we have and it is a matter of public Government policy to try to settle them. As she knows, there are legal and technical obstacles to be overcome. I should stress that those issues have nothing to do with the difficult consular cases we face. As for the contacts I had with the family members of any of those involved in our consular cases, it would probably be better if I respected their privacy.

**Bill Grant** (Ayr, Carrick and Cumnock) (Con): In the light of my right hon. Friend’s recent visits abroad, will he confirm to the House that the welfare and wellbeing of Britons abroad remains of paramount importance to his Department?

**Boris Johnson**: I am grateful to my hon. Friend for that question, because although he may not know it, every year the Foreign and Commonwealth Office deals...
with around 20,000 consular cases, of which the ones mentioned today are only some of the most difficult. I was very pleased to see the release of the Chennai six the other day. Their relatives were not necessarily happy with the help they thought they had received from the FCO, and I noticed plenty of criticism in the media about the handling of that case, but I have to tell the House that I know that there were 50 conversations between Ministers of this Government and the Indian Government, including at least two conversations that the Prime Minister herself had, to seek the release of the Chennai six. When we look overall at the efforts made by our consular service, I really think that people should be proud of what the FCO is doing.

Sir Edward Davey (Kingston and Surbiton) (LD): The Foreign Secretary is right to say how shocking the war in Yemen is: the humanitarian catastrophe there is on a biblical scale. Will he tell the House what discussions he had with Sultan Qaboos bin Said about how to end the conflict in Yemen? What role does he see Oman playing in bringing about peace?

Boris Johnson: It was a privilege to talk at great length to His Majesty the Sultan Qaboos. Indeed, our conversations went on until, I think, 2.30 in the morning. There is no question but that Oman, with its long history, its wisdom and its understanding of the region, can play a very important role in bringing together the sides in Yemen. As the right hon. Gentleman knows, the relationship between the United Kingdom and Oman is possibly one of the most extraordinary that this country has with any country in the world outside Europe.

Edward Argar (Charnwood) (Con): I very much welcome the Foreign Secretary’s visit and, as vice-chairman of the all-party group on Oman, I particularly welcome his visit to Muscat. Following on from what he just said about his visit and his audience with His Majesty Sultan Qaboos, will the Foreign Secretary reaffirm the importance of the UK’s deep, broad and long-standing relationship with the Sultanate of Oman, which is based on mutual trust and respect, and will he reaffirm our continued commitment to that special relationship?

Boris Johnson: Yes. I am grateful to my hon. Friend. I am sure he knows that Oman is one of the few countries in the world where British men and women—officers—serve in uniform in another country. I must check whether women serve in Oman—I would not want to swear to that, now that I come to think of it—but we certainly have British serving personnel in British uniform in Oman. The Sultan himself has proposed that there should be a reciprocal arrangement, and we are only too happy to look into that.

Mr Kevan Jones (North Durham) (Lab): The Foreign Secretary is correct that the only way forward and out of the tragedy for Yemen is a political solution, but a big stumbling block in the way of that is the supply of weaponry by Iran to not just the Houthis but other groups in Yemen. Will he explain what reaction he got in raising that issue when he was in Iran?

Boris Johnson: That is a good question. I am absolutely certain that I raised that issue with every single one of my interlocutors. I made it absolutely clear that our country was horrified that weapons supplied by Iran should be directed at civilian targets in Saudi Arabia. I must say that my suggestions were greeted not with acceptance but denial—it was not a point that was accepted—and I was obliged to return several times to the fray. I came away fortified in my belief that the Iranian presence in Yemen has increased, not diminished, as a result of the conflict there. That is all the more reason to bring that conflict to an end, which will mean engagement with Iran.

Jeremy Lefroy (Stafford) (Con): I thank the Foreign Secretary for his real engagement with these issues, particularly Yemen. I encourage him to strain every sinew over the next days and weeks, irrespective of holiday periods, to ensure that the potential catastrophe is averted. He will do a huge amount for the cause of the suffering people of Yemen if he and his colleagues can pay attention daily to that tragedy.

Boris Johnson: I can tell my hon. Friend that this is now not just the top priority for the Foreign Office, but something on which we are working together with our friends in the Ministry of Defence and the Department for International Development; my right hon. Friend the Member for North East Bedfordshire (Alistair Burt) is a doubled-hatted Minister, serving both DFID and the Foreign Office, where he has charge of the crisis in Yemen. My hon. Friend the Member for Stafford (Jeremy Lefroy) will see increased British engagement on this issue throughout Whitehall.

Several hon. Members rose—

Mr Speaker: Order. May I just underline, admittedly for only the first time today, but for the umpteenth time in recent weeks, that Members who arrived in the Chamber after the statement began should not stand and expect to be called? That is a discourtesy to the House of Commons, so it must not happen.

Nick Thomas-Symonds (Torfaen) (Lab): Nazanin Zaghari-Ratcliffe’s sister-in-law lives in my constituency, and local people have presented me with a petition for her release. May I press the Foreign Secretary directly? Did he request to see her personally, so that he could judge of her mental and physical wellbeing?

Boris Johnson: I must remind the hon. Gentleman. Gentleman that the Iranian Government do not recognise the dual national system that we have, and therefore do not give consular access. As for other members of the Zaghari-Ratcliffe family, it would be better if I said that I think their privacy should be respected.

Mims Davies (Eastleigh) (Con): I thank the Foreign Secretary for his update. When he spoke about the case of Ms Zaghari-Ratcliffe, was he able to remind those he spoke to that a very small, fragile child is involved in this as well? My constituents write to me about that, asking me to remind the Foreign Secretary of it.

Boris Johnson: I am grateful to both my hon. Friend and her constituents. That is, I hope, one of the considerations that will be uppermost in the minds of those in Iran who are pondering the case.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): When I was a Member of the Scottish Parliament, a group of visiting Iranian MPs suggested the establishment
of a formal academic link between the University of Qom in Iran and either the University of Edinburgh or my alma mater, St Andrews. I was advised very strongly not to dream of making that suggestion to the Foreign Office, but today things are different. Would the Foreign Secretary be willing to look into that type of academic arrangement and, indeed, consider taking the idea forward?

**Boris Johnson:** In my meeting with Vice-President Salehi, as in all such meetings, there were some pretty feisty exchanges. As I said in an earlier answer, there were areas in which there was, frankly, absolutely no agreement, but on the promotion of cultural or academic exchanges, there is scope for progress. I would like to see such progress, so if the hon. Gentleman would be kind enough to send his project to us, we will certainly take a look at it.

**Tulip Siddiq (Hampstead and Kilburn) (Lab):** I thank the Foreign Secretary for giving us an update about his visit to Iran. I am pleased to hear that he raised the plight of dual nationals and called for their release on humanitarian grounds, but what response did he get from the President of Iran, and other authorities, when he pressed for the release of my constituent, Nazanin Zaghari-Ratcliffe? Does he have any indication of what the authorities think about the recent prison health assessments made of Nazanin and her fitness to remain in prison in Iran?

**Boris Johnson:** Again, I thank the hon. Lady for her persistent campaigning on this issue. It would probably be best if I said that, yes, of course I raised the humanitarian concerns in a number of consular cases, and that those concerns were taken on board, but it would be wrong to give a running commentary or report about exactly what the Iranian side said in each case.

**Jim Shannon (Strangford) (DUP):** I thank the Foreign Secretary both for his statement and for his hard work. One hundred and ninety-three Christians were imprisoned or arrested in Iran in 2016. Has he been able to engage with officials on Christian persecution in Iran, and has he secured any result on that?

**Boris Johnson:** The hon. Gentleman is entirely right. That is something that is regularly raised both by my right hon. Friend the Minister for the Middle East, and by our ambassador, Nick Hopton, in Tehran. The treatment of Christians and Baha’is is a matter of deep concern for this Government, and it is something that we will continue to raise.

**Martin Whitfield (East Lothian) (Lab):** I welcome the statement. Does the Secretary of State feel that journalists in the middle east and their families can sleep safer following his visit?

**Boris Johnson:** The treatment of journalists worldwide is a subject of grave concern. As I mentioned earlier, I have anxieties about the freezing of the assets of BBC Persian. As long as a society does not have free journalism and a free media, it will not only never be free, but never be truly prosperous or happy.

**Alison Thewliss (Glasgow Central) (SNP):** The conflict in Yemen has been characterised by serious breaches of international humanitarian law on all sides; there have been 318 incidents of concern relating to the Saudi-led coalition. Can the Foreign Secretary tell the House what discussions he had on his visit about breaches of international humanitarian law, and about the imminent threat to the life of civilians and aid workers trapped in the escalating conflict on the Yemeni Red sea coast?

**Boris Johnson:** We have repeatedly stated the importance of getting humanitarian aid into the country, and of allowing humanitarian aid workers to get on with their jobs. As for the observance of international humanitarian law, I said in an earlier answer that we already have the most scrupulous procedures in place of any country in the world.

**Azul Khan (Manchester, Gorton) (Lab):** I also thank the Foreign Secretary for his statement to the House. We have seen protests in this country and throughout the Muslim world against the statement that President Donald Trump made. What discussions has the Foreign Secretary had with these countries on taking forward the process between Israel and Palestine?

**Boris Johnson:** Both the Prime Minister and I have made it clear that we do not agree with what President Trump said about Jerusalem. We do not agree with his decision to recognise Jerusalem as the capital of Israel, and we do not agree with his decision to move the US embassy to Jerusalem. What the Prime Minister said was welcomed in the region. I found a wide measure of knowledge and appreciation of the UK’s position. We want to encourage our American friends to come forward with the long-awaited plans, which have been gestating, for the middle east peace process. That is the symmetry that the world wants to see from the Trump Administration. In the context of this recognition of Jerusalem, now is the time to bring forth those plans and to do something symmetrical to advance the middle east peace process.

**Alex Sobel (Leeds North West) (Lab/Co-op):** Although we welcome the progress that the Foreign Secretary reported this weekend, may I ask him whether he pressed the Iranian authorities to allow Richard Ratcliffe into Iran, so that if Nazanin cannot be home for Christmas, he at least will be able to visit her and see the state that she is in?

**Boris Johnson:** Tempting though it is to go into the details of our discussions on each of these consular cases, given the sensitivity and difficulty of our conversations, it would be better if we just said that we continue to ask for the cases to be treated in the humanitarian way that they deserve, and for those people to be released as soon as possible.

**Mr Jim Cunningham (Coventry South) (Lab):** Following on from an earlier question that the Foreign Secretary answered directly, did he personally raise with the Iranian authorities the plight of Christians and other minority religions?

**Boris Johnson:** To the best of my recollection, the matter did not come up directly in my conversations, but the subject is raised continuously both by my right hon. Friend the Minister for the Middle East and by Nick Hopton in Tehran.
Point of Order

6.6 pm

Dame Margaret Hodge (Barking) (Lab): On a point of order, Mr Speaker. I wish to apologise sincerely to the House for inadvertently acting in breach of our code of conduct when I used parliamentary resources during my independent review of the garden bridge. The Parliamentary Commissioner for Standards and the Committee on Standards have both concluded that I was not motivated by financial gain. I acted in good faith and in the public interest, but I fully accept the judgments of the commissioner and the Committee. I have repaid the sum of £2.97, which represents the cost of House of Commons stationery, to the House of Commons Administration.

Mr Speaker: I am extremely grateful to the right hon. Lady for what she has said, and I think that the House will appreciate it. That is the end of the matter.

Finance (No. 2) Bill

Second Reading

Mr Speaker: I must inform the House that I have selected the amendment in the name of the Leader of the Opposition.

6.7 pm

The Financial Secretary to the Treasury (Mel Stride): I beg to move, That the Bill be now read a Second time.

The Chancellor recently set out a bold and forward-looking autumn Budget. It reflected and responded to current circumstances, and it will build a Britain that is fit for the future. The UK economy has shown great resilience. Our GDP growth has remained solid, continuing for more than 19 quarters. Employment has risen by 3 million since 2010 and is close to a record high, while unemployment is at its lowest rate since 1975. Those employment trends are not being felt only in the south-east. Indeed, since 2010, 75% of the fall in unemployment has occurred elsewhere, and the biggest falls in the unemployment rate took place in Yorkshire and Humber, and in Wales.

The deficit has been reduced by three quarters from 9.9% of GDP in 2009-10—that figure was a shocking indictment of the last Labour Government—to 2.3% of GDP in 2016-17. In the coming years, borrowing is set to fall even further, reaching 1.1% of GDP in 2022-23, which will be the lowest level since 2001-02. However, at 86.5% of GDP, public debt is still too high and productivity growth remains subdued. This Budget therefore balanced short-term action with long-term investment, while rightly sticking to the principles of social responsibility that will continue to improve the health of our public finances, with our debt due to start falling from next year.

Gareth Thomas (Harrow West) (Lab/Co-op): Given the recent terrorist attacks in this country and the fact that senior officers say that more funding is needed for community policing to help to tackle the risk of more terrorist attacks, will the Financial Secretary tell the House why there was no additional funding for policing in the Budget?

Mel Stride: As the hon. Gentleman will know, we made sufficient provision for policing prior to the Budget. We recognise the challenges that the police face, but I gently say to him that to secure our vital public services, including the police, the most important thing is that we have a responsible approach to bringing down the deficit and getting the public finances under control. Having looked at the proposals put forward by his party, I have my doubts that that would be the case were he in government.

It is sensible that all this is underpinned by the tax policies contained in the Finance Bill. The Bill is a mere 184 pages—under a third of the length of the previous Bill. Its length is partly the consequence of the Government’s move to a single annual fiscal event. In this transitional year, with less time than normal between Budgets, there is less legislation in process, which should prove some welcome respite for me, as I do not think that there are many Financial Secretaries who have presented two Finance Bills to the House within their first six months in post. The Bill’s size also reflects the Government’s
serious commitment not to overburden people or to overcomplicate the tax system. It is a crucial plank in the Government’s legislative programme that will help young people to buy their first homes, improve UK productivity, and further the Government’s already excellent track record of cracking down on avoidance and evasion.

The Government support the aspiration of home ownership and are particularly committed to helping young people on to the property ladder. The Government’s package on housing that was set out at the Budget will boost housing supply and address the problem of affordability. In this critical endeavour, the tax system should not act as a barrier. First-time buyers are usually more cash-constrained than other purchasers, so to help these people—typically younger people—to get on to the property ladder, the Bill permanently scraps stamp duty for first-time buyers purchasing properties worth up to £300,000. Buyers will save nearly £1,700 on an average first-time buyer property, and those buying a house worth £300,000 to £500,000 will pay the existing 5% marginal rate of stamp duty only on the portion above £300,000. In doing so, they will make a saving of £5,000. This means that 80% of first-time buyers will not pay stamp duty at all, while 95% of all first-time buyers who pay stamp duty will benefit from the changes. Over the next five years, the relief will help more than 1 million first-time buyers to get on to the property ladder.

The joy of home ownership will be greatly diminished if, at the same time, we do not protect and preserve the environment in which we all live. Therefore, as a response to the Government’s national air quality plan that was published in July, the Bill establishes measures to improve air quality through the taxation of highly polluting diesel cars. Diesel vehicles—even new ones—are a significant source of emissions. A test of the 50 best-selling diesel cars in 2016 found that on average they emitted over six times more nitrogen oxides in real-world driving than is permissible under current emissions standards.

Charlie Elphicke (Dover) (Ind): The Financial Secretary is making a powerful argument. It is important to protect funding for the environment, schools, hospitals and, as the hon. Member for Harrow West (Gareth Thomas) pointed out, the police. Will my right hon. Friend tell the House how much money was raised from the banking sector last year compared with in the last year of the Labour Government?

Mel Stride: As my hon. Friend will know, we brought in a variety of measures in 2015 that changed the basis of taxation for banks. Over the period of the coming forecast, we will be receiving some £4.5 billion in additional income from banks by way of taxation as a consequence of those changes.

From April 2018, new diesel cars will go up one vehicle excise duty band in their first-year rate, and the existing company car tax diesel supplement will increase by one percentage point. However, drivers of petrol and ultra low emissions vehicles—cars, vans and heavy goods vehicles—will not be affected, and nor will those who have already bought a diesel car. As the Chancellor said at the Budget, white van man and white van woman can rest easy.

Dame Margaret Hodge (Barking) (Lab): White van man and white van woman will rest easier if the Government successfully bring in all moneys due. Will the Minister explain why he has limited the scope of the Finance Bill in such a way that amendments cannot be tabled to ensure that we have a date by which measures such as country-by-country reporting, which is crucial to bringing in tax that is otherwise avoided, should be introduced?

Mel Stride: I think that the right hon. Lady is referring to an amendment of the law resolution. The previous Finance Bill was introduced under exactly the same Ways and Means procedure. There is nothing in the resolutions that prohibits full, open and proper discussion and scrutiny of the Bill. It will go through all its usual stages, including two full days in Committee of the whole House, and eight sittings—if it takes that amount of time—upstairs in Committee, before coming back to the Chamber for Third Reading.

Since the financial crisis, UK productivity growth has slowed. It now stands at just 0.1%. The Government know that restoring strong productivity growth is the only sustainable way to increase wages and improve living standards in the long term. Consequently, a quarter of a trillion pounds of public and private investment has been funnelled into major infrastructure projects since 2010, including the biggest rail modernisation programme since Victorian times, the Mersey Gateway bridge and, more recently, Crossrail. Many others are detailed in the Infrastructure and Projects Authority’s national infrastructure pipeline. The Government have also cut taxes to support business investment and improved access to finance through the British Business Bank. However, we can and will go further.

To boost productivity and create sustainable economic growth, the Government are making further provisions to support the UK’s dynamic, risk-taking businesses. The UK continues to be a world-leading place to start a business, with 650,000 start-ups in 2016 alone. However, some of the UK’s most innovative new businesses with the greatest potential are struggling to scale up due to lack of finance. Specifically, 10 of the UK’s largest 100 listed firms were created after 1975, compared with 19 in the United States of America. In order properly to understand these barriers to finance, the Treasury commissioned the patient capital review, led by Sir Damon Buffini. Supported by Sir Damon’s industry panel, the review concluded that knowledge-intensive companies, which are particularly research and development-intensive, often require considerable up-front capital to fund growth. It may be many years before their products can be brought to market and, despite their growth potential, such companies often face acute funding gaps.

In response to the review’s findings, the Government are acting. We are setting out a £20 billion action plan, combining investment with tax incentives. As part of the plan, the Bill will make more investment available to high-risk, innovative businesses. It does so by doubling the annual limits for how much investment knowledge-intensive companies can receive through the enterprise investment scheme and venture capital trusts schemes to £10 million, and doubling the limit on how much investors can invest through the EIS to £2 million, providing that anything above £1 million is invested in knowledge-intensive companies. In 2016-17, 62% of investment by EIS funds was aimed at capital preservation, rather than higher-risk, higher-potential, long-term growth companies. The Bill therefore reforms the schemes, redirecting low-risk investment into growing entrepreneurial companies, while changing venture capital trust rules to...
encourage higher-growth investments. In all, we expect these changes to result in over £7 billion of new and redirected investment in growing companies over the next 10 years.

Additional efforts to boost productivity also focus on increasing funding for research and development. At the 2016 autumn statement, £4.7 billion was allocated to R and D, and this Budget extended the national productivity investment fund to £31 billion and increased R and D investment by a further £2.3 billion. This means that the Government will be investing an additional £7 billion in R and D over the next four years—the largest increase in four decades.

We have already announced initial plans for this investment, including £170 million to help the construction industry to build cheaper and better homes; £210 million to develop new technologies that enable the early diagnosis of chronic diseases; a commitment to supporting the development of immersive technologies and artificial intelligence; and more than £300 million to develop and attract the skills and talent necessary to deliver our scientific ambitions. These efforts are complemented by our decision to increase the rate of R and D expenditure credit from 11% to 12%, as set out in the Bill.

The Bill will ensure that the tax system is fair, balanced and sustainable. To that end, it freezes the indexation allowance that currently allows companies but not individuals to reduce their taxable gains in line with inflation. It allows Scottish police and fire services to recover future VAT payments, which would otherwise be lost following the Scottish Government’s decision to restructure those services. I should pay tribute to my Scottish colleagues on the Government side of the House who lobbied so effectively in that respect.

The Bill narrows the scope of the bank levy so that, from 2021, all banks—UK and foreign-headquartered—will be taxed only on their UK operations.

John Howell (Henley) (Con): Is not the important point about the bank levy that we are trying to get a fair contribution paid by the banks, matched against the risk they pose to the whole UK economy?

Mel Stride: My hon. Friend is entirely right, which is why we have generally moved away from a levy on the capital assets of banks as regulation has improved, and towards a tax on the profitability of banks as that profitability has recovered following the events of 2008, which happened on the watch of the last Government. This re-scope forms part of the broader package of reforms announced between 2015 and 2016 that included an 8% surcharge on bank profits over £25 million. The package will help to sustain tax revenues from the banking sector in the long term.

Charlie Elphicke: To follow on from my previous intervention, will my right hon. Friend confirm that the amount of tax paid by banks under this Government is nearly 60% higher than under the previous Labour Government?

Mel Stride: My hon. Friend is entirely right. A number of measures have driven the improved tax take from banks. Along with the 8% surcharge, there is the fact that we have restricted banks’ ability to carry forward losses to offset against profitability. We also exempted banks’ ability to offset charges in respect of mis-selling and payment protection insurance activities, which has also helped to improve the tax take.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The mention of banks gets me going because all the Financial Secretary’s good words sit ill with the fact that the Royal Bank of Scotland is going through a huge series of closures, particularly in my constituency. We bailed the bank out, so there is great unhappiness—indeed, anger—that it is acting in such a way all over Scotland.

Mel Stride: The hon. Gentleman raises an important issue, but these will be matters for the Royal Bank of Scotland. The most important aspect when one considers the Royal Bank of Scotland is clearly that it is brought back to being a fighting-fit organisation, employing as many people as possible as a business, contributing to the Exchequer, and creating value going forward.

Steve McCabe (Birmingham, Selly Oak) (Lab): I am interested to hear the Minister’s confidence about the money he will be taking through the bank levy. How does the money the hon. Member for Dover (Charlie Elphicke) says has been raised so far compare with the amount the taxpayer has already paid to bail out the banks, and how much of that money have we had back?

Mel Stride: It is interesting that the hon. Gentleman mentions the amount that was required to bail out the banks, given that it was the then Labour Government who caused the problem that required the bail-outs in the first place. There is a long and detailed history of exactly what happened: we had lax regulation, and the Bank of England was not in a position to regulate the institutions concerned. The hon. Gentleman might like to look up the answer to his question himself and then inform other members of the Labour party of what he discovers.

Vicky Ford (Chelmsford) (Con): Does my right hon. Friend agree that since the bank levy was introduced, the risk of bank failure has decreased dramatically due to new capital requirements on banks, and the considerably reduced risk that British taxpayers will have to fund cross-border bail-outs, given that we have international agreements on such matters?

Mel Stride: Yes, my hon. Friend is entirely right. We have made huge progress in making sure that the banks are fit and able to withstand whatever external shocks there might be. The Bank of England has been heavily engaged in that, as have the Government, and we are in a much more secure position—certainly than we were when we inherited the economy we saw when we first came to office in 2010.

Kirsty Blackman (Aberdeen North) (SNP): The Minister is being very generous in allowing interventions. I was concerned by the response he gave to the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone). Given the Government’s stake in RBS, does he not feel that they should take some responsibility and use their influence to convince RBS not to go ahead with these closures? There have been over 90 since the start of the year, and this cannot continue.
Mel Stride: I am gratified by the hon. Lady’s confidence in Ministers making commercial judgments in respect of our banks and businesses, but it is far better to allow those businesses to take sensible commercial decisions, even though those sometimes have consequences that, in an ideal world, we would not wish to see. I go back to the point I made to the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone): we need RBS to improve its strength, grow, employ more people and, ultimately, pay more tax to support our vital public services.

Gareth Thomas: I am grateful to the Minister for giving way to me a second time. May I just remind him of the Competition and Markets Authority investigation into banking, which noted the lack of competition in banking and highlighted the lack of innovation and the fact that the big five banks control 85% of the retail banking market and make excess profits? Might keeping the bank levy at its current rate not be compensation to the consumer and the tax payer for those excess profits?

Mel Stride: At the heart of the hon. Gentleman’s position rests the notion, which I agree with, that we expect the banks to pay their fair share and recognise that they received bail-outs some years ago, and tax policy towards the banks has been geared towards making sure that they make a fair and proportionate contribution to our tax take.

The hon. Gentleman mentioned the importance of competition in the banking sector, and I wholeheartedly agree with him on that, which is one reason why we are keen to ensure that as many banks as possible are headquartered in our jurisdiction rather than in others. That goes to the heart of the changes in the Bill to ensure that banks domiciled here are not penalised by being charged on capital assets held overseas—a situation that does not pertain to overseas banks that operate in our jurisdiction.

We have included an 8% surcharge on banks’ profits over £25 million. The package will help to sustain tax revenues from the banking sector in the long term, and it is forecast to raise an additional £4.6 billion over the current scorecard period.

The Bill continues the Government’s already vigorous efforts to crack down on tax avoidance, tax evasion and non-compliance. Since 2010, the Government have introduced over 100 avoidance and evasion measures, securing and protecting over £160 billion of additional tax revenue. This has helped reduce the UK’s tax gap to a record low of 6%, which is one of the lowest in the world.

Grahame Morris (Easington) (Lab): The Financial Secretary says that it is a record low tax gap, but it does not take account of the vast treasure trove unearthed by the Bureau of Investigative Journalism in the Paradise papers or of other vast sums of wealth, on which we have no idea how much tax is actually due. So the figure he gave is not really correct, is it?

Mel Stride: I am afraid I have to dissent from that view. The simple fact is that the International Monetary Fund has identified the tax gap measure as one of the most robust measures of its kind in the world. At 6%, our gap is among the lowest in the world, and it is the lowest we have had in our history since we have been measuring the tax gap. If we had the same tax gap today as we had under the previous Labour Government, we would be out of pocket to the tune of £12.5 billion a year—enough to fund every policeman and policewoman in England and Wales.

Stella Creasy (Walthamstow) (Lab/Co-op): On the subject of tax avoidance, the Minister will know of my support for the Government’s willingness to close the tax loophole on the sales of commercial property by overseas companies. As my hon. Friend the Member for Easington (Grahame Morris) said, the Paradise papers show some of the ways in which tax is being avoided, including through holding companies in Luxembourg. When I asked the Minister about that before, he did not seem to know about the Luxembourg treaty and how it could affect this policy. What are his plans to address the problems created by the Luxembourg treaty, which could see us losing out on £5.5 billion a year of the tax collected through his changes?

Mel Stride: As the hon. Lady will know, a number of the measures coming out of the OECD’s base erosion and profit shifting project, which we have been in the vanguard of—including common reporting standards and access by our tax authorities to a variety of information in real time in overseas tax jurisdictions—are essential to bearing down on exactly the issues that she mentions. There are further measures in the Bill to deal with those who place their moneys in trusts, typically those coming under our non-dom reforms. By abolishing permanent non-dom status, which Labour failed to do in its 13 years in office, we have made sure that when individuals have assets that are protected while in trusts, those moneys fall due to tax in our country as soon as they are brought out of those trusts, even if people cycle them through third parties and other approaches. That means that we are securing more than £12 billion a year more for our public services than would have been the case had the tax gap remained at its peak of nearly 8%, which it reached under Labour.

The autumn Budget continued that work with a package of measures forecast to raise £4.8 billion by 2022-23, some of which are included in the Bill. It is important to note that the provisions in the Bill form part of a broader anti-avoidance and evasion agenda dating back to 2010. Since then, the Government have worked tirelessly and carefully to introduce an ambitious raft of anti-avoidance and evasion legislation. That commitment is borne out again in this Finance Bill, which implements several measures, including provisions cracking down on online VAT evasion to make online marketplaces more responsible for the unpaid VAT of their sellers; closing loopholes in the anti-avoidance legislation on offshore trusts, as I mentioned; tackling disguised remuneration schemes used by close companies; preventing companies from claiming unfair tax relief on their intellectual property; ensuring that companies are not able to claim relief for losses on the disposal of shares that do not reflect losses incurred by the wider group; closing a loophole in the double taxation relief for companies; and tackling waste through introducing landfill tax to illegal waste sites. Those measures will help to raise vital revenue and ensure that individuals and corporations all pay their fair share.
Kirsty Blackman: I was not particularly pleased with the answer that the Minister gave to the right hon. Member for Barking (Dame Margaret Hodge) as to why the Government have not tabled an amendment of the law resolution, which would allow the Opposition to put forward more measures in relation to tax avoidance and evasion, for example. Why did they not put forward an amendment of the law resolution?

Mel Stride: We did not have an amendment of the law resolution on the previous Finance Bill, so we are carrying on with the situation that pertained to that Bill. As I explained, what matters is that we have an opportunity fully to scrutinise in this House the various measures provided and amendments that may be tabled in relation to those measures. There is nothing preventing that. As I have outlined, the Bill will go through its various stages, allowing for very thorough scrutiny.

Together, the measures that I mentioned continue the Government’s sustained crusade against tax avoidance, evasion and non-compliance—an endeavour that we will pursue with undiminished vigour right through the course of this Parliament. Let no one ever doubt, for even the briefest moment, this Government’s commitment to hard-pressed families, and to championing business and the wealth creators of the future. On the matter of taxation as set out in the Bill, let no one misunderstand us: we will continue to keep taxes competitive and fair, but we will also continue our vigorous and ceaseless drive to bear down on avoidance and evasion so that all pay their due. We will ensure that all pay a just and fair share to bear down on avoidance and evasion so that all pay.

I wish to use my remarks to convey a message from the British public to this increasingly divided and out-of-touch Tory Government. It is a message that comes from all corners of the UK—from my home town of Bootle, from the city region of Liverpool, from Manchester, Leeds and Newcastle. It is a message from Edinburgh, from Cardiff, and from Kent; from Birmingham, from Oxford, and from Nottingham: from every region. It is a message from rural communities and urban centres alike. It is a message from people who live in rural communities and urban centres alike. It is a message from public sector workers, private sector workers and those on zero-hours contracts; from the young and the old, as well as all those in between, all of whom have been let down by this Government. [Interruption.] They have been let down by them—private sector workers and public sector workers believe that, and that is why they are returning to Labour. [Interruption.] Conservative Members can laugh until the cows come home, but that is the reality.

It is a crystal clear message to the Tories: enough is enough. People across the country are fed up with this Government’s inaction and economic incompetence—and incompetence is the word. With this shambolic Government, every day—every single day—feels like groundhog day. Day after day, we are told that there are fresh cuts to Departments and that our overstretched public services face even more austerity, while we receive the same empty pledges—we have heard more of them today from the Minister—that at some point in the ever-distant future, the deficit will be eliminated.

Kelly Tolhurst (Rochester and Strood) (Con): The hon. Gentleman speaks about incompetence from the Government. Does he not recognise, when he is speaking about people travelling towards Labour, that perhaps the Opposition’s incompetence is in making promises that they cannot deliver on?

Peter Dowd: Let us have a general election and we will deliver on those promises.

On Brexit, there is no abating the deep divisions between warring Cabinet Ministers. Within a few hours of the ink drying on the joint statement between the Prime Minister and the European Commission and the agreement to move on to trade talks, we had the Environment Secretary contradicting the Prime Minister and briefing the press that unhappy leave voters can tear up any Brexit deal that is negotiated, while on the Sunday talk shows the Brexit Secretary undermined the Prime Minister further by downgrading the agreement reached to merely a “statement of intent”. Given that there is much talk of a divorce bill, perhaps I can take the matrimonial analogy a little further. Do people make proposals of marriage or simply statements of intent? Did the Brexit Secretary propose to his wife or make a statement of intent?

Charlie Elphicke: The hon. Gentleman’s talk of bills reminds me that the Labour party has made a massive number of pledges and wants to go on a borrowing binge, but 22 times it has failed to explain how it will fund those pledges. It has gone from “You don’t need a number” to “You can’t put a figure on it at the moment” to “It’s not difficult.” May I ask the question for the 23rd time and invite him to tell the House how Labour would pay for its plans?

Peter Dowd: With the greatest respect, I am not the hon. Gentleman’s research assistant. I refer him to Labour’s proposals in “Funding Britain’s Future”. I know that he can read, so I suggest that he should go and have a look at that document.

The Brexiteers in the Cabinet continue to undermine any attempts to progress the talks and compromise with our European partners. We had a bizarre scenario today—everyone telling the Prime Minister how wonderful she was. Last week she was a basket case, as far as I could tell, but this week she is a wonderful woman. The Brexiteers in the Cabinet continue to undermine any attempts to progress the talks and compromise with our European partners. We had a bizarre scenario today—everyone telling the Prime Minister how wonderful she was. Last week she was a basket case, as far as I could tell, but this week she is a wonderful woman. The Brexiteers in the Cabinet continue to undermine any attempts to progress the talks and compromise with our European partners. We had a bizarre scenario today—everyone telling the Prime Minister how wonderful she was. Last week she was a basket case, as far as I could tell, but this week she is a wonderful woman. 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Dan Carden (Liverpool, Walton) (Lab): Was my hon. Friend surprised, as I was, that the Financial Secretary did not mention wages once? He did not mention that real wages will not return to pre-crash levels for almost a decade. Do this Government care about people’s wages?
Peter Dowd: The answer to the last question is no, they do not. The Budget proved yet again that the Government are completely unable and unwilling to recognise the challenges that the country faces. The Chancellor and the Prime Minister are instead more concerned about sorting out the Democratic Unionist party and the fringes of the Tory party.

Leo Docherty (Aldershot) (Con): The hon. Gentleman is presuming to tell us about the opinion of the electorate, but I appeal to him to bear in mind my constituents’ opinion during the rest of his remarks. They fear the unleashing of Marxist mayhem by the shadow Chancellor. Can the hon. Gentleman confirm that in 2013, the shadow Chancellor said that “I’m straight, I’m honest with people: I’m a Marxist”?

Peter Dowd: The hon. Gentleman can ask as many questions as he likes—[Interruption.] And the hon. Member for Croydon South (Chris Philp) can say “Yes or no?” But the Conservative party is in a state of chaos, it is as simple as that. After seven years, the verdict on Tory austerity is clear for all to see. Economic growth stands at its lowest point since the Conservatives came to power, and it has been revised down by the Office for Budget Responsibility for every year of the forecast. The UK has the slowest growth in the G7, and the Institute for Fiscal Studies has warned of two decades of lost earnings growth. That relates to what my hon. Friend the Member for Liverpool, Walton (Dan Carden) said.

Steve McCabe: I agree with my hon. Friend that the Government now acknowledge, and that is money that could be spent on children’s services and social care.

Peter Dowd: My hon. Friend is prescient, and I will come to the point that he makes in a minute. Let us continue with a few more statistics, because it is worth our while to look at them. The Minister referred to productivity rates, and UK productivity rates have fallen far behind those of the French, the Americans and the Germans. The OBR’s decision to revise down UK productivity rates for every year of the forecast is seismic, and it reflects years of inaction from a Government who have refused to invest in our infrastructure and skills or in the UK workforce.

Rachel Maclean (Redditch) (Con): The hon. Gentleman is coming out with some excellent statistics, but I hope that he will not forget to mention the jobs miracle that has occurred under this Government. Unemployment is at a 43-year low, which means more people earning money rather than being unemployed under a Labour Government.

Peter Dowd: The Chancellor did not know what the unemployment figure was the other day. Let us put it like this: no matter how many people are in work, the bottom line is that it is not right that they should have low and stagnant wages, poor terms and conditions, zero-hours contracts or insecure work. The Government should be dealing not just with the employment rate, but with terms, conditions and wages.

Grahame Morris: Does my hon. Friend agree that the WASPI women, who had expected to retire at age 60 and who are being compelled to work for another six years, are also furious and feel terribly let down by the Government?

Peter Dowd: My hon. Friend makes an excellent point. The Government have reached the stage where they blame anyone they can. The gaffe-prone Chancellor has blamed disabled people for bringing down the productivity rate. He is so out of touch that such comments are water off a duck’s back to him.

As the Minister said, this is the third Finance Bill of the year. All three of them have failed to address the challenge that our economy faces.

Helen Whately (Faversham and Mid Kent) (Con): The hon. Gentleman referred to low wages, but he knows that the Finance Bill contains measures to raise the national minimum wage, so we are addressing that. He seems to be reluctant to answer people’s questions, so I want to bring him back to some that he was asked a few moments ago. My hon. Friend the Member for Aldershot (Leo Docherty) asked him a simple question about the shadow Chancellor of the Exchequer, and the hon. Member for Dover (Charlie Elphicke) asked him a clear question about the cost of Labour’s proposals. The answer is not written down anywhere, so may I ask—this is the 24th time—about the amount and cost of borrowing that would result from Labour’s tax proposals?

Peter Dowd: The hon. Member for Aldershot (Leo Docherty) might not like the answer that I gave to his question, but I have referred him to the documentation. If the hon. Lady is incapable of going to the internet and looking up the facts and figures, it is not for me to do that for her. The bottom line is that there is nothing in the Bill for public sector workers, who head into the new year with their wages continuing to fall and the cap sticking.

Alex Burghart (Brentwood and Ongar) (Con): Will the hon. Gentleman give way?

Peter Dowd: No; I am going to make some progress. Public sector wages are now at their lowest level as against private sector pay for 20 years. Nor is there anything to address the botched roll-out of universal credit, which will cause real suffering to families this Christmas. Similarly, the Bill contains no measures to redress the disproportionate effect of austerity on women, and particularly on black and minority ethnic women. Instead, the Bill proposes a stamp duty cut that will, according to OBR analysis, increase house prices; and it fails to introduce measures to encourage the building of affordable homes to address the housing crisis.
The Bill includes plans to continue with the Government’s 2015 bank levy cut. It goes further, as the Minister seemed proudly to proclaim, by exempting all foreign banks from the levy and ensuring that from 2021, all banks will only have to pay the levy based on their UK balance sheets.

Peter Dowd: It is not a question of rewriting history. We do not support Bills that continue austerity year in, year out. The Government got rid of the bankers’ bonus tax, which brought in significantly more money than the bank levy. My hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) referred to the bank levy earlier. I happen to have some figures here, which I will share with him if the Minister does not want to answer his question. Taxpayers bought £76 billion of shares in the Royal Bank of Scotland and Lloyds and contributed £250 billion in guarantees, another £280 billion in insurance and a further £100 billion in annual implied subsidy, according to the Bank of England, so we are asking for the bankers to pay a little bit more, after the billions of pounds that we spent on helping to bail them out.

While we are on the subject of regulation, let me say that in August 2007 the right hon. Member for Wokingham (John Redwood) produced a report on “Freeing Britain to Compete”, which was ratified by the Conservative party in opposition. In paragraph 6.1, he said in effect that we should not be regulating the banks so much and that the Labour Government were regulating them too much. He went on to say that the Labour Government claimed that if they did not regulate the banks so much, the banks would “steal” all “our money”. Many people believe that is right, especially when they look at the figures and the facts on the bail-out of the banks.

Vicky Ford: Will the hon. Gentleman give way?

Leo Docherty: Will the hon. Gentleman give way?

Peter Dowd: I will give way to the hon. Gentleman, but then I must make some progress.

Leo Docherty: I know Labour Members are not necessarily very good at numbers, but for the benefit of people watching, will the hon. Gentleman say very clearly how much his proposed policies will cost, including the renationalisation of our major industries? Will he give us a figure, and where does he expect the money to come from?

Peter Dowd: I am not quite sure whether the hon. Gentleman is actually listening to anything I say. I am not going to repeat what I have said. If we continue to have spurious interventions like that one, it prompts the question: what is the point? [Interruption.] It is the third or fourth such intervention.

The bottom line is simple: the bank levy will take £4.7 billion less in tax revenue, and this at a time when the crucial services on which many children and families rely are at risk of collapse.

Several hon. Members rose—

Peter Dowd: I will not give way.

In addition to the funding crisis in the NHS, social care and the police, which my hon. Friend the shadow Policing Minister has highlighted so effectively, there is a developing and significant funding crisis in children’s services, which face a £2 billion funding gap by 2020. Last year, 72,000 children were taken into care, while the number of serious child protection cases has doubled in the past seven years, with 500 new cases initiated each day. There are stresses on other parts of children services, including, among others, child and adolescent mental health services, school transport, and education, health and care plans. All are inadequately funded, with the buck passed to professionals who are already hard pressed to manage and deliver services.

Kevin Hollinrake (Thirsk and Malton) (Con): Will the hon. Gentleman give way?

Stephen Lloyd (Eastbourne) (LD): Will the hon. Gentleman give way?

Peter Dowd: I will come back to each hon. Gentleman in a moment.

All of this is directly linked to the Government’s cuts to local authority budgets, which has meant a 40% reduction in resources for early intervention to support children and families. Central Government funding has also been cut by 55% over the past seven years, representing a cost of about £1.7 billion. The message from the Conservatives is quite clear: if you are a banker, you can expect a handout, but if you are a child at risk, do not expect a hand-up—you are on your own.

Despite the recent revelations in the Paradise papers, there are few serious avoidance measures. The UK accounts for 17% of the global market for offshore services, and the UK is at the heart of a network of offshore tax havens that aid and abet tax avoidance across the globe; yet the Government continue to ignore the Labour party’s calls for a public register of the information already provided by overseas territories, and do not seem to take any meaningful action to tackle tax avoidance. Similarly, there is nothing in the Bill to address the huge resource crisis that HMRC is facing and the effect of that crisis on its ability to tackle tax avoidance and bring tax dodgers to justice.

Stephen Lloyd: I want to enhance exactly what the hon. Gentleman is saying. Does he agree it was absolutely appalling that the Chancellor of the Exchequer and the Government completely ignored the 5,000 headteachers who said their schools are desperate for more money? The Tories have ignored them.

Peter Dowd: The hon. Gentleman is right. The only people to whom the Government seem to pay attention are the DUP and right-wing Tories.

The bottom line is that, since 2010, HMRC’s staffing levels have been reduced by 17%. The Bill creates even more powers for revenue and customs officers, with even more work, but very little if any resource to go with it.

Gareth Thomas: I know that my hon. Friend is a proud Liverpudlian, but on his point about children’s services, may I tell him—Londoners will agree—that over two thirds of London councils are reporting a...
huge increase in demand for very expensive placements? I hope he agrees that it would be good to hear from the Exchequer Secretary, when he winds up the debate, how the Government will help local authorities—particularly those in London, but also others across the country—to deal with that huge increase in the pressure on children’s services.

Peter Dowd: I say to my hon. Friend that—to use an old phrase—he should not hold his breath. The Government need to wake up and face the cold, hard reality that the Exchequer is losing billions every year and letting multinationals, which do not pay their fair share, off the hook because HMRC simply does not have the resources.

Kevin Hollinrake: The hon. Gentleman is very clear and honest in his plans about wanting to spend a lot more money—half a trillion pounds in manifesto commitments—but at the same time the manifesto said that Labour would reduce the national debt. How is that possible?

Peter Dowd: I have the greatest respect for the hon. Gentleman, but I refer him to the answer I gave earlier. He should have a look at and dig into the documents, which are very easy to find.

The bottom line is that, wherever they are in the country, businesses that play by the rules are disadvantaged, so it is unfair not just to individual taxpayers but to business taxpayers. Meanwhile, back in Westminster, the Government continue to have absolute contempt for parliamentary oversight.

Mel Stride rose—

Peter Dowd: I will give way to the Minister, who may tell me that the Government do not have such a view.

Mel Stride: The hon. Gentleman is being very generous in accepting interventions. From what I can understand, every time the shadow Chief Secretary is asked a question about what Labour promises and pledges will cost, he reverts to saying that people can go and look it up: they can dig into the documents and get on the internet. Equally, he is saying that the public are shifting his way. Is his message to the electorate to get on the internet and to look at his policies in order to understand them?

Gareth Thomas: Speech!

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Gareth Thomas: I beg your pardon, Madam Deputy Speaker.

Madam Deputy Speaker: I am very pleased that the hon. Gentleman—from a sedentary position, which he is not allowed to do—has apologised. If the Minister was making an intervention that was too long, I would stop him so doing. I have allowed the hon. Gentleman and several other Members to make fairly long interventions because I thought we were having a meaningful debate, but we will not have shouting from a sedentary position. I will allow the Minister to finish his intervention.

Mel Stride: I had largely made my point, but if I am to have a second bite at the cherry, let me just add a final point. Is the shadow Chief Secretary’s message to the great British electorate that when it comes to costing his own party’s plans, they should get on the internet and start googling to find out what those costs are?

Peter Dowd: My message to the great British public, who have showed their support for Labour on this, is to get out and vote Labour. That is the message. The other point is that the Minister’s hon. Friends have been waving an iPad around. I suggest they get on their parliamentary iPads and do their work.

Ruth George (High Peak) (Lab): Does my hon. Friend agree that it is a bit ironic to be asked to take lessons in finances from a Government who have doubled the debt and doubled austerity at the same—[Interruption.]

Peter Dowd: My hon. Friend is right. Of course, as ever with the Tories, when we tell them the truth, we get shouted down, which is exactly what has just happened to her.

By refusing to base the Finance Bill on an amendment of the law resolution, the Minister has deliberately restricted the scope of amendments to this Bill, and the ability of the Opposition to scrutinise it properly and improve it. I know the Financial Secretary was president of the Oxford union and his debating skills were honed in its atmosphere, but I am sure he would never have dreamed of putting the same restrictions on the debates he chaired as his colleagues are putting on debates in this Chamber of the mother of Parliaments. What is good enough for the Oxford union should be good enough for this place. “No gagging” is the call from the Opposition; the Government instead want a muffled and restricted debate. That is why this measly Bill contains few policy and tax changes, and will have no positive or constructive impact on the majority of ordinary people’s lives.

Several hon. Members rose—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. The hon. Gentleman is not giving way.

Peter Dowd: Thank you, Madam Deputy Speaker.

Mind you, anything to avoid even more embarrassment for an enfeebled Prime Minister. Our stretched public services and crumbling infrastructure desperately need investment. We need bold, imaginative and innovative answers to tackle our slowing economic growth and falling productivity and to give workers the pay rise they deserve.

As my hon. Friend the Member for High Peak (Ruth George) said, since 2010 the Government have added more than £720 billion to the national debt, yet they have failed at every opportunity to invest. Instead, they have borrowed record amounts just to cover day-to-day spending. Labour Members are clear: it is high time the Government borrowed to invest in infrastructure, jobs and skills that will grow our economy sustainably. That is not controversial, no matter how much Conservative Members fulminate about it. [Interruption.] Well, they can simply ask the Secretary of State for Communities
and Local Government, who wants to borrow £50 billion to solve the housing crisis. Where will that money come from?

If we asked any business owner, they would tell us that they borrow to grow their business and, in so doing, they reap the rewards. They do not borrow to pay the day-to-day bills, as the Government have done, year after year. They borrow to invest—an alien concept to the Government. If this clapped-out Government are unwilling to invest in our people and our nation, its talent and its entrepreneurial spirit, I assure the Minister that the next Labour Government will.

We will invest in infrastructure across every region and nation to create high-wage, high-productivity jobs and start a large-scale house building programme, backed up with controls on rent. We will tackle debt, introducing further controls on high-interest, short-term lending, and we will scrap tuition fees.

While we are at it, we will lift for the whole of the public sector the public sector pay cap that has so damaged the morale of our staff in vital services. We will fix universal credit and put the compassion that the Government have sucked out back into our social security system. We will introduce a £10-an-hour real living wage that people can live off, not get by on. In doing all that, we will ensure that people in every region and nation, in every community and age group, have a Government that listen, act and ensure well-paid jobs, roofs over their heads and an economy that works for the many, not the few.

7.3 pm

Kit Malthouse (North West Hampshire) (Con): It is a great honour to be the first Back Bencher to be called; it has never happened to me before. It must be Christmas.

“So the last shall be first, and the first last”.

Thank you, Madam Deputy Speaker.

I welcome the Bill, and particularly the fact that it will be the last Finance Bill for some time—hopefully for at least a year. In my business life—I draw attention to my entry in the Register of Members’ Financial Interests—the shifting sands of British tax policy, with two Budgets a year, as became the norm after Gordon Brown’s chancellorship, caused an enormous amount of uncertainty for British business. It propelled a lot of short-term thinking and hampered the ability to plan for the long term. Having fewer Finance Bills is an enormous boon and benefit, particularly to the business community.

Contrary to what my fellow Scouser, the hon. Member for Bootle (Peter Dowd), maintained, the Finance Bill contains a veritable smorgasbord of large and small measures, which will touch many people’s lives. For example, the staircase tax rectification is very welcome to small businesses, particularly the removal of the retrospective claims that the judgment in the Supreme Court brought down on those who happened to have a staircase between two rooms. That is a brilliant move, for which many Conservative Members campaigned.

Smaller but equally beneficial to those affected is the exemption from tax of the armed forces accommodation allowance. That will make a difference, as will the extension of the seafarers’ earnings deduction to the Royal Fleet Auxiliary Service. Those two measures will reward two groups of people who deserve it.

However, in my hopefully brief remarks, I want to concentrate on two matters. First, the Government’s response to the patient capital review is welcome. The Minister referred to the increase in the research and development tax credit from 11% to 12%, which is enormously welcome, especially alongside the Government’s stupendous support for British science. The Conservative Government have recognised that our future economic success will rest largely on our ability to invent and sell things to the rest of the world. The Government’s standing shoulder to shoulder with Britain’s scientists and inventors is therefore critical. I am sure that the enormous amounts of money that are being devoted to primary research in this country, with, for example, the Francis Crick Institute opening a couple of weeks ago, will pay dividends in the future. It is exactly the sort of investment that the country needs.

However, all that Government expenditure will pale into insignificance or be much less effective unless we can energise private capital to sit alongside it. The Government have therefore attempted in the Bill, through amendments to the enterprise investment scheme, the seed enterprise investment scheme and the venture capital trust regime, to promote the idea that we should all invest much more in business.

Some measures are particularly welcome, such as the increase in the lifetime allowance for investment in business, and the increase in the amount that an individual can invest in one year. Those people who are wealthy enough—there are not that many—to put £2 million a year into business should do so. It is their duty, having done well out of the British economy, to reinvest that money in risk-taking businesses to create wealth and jobs for everybody else.

I strike a slight note of caution about one or two of the Government’s measures. The notion of a knowledge-intensive company test effectively introduces an extra layer of regulation into the system that may deter people from investing more money. Although the Government rightly seek to stamp out capital preservation schemes that take advantage of tax-efficient structures, I hope that Ministers will watch carefully over the next few months to ensure that the capital going into British industry through those routes does not start to drift away.

I have given several speeches in the House making the case that the tax relief incentives are not necessarily strong enough to bridge the risk-reward divide. Through EIS, UK individuals are investing about £1.8 billion a year. That figure has been pretty constant over the past few years. Similarly, SEIS rose on its introduction but has been pretty static at a few hundred million pounds a year. Against a country with a GDP of $2.6 trillion, those numbers are frankly paltry. In the past 200 or 300 years, we have been incredibly good at starting and building large, innovative and dynamic businesses, but we have spent the past 20 or 30 years selling a lot of them, and we have not really generated any more. We have had one or two huge British successes—Vodafone, Virgin, Arm—that have come from nowhere, but we have not yet invented a Google, a Facebook or a large conglomerate. We need to do that, which requires private capital to play its part.
Stephen Kerr (Stirling) (Con): Does my hon. Friend think that the banks’ lack of willingness to lend to small and medium-sized businesses—there are several in my constituency that suffer from chronic lack of availability of capital from banks—is killing the nursery of burgeoning businesses that we need in this country?

Kit Malthouse: Small-ticket debt definitely has its place in starting businesses, but they need—the Government are trying to propel this into the economy—patient capital: money that will be invested and sit as a shareholder in the company for some years. In truth, while it is wonderful to build a company like Instagram—I think it was built in 14 months, went from zero to a valuation of more than $1 billion and then was sold—such things happen rarely. Most businesses are built over a much longer period, often over many generations. That is why, certainly in my youth, all those businesses had family names—Marks and Spencer, Reckitt Benckiser. They were family businesses that had come together over two, three, four or five generations to take on the world. We need to create an atmosphere in which people do exactly that—invest for the long term.

I hope that Ministers will monitor the scheme carefully and, if we are not getting the kind of capital flowing through that we need, we can tweak it. If we see an overall reduction, as we may, as capital that was previously going into protection schemes now does not immediately transfer to risky schemes, we might need to look at this on an emergency basis.

My second, related point is on the general availability of shares and assets. The Government are doing a lot in the Bill to help the housing market and have rightly identified that home ownership has fallen relatively significantly over the last few years. They should be commended for the action that they are taking, certainly with regard to young people, but housing is not the only asset class available. The solution to the housing market will be a long-term one. We are trying to build as many houses as we possibly can—we need 250,000 to 300,000 will be a long-term one. We are trying to build as many houses as we possibly can—we need 250,000 to 300,000 to bridge the demand and supply problem—we need 250,000 to 300,000 to bridge the demand and supply problem. W e are trying to build as many houses as we possibly can—we need 250,000 to 300,000 to bridge the demand and supply problem. W e are trying to build as many houses as we possibly can—we need 250,000 to 300,000 to bridge the demand and supply problem. W e are trying to build as many houses as we possibly can—we need 250,000 to 300,000 to bridge the demand and supply problem.

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I have said before in the House that it is my view that as well as creating a pool of dynamic private capital, we must democratise capital. That means spreading the ownership of British business as far and wide as we can. I urge the Government, as part of the patient capital review, to look at how they can improve the employee share ownership options for companies, to make it easier and even favourable through the tax system for employees to be gifted shares in their businesses. We know that employees who own part of their business are much more productive, and companies that have employees as shareholders are much more stable and tend to be much more successful in the longer term. It creates a much better environment and relationship between management and the employed. Just ask the postal worker wandering up the front path to deliver Christmas cards what the price is of their shares; I bet that they can tell you, with a big, broad grin. British Steel recently rewarded its workers for the company’s turnaround by giving away 5% or 10% of the equity in the business to them. The way forward is for everybody, young and old, to participate in the balance sheet of UK plc.

Kirsty Blackman: I agree that employee share ownership schemes are a good thing, and I would like to see an increase in them, but does the hon. Gentleman agree that the issue that people are seeing is not that they do not know about or cannot access employee ownership schemes, but that they do not have the money to save, given that 50% of households have less than £100 of savings? Is not that the biggest problem?

Kit Malthouse: The hon. Lady refers to schemes that require the employees to pay for the shares. In my view, businesses should be allowed to gift shares to their employees, and that should not necessarily form part of their remuneration package. At the moment, there are a series of ways for companies to give shares to their employees, but none is particularly tax efficient or confers particular advantages to a company. I would like a company that had a certain percentage of its shares in employees’ hands to pay a lower corporation tax rate than one that failed to involve its employees in the balance sheet. That would address the general idea that the Prime Minister has talked about—that employees should be more involved in the way that businesses, especially large businesses, are run. If shareholders at the annual general meeting every year are also employees, so much to the good. Dynamising and democratising capital has to be the way forward.

Vicky Ford: My hon. Friend has made excellent points about share ownership, but I want to bring him back to property ownership. Does he agree that reducing stamp duty for first-time buyers will make it so much easier for people to get on the property ladder—it is worth more than £3,000 for the average first-time buyer in my constituency?

Kit Malthouse: There is no doubt that stamp duty, as a frictional cost, causes all sorts of problems and distortions in the property market, and one may be at the lower end, particularly when dealing with an asset class that is highly geared—where taxation effectively has to be paid out of equity or deposit. That is operating throughout the property system. We are seeing a slowdown in the number of transactions, largely because of the frictional cost of exchange. That mechanism operates in any capital market. I may be out on a limb, and I am not the Chancellor of the Exchequer, trying to collect money to pay for everything else, but a general loosening of the stamp duty regime, and therefore more transactions in the property market, is more likely to mean that more people can access it at all levels.

Kevin Hollinrake: Employee shared ownership is something that I did with my business—I draw attention to my entry on the register—but my hon. Friend is right: there are no incentives to do that, other than trying to build loyalty in the workforce. We were advised against it by our tax advisers on the grounds of complexity and cost. We went ahead with it anyway, but putting incentives in place would increase the number of companies that consider taking that important route.

Kit Malthouse: My hon. Friend makes a strong point. How can it be that an enlightened farmer is deterred by the tax system from spreading to his employees the wealth that his company creates? Something is fundamentally wrong if that deterrent is created.
[Kit Malthouse]

I know that the Minister can see the truth of my argument and will want to address it in a future Finance Bill. I am sure, given his performance thus far, that his tenure in the job will be a long one—so much to the good, for us and for the economy.

I have one small note of caution about clauses 46 and 47. They would give Her Majesty’s Revenue and Customs the power to enter premises and break into vehicles or vessels without a warrant. I stand to be corrected, but as I read them, they would grant more powers to the taxman than the police have to pursue crime. That makes me a little nervous.

Over the last few years, we have seen a general trend towards a new style of legislation and law on the powers of the Revenue. We have seen legislation that allows the taxman to help themselves to money in someone’s bank account without judicial oversight. We have seen the extension of retrospection, and we have seen a reversal of the burden of proof—not “You’re innocent until proven guilty”, but “We think that you need to prove that you are innocent”, in certain circumstances. While I understand that the powers are merely an extension of the old excise men’s powers to deal with smugglers in ports and airports—Daphne du Maurier fans who have read “Jamaica Inn” will know of the problems in the 18th and 19th century—I question whether such powers are appropriate today. I hope that Ministers will think carefully about whether it might be more appropriate for a warrant to be obtained to access someone’s premises, in the same way that the police do when they have suspicions.

I understand that the imperative for the Government is to deal with criminality that is often clever and smart. Sometimes such powers are contemplated because we cannot think of any other way, but unless we maintain the rule of law, especially on taxation, and unless we have a sensible, level playing field, the relationship between business, individuals and the Revenue becomes much more antagonistic. That would be an unfortunate development.

All in all, the Bill is solid and welcome. Those who share ownership, but the Minister is to be congratulated to go a bit further in the next two or three years, in particular on the idea of dynamic capital and spreading share ownership, but the Minister is to be congratulated on his conduct. I look forward to Report.

7.20 pm

Kirsty Blackman (Aberdeen North) (SNP): I am really pleased to have the opportunity to stand here on behalf of the Scottish National party for the Second Reading debate of this year’s third Finance Bill.

First, I would like to tackle the issue of the amendment of the law motion, which I have already raised with the Financial Secretary. I am particularly concerned that the Government are doing their best to use the rules of the House to dodge proper scrutiny and transparency. It is not the normal state of play to have no amendment of the law motion after a substantive Budget. I get that it is not easy for Ministers to try to hold a minority Government together when their Members are simultaneously pointing in about 300 different directions. Even so, they should be keen to come before the House, stand up for what they believe in, and allow proper scrutiny.

I would like to take the opportunity again to highlight deficiencies in the Budget process. The “Better Budgets” report, published by the Chartered Institute of Taxation, the IFS and the Institute for Government, pointed out several ways in which scrutiny could be improved. One suggestion is for the Finance Public Bill Committee to take evidence in public. I am firmly of the opinion that such a change would improve scrutiny and increase Committee members’ understanding of a Budget’s measures. This will be my third Finance Bill Committee, so I feel that I can now speak with some expertise on the subject. I urge the Minister to consider this request once more, given that the previous two Finance Bill Committees I served on sat for only six sittings each. We have extra time in the legislative timetable before us, and two hearings on the first day, for example, would not stretch that. That has been the Government’s main objection, so I push the Minister to consider the proposal again.

Let me turn to economic impact assessments on particular tax measures. The Minister will be pleased to know that my point is not about Brexit, but the fact that the Government failed to carry out impact assessments on Brexit is not particularly surprising given that the tax measures that come forward in Budgets do not have economic impact assessments attached to them either. Whenever Ministers are asked about reviewing tax reliefs, we are told that they are regularly kept under review and that reviews consistently happen. Last year, however, I asked parliamentary questions on this matter, and the answers I received on the Government’s scrutiny of the tax reliefs that they had put in place were not very satisfactory. The Government were not particularly clear about whether the tax reliefs had achieved their aims. They were also not able to tell me how much money they had cost or gained for the Exchequer. If the Government are going to put forward tax reliefs—I agree that they should in certain circumstances, as they can be a good thing to encourage investment—they need to explain to the House whether they have worked. What is the point of having an absolutely massive tax code with a huge number of tax reliefs if we do not know whether they are incentivising people to do good things?

Stephen Kerr: Will the hon. Lady share with the House the economic and revenue impact of the SNP Scottish Government’s land and buildings transaction tax?

Kirsty Blackman: The hon. Gentleman has spoken to me before about the land and buildings transaction tax. I refer him to my earlier answer: 93% of people who have paid the tax in Scotland on properties over £40,000 paid either less than they would have done in England, or no tax at all.

Stephen Kerr: Will the hon. Lady give way?

Kirsty Blackman: I will not let the hon. Gentleman intervene again. He is becoming one of my more regular commentators. I appreciate his interest, but I am going to make some progress.

On scrutiny and the amendment of the law motion, the SNP and the Labour party have been clear that the Government have not gone far enough on tax avoidance, so we would like the opportunity to table amendments. I am sure the Minister does not imagine that he and his
team have a monopoly on good ideas. An amendment of the law resolution would have allowed the Opposition to put forward what the Government might consider to be good ideas to reduce the amount of tax avoidance. That would be a better situation for everybody. There are 650 Members of the House, many of whom have a lot of expertise and do not sit on the Government Benches. An amendment of the law resolution would allow better amendments to come forward to make better law.

The Budget and the Bill can be criticised for what they do not include, as well as for what they do. First, there is still no acceptance of the economic impact of Brexit and there are no taxation measures to fix that. In the 12 months to June, real household disposable income shrank by 1.1%. That is the longest period of falling living standards in six years. The increase in the price of food means that families are £7.74 a week worse off, and that is before we leave the European Union, the single market and the customs union. Coupled with what the IFS says about there now being two decades of wage stagnation instead of one, and the threat of 80,000 jobs being lost in Scotland, things are looking pretty bleak. The Minister and various Members have already spoken about the public sector pay cap. That does no good for increasing incomes. I would like the Government to change their mind on the public sector pay cap and to fund changes to it.

I have already called for the Chancellor to bring forward an emergency Budget and I have no hesitation in doing so again. Given that the UK and the EU have now come up with a deal on the payment of billions of pounds by the UK to the EU, the Chancellor needs to tell us how that will be paid for. We have already had two Budgets this year, but I would have no aversion to seeing another one to take that payment into account and explain where the money will come from.

We cannot continue to have the Chancellor pulling rabbits out of hats on Budget day. I believe firmly that there must be more openness and transparency, and better scrutiny. I would welcome it if the Opposition parties could move meaningful amendments on the Floor of this House, if nothing else to show how much better we could do things. Every time that the shadow Minister took an intervention from Conservative Members, they asked how his party would pay for things. If he had the opportunity to move meaningful amendments, he would be able to set out tax measures that he and his party thought appropriate. That would avoid the accusation about the magic money tree. The Government have chosen their route so that they can avoid scrutiny, but they then criticise the Opposition for not carrying out proper scrutiny. That is not a good way to run things.

I welcome the UK Government’s change to VAT liabilities for the Scottish police and fire services. My colleagues and I have raised this matter inside and outside the House over 140 times. It is particularly convenient that the Chancellor should suddenly U-turn and fix this inconsistency for Scotland’s services at exactly the same time as he should need to do so for combined authorities, police and crime commissioners and the London fire commissioner. If he now agrees that these liabilities should not apply, surely they should not have applied in the first place. Our police and fire services would very much like the £140 million in VAT that they have paid so far to be returned. I eagerly await Scottish Tory Members, using all the power they apparently have, joining us to convince the Chancellor to pay back that £140 million. If they do not do so, they will have to explain why to police and fire services in Scotland.

Stephen Kerr: Will the hon. Lady give way?

Kirsty Blackman: I will not.

On transferable tax history, I am pleased that the UK Government have committed to changing the tax regime for late-life oil and gas assets. The Minister nods, because he has heard me go on about this on a number of occasions. I welcome the change. I ask him to work with stakeholder groups on a deal for the oil and gas sector. Given the changes to the oil price, there is still a feeling of pessimism around Aberdeen on some days. I would like the UK Government to commit to supporting the Oil and Gas Authority’s “Vision 2035” for the sector, which I think has cross-party support. This is incredibly important. It is critical to the future of the north-east of Scotland in particular, but also that of the United Kingdom as a whole, for the oil and gas sector to be supported and for our supply chain to be anchored in the UK so that it can continue to pay taxes even when North sea oil has run out. “Vision 2035” is key, and it is part of the sector deal that Oil & Gas UK and other stakeholder groups are seeking. I hope very much that the Minister will sit at the table with those groups and ensure that what they need for the future — what they need to ensure that they continue to pay tax — is realised in a sector deal.

As we have heard, the Bill makes changes to allow first-time buyers to get on to the housing ladder. I have already made clear my concerns about the changes to land and buildings taxation that are proposed, which echo concerns that have been raised by the Office for Budget Responsibility, as well as a number of experts. To improve access to the housing market, the UK Government should follow Scotland’s lead and commit themselves to more social housing.

I spent eight years as a local authority councillor. By far the biggest part of my casework was presented by people who came through the door and said that they were unable to obtain a secure tenancy in a social house in the knowledge that the landlord would not chuck them out in a year provided that they continued to pay rent. The fact that that problem still exists, in Scotland and throughout England, is due to Margaret Thatcher’s right to buy. Unlike us in Scotland, the UK Government have not made any reductions in the scheme, and council housing stock has been decimated as a result. We in Scotland are trying to right the damage that has been done. We are focusing on social housing and will continue to do so, and I urge the UK Government to do the same.

Alison Thewliss (Glasgow Central) (SNP): My hon. Friend is making a very good point about the right to buy. Apparently about 40% of the houses that were sold off as a result of the scheme are now in the private rented sector, and a greater cost is being incurred in the form of housing benefits, so the policy does not even make economic sense.

Kirsty Blackman: I agree with my hon. Friend. Having observed the real-life impact on people who came through my door, who were having to squash themselves into
two-bedroom council houses with their parents, brothers, sisters and children. I am certain that we need to build up our council housing stock, and that is what we continue to do in Scotland.

The last substantive issue that I want to raise is the unfairness that faces the WASPI women. The UK Government continue to fail those women. They could have made changes in this Budget and the Bill, but they failed to do so. We will not rest until fairness is won for the WASPI women.

There are so many problems with the Bill. It does not fix the many unfairnesses that the UK have created. Wages continue not to rise, and people and families are feeling poorer as a result of continued austerity and economic mismanagement. This Government are not strong and stable, and they are not helping those who are “just about managing”.

7.32 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): I think it only right for me to support a comparatively brief Finance Bill in a comparatively brief speech.

The Bill translates into action the autumn Budget’s excellent provisions for promoting innovation. As a member of the Select Committee on Science and Technology, I was looking for ways in which the Government would seek to promote technological innovation in the Budget, and I was not disappointed. Research and development expenditure credit has been increased slightly—by 1%, to 12%—boosting corporation tax relief for companies that engage in R and D. Encouraging more private sector investment in R and D in that way is a welcome step forward.

The Bill also doubles the annual limit for individuals investing in companies through the enterprise investment scheme from £1 million to £2 million, as long as any amount above the old £1 million threshold is invested in knowledge-intensive companies. That is another great measure to promote innovation, and we can say the same for the doubling to £10 million per annum of the amount that knowledge-intensive companies can source through the enterprise investment scheme and the venture capital trust scheme.

The Government have set the ambitious target of increasing overall R and D funding to 2.4% of GDP within a decade, and they are on course for an eventual 3% figure. That is an unprecedented investment in the future of the United Kingdom, and it represents the forward thinking that we will need if we are to make the most of the technological revolutions that are to come. These provisions are vital to ensuring that the private sector, which is an essential partner, plays its role in achieving our goals.

Alongside the other commitments made in the Budget—the extra £4.7 billion in R and D funding over the next four years is very welcome, for example—there are provisions in the Bill that constitute a great step forward for innovation. The United Kingdom is no stranger to innovation in many respects, but let me select just one. In 1928 the world’s first true antibiotic, penicillin, was discovered by Sir Alexander Fleming, a Scottish physician, biologist and Nobel prize winner, who was born in Darvel, Ayrshire, in 1881. Penicillin has been described as the most important advance ever made in the history of medicine. We await with interest the next generation of innovation.

However, the Bill does more. Having served as a firefighter for 31 years, I am particularly pleased that the Government will mend the muddle of the Scottish Government, namely their poor judgment in surrendering the VAT exemptions for the Scottish fire service and Police Scotland. The Bill creates a special exemption for Scotland’s police and fire services, which lost their exemption despite the SNP in Holyrood receiving the best advice from many sources. My friend the hon. Member for Glasgow Central (Alison Thewliss) shakes her head, but the simple fact is that the SNP Government will never accept advice from the police force, the fire service, the Convention of Scottish Local Authorities and eminent people in Scotland, because of their arrogance and their relentless desire to pursue their centralisation agenda.

Mike Amesbury (Weaver Vale) (Lab): The Bill does nothing to address the shortfall in firefighters, who are essential to my constituency in Cheshire. Since 2010, the number of full-time equivalents has been cut by 160.

Bill Grant: I note what the hon. Gentleman says, but how that local authority spends its money on funding the fire service is a matter for the authority itself.

There are innovations in respect of smoke detectors and sprinkler assessments. The Scottish fire service is going through a similar process. It is undergoing a review, with the possibility of the closure of fire stations. We are moving on with a fresh look, and I hope that fire stations will not close, but there is that risk. Having served for 31 years, I know more than most Members in the Chamber about the work that firefighters do. I hope that we can move forward, and that the pay restraints of recent years will be eased.

With the approach of the new year, I hope that we can all raise a glass, in Scotland and elsewhere in the UK, to support the freezing of the duty on spirits such as whisky and gin, and that we will have a joyous and safe new year and enjoy spirits that are mainly produced in Scotland.

The Bill is good for growth, good for technology and innovation, and good for Scotland and the rest of the United Kingdom. I am delighted to lend it my support.

7.38 pm

Gareth Thomas (Harrow West) (Lab/Co-op): It was interesting to listen to the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), not least because of his reference to that great Scot and great Brit Sir Alexander Fleming. If I remember rightly, he did his pioneering work on penicillin at what is now St Mary’s hospital in London. I raise that point to gently chide the hon. Gentleman about the funding crisis in the national health service, particularly in London, which has led Lord Kerslake, following a distinguished career in public service, to resign from his position chairing a key NHS trust.

I commend my hon. Friend the Member for Bootle (Peter Dowd) for his speech, but I want to make two different, broad points about the productivity challenge facing our country, and to propose some additional solutions that I hope the House will consider incorporating
in the Bill. I also want to make a brief point about credit unions and, finally, press for further measures in the Bill to fund more investment in public services, not least policing.

The OBR’s devastating indictment of seven years of underinvestment and austerity and the prospect of many more such years to come was the real headline of the Budget. Productivity gains across all parts of the UK would mean higher wages and higher living standards, so if the OBR is right and productivity is to remain stagnant, the personal finances of too many people in our country will remain grim for the foreseeable future. We are already more than 15% less productive than the rest of the G7, Greece is the only developed country where real pay has fallen further, and the UK has now slumped to fifth in the G7 table for productivity.

To be fair, the Government at least acknowledge that there is a problem, but their solutions largely ignore, first, how to motivate employees, who are fundamental to productivity improvement, and, secondly, the growing concentration of power in key markets in the hands of a small number of very big companies, which stifles the innovation that is fundamental to productivity improvement.

Let me give some context for those two broad points. The average UK worker has not had a real-terms pay rise since 2006. Zero-hours contracts and bogus, Uber-style self-employment are creating an economy in which work is transient and precarious. Too often there are simply not incentives for a business to invest in its staff, and if there is no guarantee of work tomorrow there is not enough incentive, or indeed time, for staff to go the extra mile for the business they are with.

Rachel Maclean: The hon. Gentleman is talking about zero-hours contracts. Does he therefore welcome the Bill to fund more investment in public services, not least policing.

At the moment, there is too often too little incentive for the employee to go the extra mile, as they are unlikely to benefit directly from the extra profits that innovation and higher productivity might deliver.

This Finance Bill could have been the moment for that to change, and indeed even at this late stage I hope it will be, so let me offer the Minister the example of France, where businesses with 50 employees or more have to set aside 5% of their profits as a reward for their staff. If those who are helping to generate profits know they are going to share in them—if they know it is not just the chief executive and the rest of the executive team who are going to benefit—their motivation and commitment to helping the business prosper might just be a little stronger.

I was interested in the comments of the hon. Member for North West Hampshire (Kit Malthouse)—who, sadly, is no longer in his place—because I share his view that businesses in which employees have a say and a stake tend to be more productive; they tend to be better at incentivising their staff and channelling workers’ ideas and talents. Indeed, a 2007 Treasury review found that employee ownership can boost productivity by as much as 2.5% over the long run. So, as the hon. Gentleman asked, why are there no further tax incentives to encourage genuine employee share ownership?

The Government should revisit the idea of compulsory employee representatives on company boards, mirroring the success of Germany and Sweden, where employees have sat on boards for decades. Given that the idea was in the Prime Minister’s personal manifesto when she ran for leader of the Conservative party and that a significant number of Conservative MPs backed that manifesto, and given that we on the Opposition Benches support employee representation on boards, I suggest that there is a majority in the House willing to vote for such a measure if only the Government could find the courage to act. Why not, at the very least, have more favourable tax treatment for firms that are employee-owned? The hon. Gentleman also touched on that point extremely well.

Ministers must also overhaul the regulation of markets and recognise that key markets have become too uncompetitive and, in a number of cases, oligopolistic. This Bill could have begun the process of changing that. Let me give two examples. Banking and energy have both had highly critical regulator investigations, noting the lack of innovation and the excess profits in crucial consumer markets. Where is the commitment to create diverse and vibrant markets in those areas, with the plc model no longer favoured over other business forms such as building societies, mutuals and co-operatives? I suspect that regulators know that there simply is not the political will on the Treasury Bench to confront the Institute of Directors’ insistence that big plc businesses know best.

The Social Market Foundation is not necessarily a think-tank that we on these Benches would reach for first when it publishes a report, but it has recently produced an interesting interim report on the lack of competition in key markets. The Innogy/SSE merger is just the latest example in the energy sector of the trend towards even more uncompetitive markets. If it goes ahead, it will lead to two big firms dominating the energy market. It should be blocked by the competition authorities, and it would be good to see Ministers encouraging that to
happen. We also need a new generation of energy co-operatives, mutuals and municipal businesses encouraged to put consumers in the driving seat in the energy market, holding real economic power in that market, and keeping the profit from the generation of energy in local communities.

In many industries there are, in theory, ombudsman services, able to support consumers to seek redress from large businesses offering poor customer service. In practice, such ombudsman services often have limited powers and limited ability to enforce any redress they suggest. What is needed now is a proper champion for consumers, with the teeth to hold businesses to account. A consumer ombudsman with class-action powers and the information-gathering ability to match has always been opposed by big business groups in this country, but it is needed to help the consumer stand up to powerful big businesses when their concerns are ignored.

I draw the Committee’s attention to the case of the consumers taking action against Bovis Homes for shoddy building work, which has recently attracted some media attention; they are having to crowdfund the funding for court action. If there was a strong consumer ombudsman, those people who have moved into Bovis homes that are badly in need of further work would not be having to raise their own funds; instead, they could have turned to that ombudsman to take their case forward.

The truth is that markets need robust competition, and big plc businesses need strong challenges from other types of business. When 85% of all current accounts are held in just five big banks, of course it is no surprise that the regulator should find that there is not enough innovation in the retail banking sector. I therefore gently ask Ministers why they are committed to a long-term future for RBS as just another private sector bank. Why not turn it into a mutual, or a new building society, to challenge what would then be just four privately owned plc-style businesses?

Why are we not learning from the USA and Germany in encouraging more regional, mutually owned savings and investment banks that are focused on driving long-term investment—perhaps the patient capital that the hon. Member for North West Hampshire referred to—rather than on short-term dividends for shareholders, which are then used to justify ever-higher levels of executive pay? With sub-prime lending on the rise, and with the UK having the largest and fastest-growing consumer credit market in Europe—mostly, sadly, in high-cost options—it is difficult to understand why Ministers and regulators alike do so little to champion responsible finance operators such as community banks and credit unions.

On the point about credit unions, I welcome the limited moves in the Budget to help credit unions to expand, but I wonder why Ministers are not considering a wider package of reforms of the objectives and powers of credit unions, to allow for more innovation in services and in particular to enable them to provide a full retail banking offer, including in areas such as insurance and secured car lending. Why is there not more help for credit unions to market their low-cost credit offer to ordinary working people? If the Treasury were minded to take such action, that would bring UK credit union legislation into line with best practice in America, Canada and Australia. As the balance within the financial markets shifts farther and farther away from unsecured personal loans and cash savings, credit unions need the freedom to be able to rework their offer, and, as I understand it, legislation would be necessary to enable that to happen. I therefore encourage the Minister and his colleagues to consider that question sympathetically.

Lastly, I want to raise the issue of funding for public services. Sadly, there was no mention in the Budget of extra resources for policing. In my London borough, we have seen a reduction of 170 police officers since 2010. The recent terrorist incidents, which the whole House is familiar with, and the concerns of senior police officers that more resources need to be put into community policing—to ensure, among other things, that intelligence can be obtained about future attacks—should surely have prompted the Treasury to make additional funding available for policing.

Stephen Lloyd: Does the hon. Gentleman share my disappointment that the armed services were not even mentioned in the Budget, either generally or in relation to the pay and salary of their staff?

Gareth Thomas: The hon. Gentleman makes his point well, and I agree with him. He also made a point earlier that many Members have raised before, when he expressed disappointment at the paltry level of additional funding for schools. Similarly, we have heard about the scale of cuts to local authorities such as Harrow, which has lost some £83 million over the past four years. The council is facing huge difficulties in meeting the demand for increased children’s services, for housing people who are homeless and for meeting the growing social care challenge in our borough. Even at this late stage, I encourage Conservative Members to press Ministers for more investment in public services. Brutally, this was a grim Budget, and the Bill holds out no hope for anything better.

Several hon. Members rose—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Before we proceed, let me enlighten those Members who might not be aware that, because this is a Finance Bill, the debate may continue “until any hour”, as they will see on the Order Paper. There is no limit on today’s debate. Approximately 18 people have indicated to me that they wish to speak, and if they each take about 15 minutes, they will be able to calculate for themselves that we will be here until around midnight. Now, it might be their intention to cause that to happen, and it is not for me to say whether that is a good or a bad idea—I am always in favour of debates—but I merely point this out so that Members can behave honourably and with due consideration to other Members, and work out for themselves just for how long they ought to keep the Floor. This puts a lot of pressure on Mr Alister Jack.

7.55 pm

Mr Alister Jack (Dumfries and Galloway) (Con): Thank you, Madam Deputy Speaker. I will shorten my words accordingly.

I would like to congratulate the Chancellor of the Exchequer on proving that he can do a lot of good with what is, at 184 pages, a relatively—I stress the word “relatively”—short Finance Bill. While the Bill is short on sheer word count, it is certainly not short on provisions
that will help to make both Scotland and the United Kingdom fairer and more prosperous places to live. For example, as my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) has said, the Bill gives effect to the announcement in the Budget that the UK Government will clear up the Scottish National party’s mess and create a special exemption from VAT for Police Scotland and the Scottish Fire and Rescue Service. That special exemption has had to be made because of the stubbornness and incompetence of the Scottish Government, who pressed ahead with the centralisation of Scotland’s police and fire services even though they knew that the way in which they were conducting that centralisation would cost those services their VAT exemption.

Alison Thewliss: Is the hon. Gentleman aware of the extensive correspondence on the Scottish Government’s website that provides evidence of the Scottish Government’s efforts to persuade colleagues down the road here that the exemption was valid? If the exemption in the Budget for combined authorities in England and Wales is valid now, surely Scotland’s fire and rescue services are due their £140 million back.

Mr Jack: This House made it clear at the time that if the Scottish Government went ahead with the centralisation, they would not be able to reclaim the VAT. It is no good the SNP having a grievance and looking back to claim that £140 million when Budgets are clearly forward-looking and we have to be responsible for the public finances. However, we have now sorted that problem out.

Stephen Kerr: Does my hon. Friend agree that this was all designed in order to create a grievance—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I do not like to interrupt the hon. Gentleman, and I let him do this earlier, but if he faces away from the Chair, no one can hear him. I certainly cannot hear him. He has to speak to the Chair, and not to the Member upon whom he is intervening. But I am sorry—I interrupted him, so I will allow him to finish his intervention.

Stephen Kerr: Thank you, Madam Deputy Speaker. I had in fact finished my intervention, in which I asked my hon. Friend whether he felt that this was a designed grievance-manufacturing moment for the SNP.

Mr Jack: Clearly I agree. I would like my hon. Friend the Member for Stirling (Stephen Kerr) not to make too many more interventions, however. He is very keen on us, but we have to crack on.

That centralising dogma cost those services £140 million. The hon. Member for Kilmarnock and Loudoun (Alan Brown) referred to that money as having been stolen, but I can assure him that it was not stolen by anybody. It was, however, wasted by his party and his fellow nationalists in the Scottish Government, who cost the police and the fire services the option to reclaim that VAT. As I have said, the Conservatives have acted to clear up the Scottish Government’s mess. That is one of many cases in the Budget that prove that 13 Scottish Conservative MPs can deliver much more for the Scottish people in six months than 56 nationalist MPs could deliver in two whole years.

The Scots are used to the SNP putting confrontation and grievance ahead of public services, as my hon. Friend the Member for Stirling has just said, and we in Scotland are sick and tired of it. If the SNP would like to turn over a new leaf this evening and take a more collaborative approach, I suggest they join us in voting for the Bill. It would be the height of pettiness for the nationalists to vote against a Bill that rectifies their own mistake and ensures that Scotland’s police and fire services finally get the funding that they deserve.

On a wider note, the Bill brings into effect many of the positive measures that were announced in last month’s excellent Budget, such as the additional measures to tackle aggressive tax avoidance. When someone does not pay their fair share of tax, the rest of us have to pay instead through higher taxes, less funding for public services or higher borrowing. I am therefore pleased that this Government have such a strong record on reducing tax evasion and aggressive tax avoidance. The UK tax gap is now just 6%—down from 6.7% in the final year of the last Labour Government—and the measures that this Government have put in place to reduce the gap have saved £12.5 billion in the past year alone, meaning billions of pounds of extra funding for public services, billions of pounds in lower taxes, and billions of pounds in less borrowing.

The Budget is good for Scotland and specifically for Dumfries and Galloway with the Borderlands growth deal. In fact, it is a good Budget for the entire United Kingdom, with provisions that lay the groundwork for future growth and a fairer country. I will therefore be proud to vote for this Bill, which is an integral and positive step in putting the Budget into effect.

8.1 pm

Stella Creasy (Walthamstow) (Lab/Co-op): It is a pleasure to follow the hon. Member for Dumfries and Galloway (Mr Jack), because I am going to enjoy setting out for him why I believe he is mistaken in considering this Finance Bill to be the best that we can do for this country. I hope he was here to hear the remarks of my Front-Bench colleague, my hon. Friend the Member for Bootle (Peter Dowd), who set out some strong ideas about alternative ways to manage the public finances, and the remarks of my hon. Friend the Member for Harrow West (Gareth Thomas), a fellow member of the Co-operative party, who set out how the Co-operative’s approach to public finances is different.

I was struck by what the hon. Member for Dumfries and Galloway and several other Government Members said about their pride in how light and narrow the Bill is. Look at the country’s economic challenges; it sums up the Government perfectly that they should boast about how little they have to offer to tackle those challenges. They admit that this country has a productivity challenge—a long-overdue admission—but they have so little to offer to address it. They seem pleased to tell us that they are peaking their borrowing, rather than meeting the commitments made in 2010, when we all sat here and listened to the previous Chancellor tell us that austerity was the only way forward. Well, what a myth that has turned out to be. The Government are presiding over stagnating wages, meaning that my constituents will be lucky to see a pay rise within the next 10 years. Decades of austerity mean that we are a nation up to our eyeballs in personal debt—not by accident, but through
this Government’s choices. We have not even begun to talk about the black hole of Brexit that is sucking both time and money from our Exchequer.

A light Finance Bill is not something to be proud of; it is indicative of a Government who are not serving the British public. The Government try to tell us that they are doing something about the massive housing crisis, but it is clear that their stamp duty proposals will simply push up house prices and do little for our constituents who have no savings and cannot get a deposit together to even begin to consider buying a property and paying stamp duty. The Bill will do nothing about the crisis in our private rented sector that is the cause of so much personal debt. People in our communities are now putting their mortgage or their rent on their credit cards in a desperate attempt to keep a roof above their head this Christmas.

People have the spectre of universal credit hovering over them, sucking out their time and energy as they try to make ends meet, because there is just too much month at the end of their money. We have not even begun to talk about the impact of the cuts on our public sector. My hon. Friend the Member for Harrow West ably pointed out the lack of police on our streets; we will lose 3,000 in London alone due to this Budget. Teachers are having to buy resources for their pupils. People need us to manage the public finances properly, which is what this Bill would do, if it was meatier contribution to Britain’s future, but it is not.

I know what Government Members will say to Opposition Members: “Where would you find the money?” I want to answer that question, say what this Bill could do if it was meatier, which is what this Bill would do if it was meatier contribution to Britain’s future, but it is not.

I know what Government Members will say to Opposition Members: “Where would you find the money?” I want to answer that question, say what this Bill could do if it was meatier, which is what this Bill would do, if it was meatier contribution to Britain’s future, but it is not.

Let me turn first to one of the places where we could be saving money as a society. I know that Members on both sides of the House are worried about the private finance initiative, and all of us have seen its impact on the public finances. Governments of all colours have used private finance contracts; indeed, they continue to be used through private finance 2 schemes. We know that £1 billion of the money that should be going into our NHS will be leached out in profits by private finance companies. That money could have built hospitals several times over, and could certainly deal with the crisis in NHS recruitment and the lack of resources in healthcare. I have called on the Government to learn the lessons of the Paradise papers and introduce a moratorium on public sector contracts going to such companies until we are clear about where their tax liabilities lie. However, I am disappointed that, yet again, Ministers have missed that opportunity.

As Ministers have pointed out, we will only get one such Bill a year in future through which to tackle how these companies operate. A small number of companies are leeching so much money out of our public services through the high costs of private finance contracts, and their high rates of returns and interest rates. Government Members can look at them as hire purchase agreements for the public sector. The Bill could have been the opportunity to set a clear red line for those companies, and to tell them that, instead of continuing to rip off our schools and our hospitals, we want them to come to the table to renegotiate contracts. The Bill could have been the opportunity to set up that moratorium, or to use the banking levy as a model for a windfall tax on such companies—a tax that could claim back the excessive profits that they are clearly making from the public sector. This is money that could have properly funded our police or gone towards ensuring that we pay our public sector workers properly, but we will all end up paying for that omission from this Bill. With the PF2 contracts coming online, it is clear that the Government have not learned the lessons about the cost of public sector borrowing that would have informed the Bill.

This Bill is being considered in the context of the Government having agreed to close the tax loophole whereby overseas-based companies sold UK commercial property without having to pay capital gains tax—which we called the magic money tree—but it has sadly become apparent since the Budget that the Government have not got to grips with the loophole. They think that they are going to raise only half a billion pounds a year. It is clear, given the sums involved in commercial property sales in the UK, that we could be looking at £5 billion or £6 billion.

With this Bill, the Government could have learned the lessons of the Paradise papers, particularly as regards the loophole for companies that register properties in Luxembourg, because the Luxembourg treaties will allow those companies to avoid capital gains tax. I have repeatedly raised that with Ministers, because we know that our public sector desperately needs the £5.5 billion extra a year that properly closing the tax loophole could represent, yet Ministers seem not to care. They tell me that the Government’s policy is that “all double taxation treaties should permit gains on the direct and indirect disposal of UK immovable property to be taxed in the UK.”

However, from their consultation document, I can see that they recognise that there is a loophole within their loophole. Paragraph 4.36 admits that Her Majesty’s Revenue and Customs understands that there is a problem if the properties are registered in Luxembourg. The Bill could have been the opportunity to address that and to state, “When we say we are going to close a tax loophole, we close it properly.” We know that £5.5 billion could make such a difference—but it will not. That is indicative of a Government who do not seem to do their homework.

That brings me on to why impact assessments matter so much, and why so many Members from Labour and other parties have been speaking about their importance, particularly when it comes to gender. One of the Minister’s colleagues actually suggested to me that the debate about gender impact assessments was a bit like the debate around foxhunting. Perhaps he confused fair game with the fairer sex; I am not quite sure. As a colloquialism, we have been calling this the lady data campaign, because it is about what happens when we start to identify the impact of policies on particular people.

There will be some, particularly on social media, who will roll their eyes at yet another one of those feminists getting up to bang on about women and all the special treatment they want. Let me be very clear: the point about lady data is a cold, hard economic argument. Bridging the UK gender pay gap has the potential to create an
extra £150 billion a year in GDP by 2025, which is a 5% to 8% increase in GDP for all our regions. This should be a no-brainer for all concerned, but to be able to do that, we need better to understand where inequality lies in our society, and where individual policies help or hinder us in tackling it.

Luke Graham (Ochil and South Perthshire) (Con): I support any measure to try to close the gap in gender equality of income. Does the hon. Lady welcome the moves made by this Government to introduce gender pay gap reporting, and to make it a legal obligation for all companies with more than 250 employees by April 2018?

Stella Creasy: I am so glad a new Member has raised one of the legacies of having an amazing feminist MP like my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) in Government, fighting for gender pay gap reporting in the Equality Act 2010. I am glad to see the hon. Member for Ochil and South Perthshire (Luke Graham) nodding, because it is wonderful to see the feminist soul of so many Government Members coming through. I hope we can tempt them to support these measures.

The reality is that if the Government do not measure something, they cannot be held to account on what they are doing about it. That is the challenge we have. Good data keeps Governments honest and on track. For the avoidance of doubt, I am not suggesting that inequality in British society is about one single issue, or indeed about one single group. It is about understanding where inequality lies and where individual and collective policies will make a difference. That is why it matters. We do not live in an equal society, so particular policy measures, such as those that this Finance Bill introduces, will have a differential impact.

We might have the Equal Pay Act 1970 and the Equality Act, but equal pay is stagnating in Britain. Indeed, the figures for the past couple of years suggest that the gap is widening, not narrowing—crucially, among not just older women, but younger women. Among black and ethnic minority women, the gap is 26% for Pakistani and Bangladeshi women, and 24% for black African women. Women are twice as likely as men to receive the lowest pay. Only 36% of older women receive the full state pension. Therefore any finance measure that affects the tax and benefits situation in our country will have a differential impact.

Thankfully, organisations such as the Women’s Budget Group, the Fawcett Society, the Equality and Human Rights Commission, the Institute for Fiscal Studies and the Runnymede Trust have done what this Government have failed to do and started to identify the impact, so that we can understand just what the consequences are. Their research does not make happy reading for anybody who recognises that equality is one of the biggest economic motors we could have, and one of the best ways we could address the productivity gap in our society. Their figures show that this Government’s Budget will mean that women lose 10 times as much as they gain, with black and ethnic minority women losing 12 times as much.

What does that mean in practice? Forty-three per cent of people do not earn enough to reach the tax thresholds they are—66% of them are women, and 41% of them have dependent children. When the Government raise the higher rate threshold, 73% of the beneficiaries are men. When we change corporation tax, we have to recognise that we do it in an environment in which shareholders, business owners and managers are disproportionately men. Men benefit more.

This is not about being a victim. This is not about pleading for special treatment. This is about understanding what measures the Government are introducing and how they are making it harder for us to unlock the potential of 51% of our society. It is about having a better economy and a better society, because there is a link between diversity and prosperity.

I am tired of people who eye-roll at this, and of Government Members who see this as being like foxhunting. Frankly, even if they do not get the strong economic or social case for this, they are legally required to do it. The public sector equality duty was introduced in 2011, and it means that the Government have to not just manage these things but do something about them. That includes being able to track the difference they are making, yet this Government have still failed to do any equality impact assessment, let alone a cumulative one. The only equality impact assessments that are published are in the tax information and impact notes, which have a sentence or two buried away in line 324b saying that most of the Government’s policies have little impact at all, or denying any impact. There has certainly been no impact assessment on things like alcohol excise duty rates or fuel duty giveaways—two policies that, again, have a differential impact on men and women.

We have not even begun to talk about the public sector pay cap, and Members on both sides of the House recognise that, when two thirds of our public sector workforce are women, a failure to pay the public sector properly clearly pushes more women into poverty. We can argue about the underlying inequalities that might cause the environment in which these policies operate, and we can argue about the policies’ impact, but we cannot let this Government get away either with saying that they cannot do these calculations when others such as the IFS have, or with arguing that any inequality caused by policies in a Finance Bill will be offset by spending in another Bill. It simply does not make sense. If they cannot measure it, how can they decide it is being offset by something else? That is why it is time that we had this data. [Interruption.]

I understand that the Government Whip, the hon. Member for Beverley and Holderness (Graham Stuart), would like me to sit down. I am sorry to disappoint him, but 51% of this population are being held back by a Government who do not even know what damage they are doing, and 100% of us deserve better. The way we do that is by holding this Government to account on the public sector equality duty, which says that the Government have a legal duty before making any decisions. It is not enough to consider the impact on equality afterwards. The duty is ongoing, and it is about not just a buried report once in a while, but consistent impact assessments. The duty also says it cannot be delegated—that Ministers cannot leave it to somebody else to figure out what damage they are doing. It also says that, when a problem has been identified, the Government have to act, and that a lack of resources—having just set out where the Government can get some resources, I do not accept there is a lack of them—is not an excuse.

These are examples of how this Budget and this Finance Bill are failing this country. We are in denial of some of the major challenges we face on productivity.
This is about having the information so that we can understand how we can make better choices, and about how we have a Government who seem unconcerned that they are breaching the public sector equality duty. That is indicative of a wider problem facing the British public. They have a Government who, right now, have run out of ideas, who are lacking in leadership and who are struggling under the weight of Brexit, but we all know who is going to pay. It is the men and women in our communities who are struggling with debt—the men and women in households who are being disproportionately hit by Government policy.

Inequality is expensive for us all. All of Britain is held back when talent is held back because it is living in poverty. I hope I have shown that there is money to be found and data to be collected if there is a political will. The Brexit Secretary says that he does not have to be very clever to do his job, but I believe the British public do need competency. If they cannot get it from the Government Benches, they can certainly find it on the 

8.18 pm

Jack Brereton (Stoke-on-Trent South) (Con): This is an important Bill for the long-term future of our country. It builds on hard-won progress, develops on the transition to Brexit, and sets out necessary measures to ensure that the UK economy is fit for a successful and sustainable global future. I welcome the emphasis the Chancellor gave in his Budget to the importance of improved skills, cutting-edge technology, world-class infrastructure, and the domestic fairness of a sustainable cost of living for the British people.

At a time when we are focused on the historic change that will come from Brexit, it is critical to stick to the Government’s commitment to financial and fiscal stability so that we can build a Britain and a Stoke-on-Trent fit for the future. I particularly welcome continuing efforts to make the tax system fairer and simpler. The latest raft of anti-avoidance measures ensures that legitimate reliefs are not abused.

It is important that the tax system can encourage behaviours that are beneficial to the economy, thereby supporting businesses to create more jobs and allowing our workers to prosper. For my constituency, it is essential that we continue to support our communities enabling them to flourish, and a critical part of that is ensuring families can take home more of the money they earn.

I am pleased that the Government are doing more to ensure we see not only more jobs, but better pay and improved skills. Continuing to increase the national living wage and the personal tax-free allowance will mean that my constituents will take home more in their pay packets.

Alison Thewliss: The national living wage that the hon. Gentleman speaks of is not actually set at the national living wage rate. Does he agree that there needs to be a real national living wage that is available to everybody, including those under the age of 25?

Jack Brereton: If the hon. Lady looks at this, she will see that the national living wage is continuing to increase. I know what she is referring to, but we are continuing to increase the national living wage, which will mean people
art and decorative goods, but advanced components for the high-tech automotive, aerospace, defence, digital, renewable energy and medical industries.

Far from being an industry of the past, ceramics is at the very forefront of the digital, high-tech future that the Government have rightly chosen to champion and that the hon. Member for Stoke-on-Trent South to follow the hon. Member for Stoke-on-Trent South

to access the opportunities of global Britain. I am glad increased national living wage, will enable local workers

improved quality of life. Improving the skills base, those who voted overwhelmingly for not just Brexit, but

businesses to grow and compete with global players.

the proposals from the sector, and that she welcomes the sector “being so positive about the future opportunities”.

We are indeed positive about the future opportunities, no matter how much the Labour party seeks to talk Britain down.

One area where more needs to be done is in improving the rail services in Stoke-on-Trent, as there has been a lack of attention to this over many decades. I welcome, however, the commitment made by the Secretary of State for Transport that Stoke-on-Trent will be served by HS2. Enhanced rail connectivity could transform the future prosperity of the city and help to deliver new housing and jobs growth. I also welcome provision to expand the rail network’s capacity, and to open, or re-open, many new local stations. There is also clear potential for increasing the frequency of services through my constituency, and for new or rebuilt stations at Fenton, Meir and Barlaston, and for World of Wedgwood and the bet365 stadium, for Stoke City football club. All those are in my constituency. With a heritage action zone now announced for Longton in my constituency, an enhancement of rail services there could propel the town as a visitor destination. There will be similar projects across the country, and it is to the Government’s credit that they have enabled so many of them to come forward as part of the localism agenda.

The Government have worked hard to increase our international competitiveness and to rebalance the economy domestically. We are also working hard to enable smaller businesses to grow and compete with global players. Local workers on the ground in Stoke-on-Trent should be the focus for a global Britain. We are talking about those who voted overwhelmingly for not just Brexit, but an improved quality of life. Improving the skills base, alongside boosting wages through lower taxes and an increased national living wage, will enable local workers to access the opportunities of global Britain. I am glad the Government recognise that embracing our global future means delivering for my constituents. That is what Brexit must mean, and it is in this context that this Bill moves the Government’s agenda of reform forward. I will be proud to support it in the Lobby tonight.

8.27 pm

Judith Cummins (Bradford South) (Lab): It is a pleasure to follow the hon. Member for Stoke-on-Trent South (Jack Brereton). This Finance Bill has short-changed my constituents, the city of Bradford and the people of the north in ways too numerous to list in the short time I have available today. But there was one instance where the north was not just short-changed but plain snubbed: it was starved of the vital investment needed to unlock the potential of its people and its businesses. In this Finance Bill, Ministers did nothing to redress the imbalance in favour of London in spending on transport, whereby it gets seven times more per head than the north. That is illogical, given the Government’s much publicised commitment to rebalancing this country’s two-speed economy.

Modern and efficient transport infrastructure is a catalyst for growth, and improved regional transport connectivity is the key to unlocking prosperity in my home city of Bradford. It is essential to the fostering of wider prosperity throughout west Yorkshire and the whole of the north of England. It is fundamental to addressing the regional differentials in the economy. With clause 33 and schedule 9, the Financial Secretary has found the money to cut the bank levy, but he cannot find the funds for trans-Pennine electrification to fulfil the Conservative manifesto promise made ahead of the 2015 general election.

Kevin Hollinrake: Does the hon. Lady welcome the huge investment in northern powerhouse rail and the latest proposals for the route to go through the centre of Bradford?

Judith Cummins: I thank the hon. Gentleman for raising that point; unsurprisingly, I am going to mention that later in my speech.

Just yesterday, I read with great interest that the ambitious plan for full trans-Pennine electrification is to be scaled back, with the scrapping of the line connecting Manchester to Sheffield and Leeds via the HS2 network. The north is being starved of the investment it needs to prosper. The north wants, needs and deserves full and fair funding, and transport infrastructure fit for the 21st century.

In stark contrast, in his Budget the Chancellor committed the Government to multi-billion pound public investment in transport improvements across the Oxford, Milton Keynes and Cambridge arc. I have no quibble with investment in transport infrastructure in London and the south-east—connectivity in that region is important, too—but it should not and must not be at the expense of rebalancing the country’s economy. It should not and must not be to the disadvantage of the business community in Bradford, west Yorkshire and throughout the north. Regional business in the north deserves the Government’s attention and support just as much as the London-based business community. Indeed, the Government talk about fixing the country’s productivity problem, and the key to that is addressing regional differences. The Government have missed an opportunity to tackle that in the Bill.

Clause 19 will increase the rate of the research and development expenditure credit from 11% to 12%. I am sure that business innovators in the north will welcome that, but the one constant that I hear from business is the need for better transport infrastructure. As well as R and D, physical connectivity is crucial for industry. As a region, the north’s economic output by gross value added was £304 billion in 2014, which would make it the 10th largest economy in the EU if it were a country. As a region, though, it trails substantially behind the
south-east in economic output per capita. That has to change if our nation as a whole is to prosper and our productivity is to increase.

Bradford and the north of England are in desperate need of transformational investment in their creaking railway infrastructure. Spending in the area has multiple benefits, with just two examples being the easing of congestion and the reduction of air pollution. On that last point, the Minister had an opportunity to address air pollution from vehicles by investing to make public transport better. Instead, clause 44 makes changes to vehicle excise duty and clause 9 makes changes to benefits in kind for diesel cars. Both measures seek to address vehicle emissions. Few in the House, if any, would disagree that reducing air pollution is both necessary and desirable, but I fancy that more carrot and less stick would have been welcomed by my constituents.

Tackling congestion and air pollution through a modal shift, moving more journeys from private cars to public transport, is an option, but not one currently available to my constituents. The creaking rail infrastructure that my constituents have to contend with currently makes the motor car not just a more attractive option but in many cases the only option. The Minister could have shown real determination to change that, with a commitment to investment in modern and efficient public transport systems. As I have said, the much delayed, now much diluted, partial trans-Pennine electrification would be a key first step in addressing the north’s transport woes, but it would be just that: a first step. What is really needed is a game-changer, but on that the Bill is silent.

My home city of Bradford is a leading voice in northern powerhouse rail. In recent months, in a bid to maximise the value of the project to Bradford’s economy, Bradford Council launched Next Stop Bradford in partnership with the city’s business community. Next Stop Bradford is a cross-party campaign calling for an NPR stop in Bradford. Initial research suggests that a Bradford stop would bring an annual boost of £53 million pounds to the local economy, and at least £1.3 billion pounds for the region as a whole. If the media reports from over the weekend are accurate and Bradford is now included on the NPR route, that is welcome news for the Bradford economy and for my constituents.

Bradford is a growing city, with one of the youngest populations in the country. It has huge potential. As I have said in the House before, Bradford is Britain’s fifth largest local authority, with a population of 530,000 residents, and it is the biggest city in the country without a through stop connecting it directly to the intercity rail network. An NPR stop in Bradford would be a huge step change in our regional connectivity. Faster services and higher capacity would draw the region closer together, and it would connect people to jobs and businesses to new opportunities across the region and the country. The currently disconnected economies of the great cities of the north would be united. The economic opportunities would be enormous, as would the boost to this country’s productivity. This is a priority for my constituents, but a priority that is not in the Finance Bill.

During the recent Budget we learned that, as a country, we face an era of economic stagnation unseen in modern times. Wages in my home city are flat, real incomes are falling and the cost of living is rising, all of which is not helped by a 3.4% hike in rail fares from January. Crucially, productivity improvements have stalled. That point is massively important in the context of my remarks today, because arguably the single most potent driver for improving productivity is sustained investment in transport infrastructure. I ask that the Minister and this Government commit to NPR with a Bradford stop, and the resulting transformation that that will deliver.

This Finance Bill concentrates on many of the wrong priorities as far as my constituents are concerned and, importantly, does not seek to redress the economic imbalance between the north and the south.
Ahead of Thursday’s Scottish Budget, we can all safely expect the SNP Administration in Edinburgh to carry on with their shameless Westminster finger-pointing, blaming Westminster for giving them the exemption on VAT; chastising Westminster for giving them the “wrong” money; and demanding even more from the Scottish people in the form of tax increases imposed by Holyrood.

Those are all significant broad-brush statements, but I wish to go into some detail about what the measures in the Budget mean for our constituencies in Scotland. For those who are not familiar with the hugely beneficial impact of the Barnett formula in Scotland, let me explain that Scotland benefits to the tune of £1,750 per head by remaining a part of the United Kingdom. It is also worth reminding Members that, in practice, that represents a higher rate of spending per head than England and Wales. Before we get into a dispute about figures, let me tell the House that those statistics are from the SNPs own Government expenditure and Revenue Scotland figures. In addition, we very much welcome the £600 million more that will be spent on rail, which is an increase on the last spending period.

Stephen Kerr: Does my hon. Friend agree that those are indeed the dividends of the Union?

Luke Graham: I could not agree more, and I will go further into those dividends shortly.

The Government have delivered an additional £2 billion to Scotland in the Budget, which should be a reason to rejoice. However, they are being criticised by SNP Members. [Interruption.] The House can hear them trying to talk me down now, which is not a surprise, because no matter how high the price or how good the deal, the SNP is not satisfied. It reminds me of the Roald Dahl story, “Charlie and the Chocolate Factory”. We have the political manifestation of Veruca Salt sat just across from us; SNP Members go from room to room, shouting what they want and demanding more and more, yet they are never satisfied. Conservative Members have heard the interests of our constituents and we have delivered for them.

Alison Thewliss: Does the hon. Gentleman agree that the Government are actually creating far more families like Charlie Bucket’s, with old people huddling together in bed because they cannot afford to live?

Luke Graham: I could not disagree more. More money is going directly to frontline services, and we are lowering taxes for the working families who are most in need, so the hon. Lady will see that Charlie and Grandpa are on the Government side tonight, not the SNP side.

As we look ahead to the Scottish Budget on Thursday, colleagues in this House and in Holyrood will be waiting with bated breath to learn precisely how the SNP plans to pass the additional money to local authorities for the roll-out of broadband and other key areas of investment that it has thus far undermined. To see how contradictory some of the SNP’s behaviour is, it is worth looking at how the party misuses the powers it has, refusing to pass some of the increases in the block grant to education and health funding—matters that are explicitly devolved. As we heard in the Budget, the block grant has increased to more than £31.1 billion, which is a real-terms increase over the spending review period and up from £27 billion in 2011-12. What does that mean for our constituents? Well, we have a breakdown of how devolved spending is carried out in public services, thanks to Jim Gallagher.

Under the SNP, NHS Scotland is underfunded and understaffed. Health spending in Scotland has increased more slowly than in England over the past 10 years, growing by 34% compared with 50%. Per head, that translates to spending growth of 39% in England but only 28% in Scotland.

SNP Members may complain about Tory austerity, but their argument does not stack up. Her Majesty’s Treasury figures show that total health spending increased by 9% in England between 2011-12 and 2015-16, but only by 3.4% in Scotland over the same period. After 20 years of devolution and 10 years of an SNP Administration, people living in Scotland still have the lowest life expectancy in the United Kingdom. That is a damming indictment of the financial choices the SNP has taken in Holyrood with funding from this place. I could go on, but I am conscious of time.

Chris Stephens (Glasgow South West) (SNP): Please do.

Luke Graham: Well, education is another area that I could touch on. Reading scores and mathematics and science results are down in Scotland since 2006. England and Northern Ireland now outperform Scotland in every category.

Kirsty Blackman: Will the hon. Gentleman give way?

Luke Graham: I will not, because I am conscious of time.

Under the SNP, more money goes in but fewer services are delivered. With a record like that, it is disappointing for Conservative Members that SNP Members stand in this Chamber and criticise what this Budget has delivered for Scotland. There is £2 billion extra for Scotland.

Kirsty Blackman: No, there is not.

Luke Graham: Yes, there is, and there is a real-terms increase, as the hon. Lady knows. There has been a whisky duty freeze, and police and fire service VAT has been returned to Scotland. Those are good things. I hope that colleagues in all parties in Holyrood can use this funding productively and work constructively so that the two levels of Scottish government can work together and deliver for their constituents.

8.43 pm

Liz McInnes (Heywood and Middleton) (Lab): I am grateful for the opportunity to contribute to this debate. As my hon. Friend the Member for Bootle (Peter Dowd) said, this Finance Bill is testament to an out-of-touch Government with no idea of the reality of people’s lives and no plan to improve them. In the time that I have, I want to make particular reference to the lack of any apparent willingness on the Government’s part to invest in the west to east Crossrail for the north that we in the so-called northern powerhouse so desperately need and want.

In the Budget, the Chancellor made no mention of investment to improve the trans-Pennine rail route other than an announcement about improved wi-fi. As the
Mayor of Greater Manchester, Andy Burnham, said, at least we will be able to text and tweet our families and friends to let them know that we will be late. It is not just northern voices saying this: Derek Robbins, senior lecturer in transport and tourism at Bournemouth University, said:

“I would... describe the lack of progress towards a modernised and reliable trans-Pennine rail route as more than disappointing, given that it is an essential investment for future economic growth in the north.”

Labour is planning to borrow to invest, unlike this Government who borrow to cover day-to-day spending. Investment that gives higher returns than the cost of financing the extra debt makes sense. The £10 billion cost of Crossrail for the north would unlock £85 billion of additional economic growth. However, I do not believe that this Government have the imagination or the will to make the northern powerhouse anything more than just a slogan. When I asked the Secretary of State for Transport what conversations he had had with the northern powerhouse Minister about Crossrail for the north, his response was to talk about the electrification of the line from Manchester to Liverpool. That lack of response led me to believe that the answer to my question was probably none. Maybe the Secretary of State has the same problem I have encountered when trying to set up meetings with the aforementioned Minister for the northern powerhouse. I am still waiting for a response to a request for a meeting that was sent in October.

Yesterday, we witnessed an historic moment for Manchester’s rail network, with the opening of the Ordsall Chord—an £85 million scheme linking the main central Manchester stations of Victoria, Oxford Road and Piccadilly. However, our enthusiasm for this achievement was tempered somewhat by our concern over Government investment in rail in the north. For Manchester to really benefit from the Ordsall Chord, we need investment in Piccadilly and Oxford Road stations. For High Speed 2 to bring any benefit to the people of Greater Manchester, we need expansion of Piccadilly station, and that expansion must also take in and plan for HS3—Crossrail for the north. Yet the Government have indicated that Piccadilly might get only a digital upgrade, rather than the extra platforms that are needed. This decision has been met with despair from rail action groups, which have pointed out the very real need for physical capacity for more trains to go through the station, and that digital signalling is just not enough.

As I said immediately following the Budget statement, that statement was notable more for what it did not say than for what it did say. There was nothing for our police and fire services, nothing for social care, nothing for children’s services and no adequate equality impact assessment. For the last seven years, we have had nothing from this Government but missed opportunities and missed targets. The five-year austerity plan did not work; now it is the 15-year austerity plan. The Government keep missing their targets, but they keep returning to them—just with a longer timeline every single time.

This Government’s obsession with deficit reduction is at the expense of investment for our future, and it is people in the north who are losing out the most. In terms of transport spending, London has received over five times more public spending in the last five years than the north-west—hardly a country that works for everyone.

Helen Whately: If the £10 billion was spent on Crossrail for the north, it would bring revenues of £85 billion. I have talked about spending and raising money.

Helen Whately: I appreciate the hon. Lady’s point, but I still think that she very much spoke about spending and not about the content of this Finance Bill.

Our job in this House is to make difficult decisions not just on what we spend money on but on how we raise that money—who we tax and what we tax, when we are reluctant to tax people and would much rather they had the money in their pockets to spend themselves. Our aim is to make things better for our constituents, young or old and those in between. It is not our job to make promises that cannot be kept, to write cheques that we cannot cash, and just to say things that sound nice, like massive amounts of spending, but might turn out to have nasty consequences like high unemployment. Labour Members may tell us differently, but spending that we cannot afford is not the moral high ground—it is the moral low ground.

This Finance Bill builds on the tough decisions of the Governments led by Conservative Prime Ministers over the past seven years who have reduced the deficit by 75%, while as of next year debt will fall as a share of GDP. Let us not throw that all away, as Labour Members would, with uncosted proposals and unquantified borrowing. As we heard earlier, they could not answer our questions on how much their borrowing would cost.

Alex Chalk (Cheltenham) (Con): Twenty-three times.

Helen Whately: I think it was at least 25 times that Labour Members were asked, and still no answer other than “See if you can look it up for yourself.” Why it could not be said at the Dispatch Box, I do not know, but I fear that they are inevitably planning to pile up debt for future generations.

I welcome three things in particular. First, there is the Government’s commitment to help people on low wages. The continued increase in the personal allowance is taking people out of tax and enabling them to keep more of what they earn to spend as they need to. Alongside that, the minimum wage is rising, but at a rate that is manageable for businesses so that they do not have to lay people off in order to pay it. Policies in the Budget to increase the supply of houses should bring down rents, which, we acknowledge, have been going up far too fast. In this Bill, there is a stamp duty cut for first-time buyers to bring buying a home within reach of more families—a particular challenge for my constituency in the south-east. As Shepherd Neame brewery is the largest employer in my constituency, I should mention the very welcome freeze on beer duty, which will be good for it and good for beer drinkers across the country.
Secondly, I welcome the actions on tax avoidance and evasion to make sure that we collect more, if not all, of the tax owed. That builds on the Government’s track record in this area, as the Financial Secretary to the Treasury pointed out. Particularly in the context of my constituency, I welcome plans to cut down on online VAT evasion, with the advantages that gives to online businesses in paying VAT, because I want us to achieve a more level playing field between online businesses and those with premises such as our high street shops. Regarding the policy on landfill tax, in my area we have an ongoing problem with rogue land fillers who start off in line with the law and seem to end up not in line with it.

Thirdly, I welcome the incredibly important commitment to addressing our productivity challenge. This has been acknowledged by this Government many times—it is not suddenly news. In fact, the measures in the Budget and the Finance Bill are the product of a huge amount of work looking at how we can improve productivity—a long-running problem in this country. It is vital that we raise productivity because that means that people get more money for every hour that they work. That is the key to improving living standards and funding our public services, that we want, particularly with NHS costs going up as people need and want more care. There are many factors underlying our productivity challenge. Skills are a challenge for us. There is an issue with companies investing in workers, and workers investing in themselves. It is, to some extent, a cultural challenge. One venture capital investor told me that the key difference that he notices between British and American start-ups is that it is common to see in the business plan of American start-ups investment in training for themselves as the founders of the business. He rarely sees that in British start-up companies. That is, to some extent, a cultural challenge; we do not see investing in ourselves and our skills as part of life.

We know that we lag behind other countries in the use of technology and investment in automation. One specific example is our robot density. In Japan, there are 305 robots per 10,000 employees. In Germany the figure is 301 and in the Netherlands it is 120, but in the UK it is just 71. That is just one example of where we lag behind in investment in technology and automation. We have to drive up investment in those areas, as the Finance Bill does. Such investment cannot just come from Government spending more; we have to stimulate private investment in those areas, as my hon. Friend the Member for North West Hampshire (Kit Malthouse) said eloquently. We have to mobilise private capital through incentives such as the EIS, which really works. I welcome the increases in that area, which will help to ensure that more businesses start and grow in this country, to provide the jobs and the higher wages that our constituents want.

There are no easy answers; what matters is getting the right answers. We need to help people on the lowest wages to keep more of what they earn, get a fair contribution from high earners and global businesses, build a more productive economy and invest in skills and technology. We want people to have higher wages in the jobs of the future so that they can live as they aspire to.

8.56 pm

Grahame Morris (Easington) (Lab): I am pleased to be able to speak in this important debate, and to follow the hon. Member for Faversham and Mid Kent (Helen Whately). I am speaking in support of Labour’s reasoned amendment, setting out our opposition to the Finance Bill. That includes our opposition to the £4.7 billion reduction in the banking levy while children’s services are cut, the lack of adequate equality impact assessments, the lack of provision for lifting the public sector pay cap, and the lack of provision for addressing the funding crisis in social care and our NHS. I also oppose what I see as a lack of concrete action to tackle tax avoidance and evasion properly.

There are a number of areas that I will not be able to cover, but I did not want to make a contribution without mentioning the Women Against State Pension Inequality. We in the Opposition want justice for the WASPI women. I am sorry that the Under-Secretary of State for Work and Pensions, the hon. Member for Hexham (Guy Opperman), is no longer in his place, because there will be an opportunity for the Government to do something about the matter on Thursday, after the Backbench Business Committee debate.

I am concerned that the Budget does not do enough for disabled people. I am concerned about stagnant pay and the failure to provide resources to lift the pay cap. I am concerned about the failure to provide resources for local government and the funding of our police and fire services. On housing, the hon. Member for Faversham and Mid Kent said that Labour were not proposing any concrete, tangible solutions. I have been around for a few years, and I can look back at what works. Legitimate concerns have been expressed about the stamp duty proposals, which are feared to be the wrong solution. My understanding is that 40% of council houses that were sold under the right to buy are now in private ownership and, on average, rents in the private sector are twice those for council houses in the social housing sector. That costs this nation £10 billion—not as a one-off, but each and every year.

Surely a sensible person would say that in those circumstances, we should be building many more social houses. The Government’s target is, I believe, about 200,000 or 250,000 houses a year—[Interruption.] It is 300,000; I am grateful for that sedentary intervention. The last time we got anywhere near that was in 1973. As I am sure Members will recall, that is the year that Sunderland won the FA cup. Ian Porterfield scored the goal, and Jimmy Montgomery made a marvellous double save from Trevor Cherry and Peter Lorimer. In 1973, 100,000 council houses were built. That is the scale and magnitude of the challenge we face, and the Government should take that into account.

Like several of my hon. Friends, I want to concentrate, in the short time I have, on making the case for more investment in integrated transport networks, particularly in the north-east—we have heard about the north-west; I want to put the case for the north-east. The Budget is the time when the Government make political choices, and they should be held to account. I acknowledge that the Government have announced an investment in the Metro on Tyneside, which is certainly important, but the Metro is 40 years old, and the investment is to replace the rolling stock.

I represent the constituency of Easington, and I would love to see the Metro extended to the hinterland of Tyne and Wear, providing opportunities for expansion to towns such as Seaham and Peterlee in my constituency. That would naturally promote economic growth in the
north, help to join up communities, and allow access to jobs in places such as Sunderland, Gateshead and Newcastle.

I know that Ministers like to have an evidence base, and I draw their attention to an excellent Library publication, “Transport Spending by Region”, published just last month. It gives transport spending totals overall, with the margin of discrepancy, with population factored in, between investment in the north-east and London. Overall, there is 10 times more investment in London and four times more in the south-east than in the north-east, while for railways there is 20 times more investment in London and five times more in the south-east. They say there is a big investment in the Metro system, but we have to recognise that, in the five years from 2011 to 2016, there has been a massive lack of investment. We have had terrible under-investment during that period.

Kevin Hollinrake: The hon. Gentleman makes a very good point about the disparity in investment, but he might be interested to know that the moneys from central Government are very similar across the country. What lies behind those figures is the ability of London to leverage in private sector and local authority investment, because those local authorities also get a much better deal.

Grahame Morris: I thank the hon. Gentleman for his intervention; I am sure that what he says is true. I have had conversations about the nature of the very large-scale transport infrastructure investments that are, in effect, self-funding, and I think we should apply those principles. I was a great fan of the documentaries about opening up the west with the railways, in which Michael Portillo argued that investment was not put into the existing cities on the east coast, but into the west, to open it up and bring in jobs and investment. There is an enormous case for doing that.

I want to speak briefly about the A19, which is vital to the economic health and wellbeing of my constituency. However, it is a dangerous road, and at this time of year it is a nightmare for people travelling on it. I want the Government to future-proof our regional transport infrastructure. There are multiple housing developments in my constituency, which will create tens of thousands of new homes, and I urge the Government to future-proof our regional transport infrastructure. I welcome the fact that that will bring new, bespoke manufacturing jobs and a variety of others, but the failure of the A19 will make it more difficult to attract future businesses. If we are to accommodate new developments, I urge the Government to use the Budget to take action.

The A19 is one of the principal economic drivers in my constituency. It is vital for manufacturing, export-focused businesses such as Caterpillar, NSK and, until it closes the week before Christmas, Walkers crisps. The lack of investment, maintenance and upgrading of that vital economic highway is holding back business in my constituency. I have raised the issue several times: I have tabled questions and even an early-day motion, but we need the Government to recognise the problem. They need foresight; they need to realise the value of investment, try to future-proof our economy, and support our regional development.

Kevin Hollinrake (Thirsk and Malton) (Con): It is a pleasure to follow the hon. Member for Easington (Grahame Morris). We share an economic interest in the A19, and so I agree with many of his points.

I agree with him. Members’ attention to my entry in the Register of Members’ Financial Interests on my business background, and I am also vice-chair of the all-party parliamentary group on fair business banking. I want to focus on the latter in the short time that the Whips have allocated to me this evening.

Productivity was an important element in the Budget, and it is the key to improving living standards. However, as the Budget also states, competition is the key to driving productivity. The Budget addresses that in many different areas, particularly through access to finance. It deals with those who cannot currently access finance.

However, there are two sectors of the business community: those who cannot and those who will not access finance. The £20 billion investment in patient capital, the doubling of EIS relief—I have benefited from my investments in EIS; I declare an interest there, too—and challenger banks are all positive moves in the right direction when it comes to opening up finance to small and medium-sized enterprises.

There are also difficulties in terms of people who will not borrow. Some people do not want to borrow because they want to run a certain type of business, perhaps a lifestyle business. In the UK, we are good at start-ups. We are at the top of the league table in Europe for the number of start-up businesses. However, we are well down the league table—13th out of 18—in scale-ups. There is a problem in moving from start-up to scale-up, and some people will not borrow because they are worried about experiences—sometimes their own—of borrowing from banks.

We have seen an example of that in the Royal Bank of Scotland and Global Restructuring Group scandal, in which viable businesses were totally inappropriately taken away. Not all businesses that went through that scheme were viable, but around 16% were, according to Promontory, which undertook the independent report into the GRG scandal, yet the businesses were taken away. This is about not just financial, but human cost. Somebody’s life’s work in starting and building a business has been totally inappropriately taken away from them. The human cost is huge; sometimes it is the ultimate cost.
Ruth George: Does the hon. Gentleman agree that it is terrible that more than half of small businesses fail in the first five years, largely due to lack of capital investment, as he says? Does he agree that it is time for more radical ideas, as the hon. Member for North West Hampshire (Kit Malthouse) said, and that Labour’s proposal for a business investment bank would help those companies?

Kevin Hollinrake: Businesses fail for many reasons. Business is an extremely risky undertaking—I have been in business most of my life—which is why we should pay tribute to all people who take the step forward to create wealth and jobs. I accept that we need to find more different and innovative ways to get finance to business start-ups and scale-ups.

Business banking is unregulated. If a bank acts inappropriately, it is usually far too wealthy for an individual or business to sue. To rectify that problem, we need an independent redress scheme for businesses. I have a constituent who was mis-sold an interest rate hedging product that resulted in him paying £18,000 a month in interest payments from a relatively small business. It was put into receivership. The bank eventually compensated him for the mis-selling of the product, but did not compensate him for the business he lost. That cannot be right. The Government propose expanding the financial ombudsman scheme to deal with the problem, but that will not be enough.

We need an extension of the tribunal system, similar to the employment tribunals, so that small businesses can seek redress without going to the huge cost of suing a bank in the courts. Financial services tribunals already exist, but for the wholesale markets. We need to expand that system to bring in SMEs, so that judges preside over cases, instead of us having a cosy internal system involving ex-bankers who now work in a different part of the sector. Such a system would be low cost and funded by the banks. It would increase confidence in the banking system and, crucially, result in banks lending more money, because people would have confidence in the system. I hope the Minister will look at the financial services tribunals. I am meeting the Economic Secretary in January to discuss this in more detail, but I believe it is one of the missing pieces of the jigsaw when it comes to improving productivity. I welcome the many measures in the Budget and will support the Bill this evening.

9.12 pm

Ruth George (High Peak) (Lab): The Chancellor’s Budget speech set out the serious state of our economy, including on the key issue of productivity, as Members on both sides have agreed. Our productivity is now 29% lower than Germany’s. It grew by only 0.2% in 2016 and not at all in 2017. It is serious when the OBR is saying that there are few signs of recovery and that the recent weakness will prove more enduring. Surely this is the time when the Government need a big plan to improve our productivity.

We already have the lowest GDP growth of any OECD country except for Portugal and Greece. Household incomes have fallen 6% compared with inflation, and we are now predicted to have another decade of falling incomes. It is no wonder that household debt is rising and 8.3 million people are now in problem debt. Added to the lack of productivity, we now have the lowest Government investment of any OECD country except for Portugal and Greece. That leads to increased Government borrowing for which we see nothing in return. Last year £52 billion more was borrowed, and it is £60 billion more this year. The OBR’s prediction of lower productivity growth will add another £26 billion to borrowing. That is the cost of the Government’s policy of austerity that is hurting but not working.

Our national debt is now nearly £2 trillion, which is nearly 90% of GDP and higher than that in both Germany and France, although it was lower in 2010. In spite of biting austerity, we see lower growth, lower productivity and lower Government investment. It is no wonder our productivity is so low when we now have the longest commuting times in Europe and the most expensive privatised public transport. Some 3.7 million workers spend more than two hours a day travelling to work. The average travel time of almost an hour is the highest in Europe. That adds to our people’s misery and our lack of productivity, but still we see no investment for a Crossrail of the north. East midlands rail electrification has been cut. Even the small improvement of dualling the track on sidings in my constituency to speed up journey times between Manchester and Sheffield—fully funded by Network Rail—has been stuck with the Department for Transport for four years. We await a decision on half a kilometre of track to make small improvements to our productivity, and our freight and transport times.

The Bill does nothing to help public services that are crying out for proper support. It does nothing for our public servants who are suffering under an unfair pay cap. It does nothing for the people suffering £1,000 of cuts to tax credits since 2010, with another £4.6 billion due to be cut under universal credit, or the 1 million more children due to be in poverty by 2020. The Bill does nothing to reverse those trends, nothing to support public services and nothing for hard-working people. Yes, we have seen 3 million extra jobs, but we have also seen zero-hours contracts, short-hours contracts and 3.7 million working people in poverty. That does not help our economy.

The Bill is a wasted opportunity. It continues to reduce corporation tax—it is now down to 19%, which is less than the rate of income tax—and creates a false impetus for creative accounting. The reduction in corporation tax for the largest companies does not go to the workers, despite what the Government promised when they kept cutting it. From my time negotiating with the shopworkers’ union, the Union of Shop, Distributive and Allied Workers, I know that the reductions in company accounts for corporation tax are far greater than the amount that goes in extra pay for workers. Instead of the handouts to large companies with over £1.5 million a year of profit that we have seen over the past seven years, Members on both sides of the House agree that it is smaller companies that need investment. I refer to Labour’s proposals for a business investment bank to borrow to invest in the companies that drive our productivity and growth. Instead, only four in 10 small companies survive for five years. They have been hit by the rise in VAT and business rates, cuts to regional development funds, and the lack of investment in our infrastructure.

The Government introduced austerity in 2010 and immediately strangled Britain’s economy, which was starting to grow again. Since then, they have borrowed nearly £1 trillion more, cutting and cutting. As my hon. Friend the Member for Bootle (Peter Dowd) said, a nation’s...
economy is like a business; it needs investment to grow. Any respectable businessperson will tell you, “You can’t cut your way out of a recession.” The Government would do well to learn that lesson.

We needed a big plan for Britain. The Bill is like shuffling the deckchairs while our economy continues to sink. Those of us on the Opposition Benches have plenty of ideas, but it is typical of this Government’s attitude that they will not allow the Bill to be amended, they will not let the House vote on those ideas and they will not let Britain’s economy grow.

9.18 pm

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I rise to welcome the Bill. It continues the Government’s prudent financial management that has delivered growth, reduced the deficit, and reduced unemployment to its lowest level not just in my lifetime, but since before I was born. This prudent management has allowed us to invest in our public services such as the national health service. There is perhaps no public service so dear to the heart of the British people than the NHS. As a consultant paediatrician, I have worked in the NHS for the past 15 to 20 years. I have seen the very important work done by its staff on a daily basis.

The Government’s investment of £2.8 billion to 2019-20, and another £10 billion in capital investment to upgrade buildings and facilities, is extremely welcome, but that money is not just about numbers. It will save lives, improve people’s care and help us to achieve many of the targets that have been set, such as reducing stillbirths and equilibrating mental and physical healthcare. It will allow us to buy the most up-to-date diagnostic equipment, such as 3T scanners for magnetic resonance imaging, and the very newest and best medical drugs. It will ensure that the locally designed plans of sustainability and transformation partnerships have the investment that they need.

We all know that in winter the NHS is under more pressure than it is during the summer, especially given the change in the demographic of our country as people become relatively older. I therefore welcome the £350 million in the Budget that will give an extra boost to the health service—not next year, but now—by giving doctors, nurses and allied health professionals access to the resources that they need to save lives this winter. It is important to ensure that the money is well spent, and I have every confidence that our Secretary of State will ensure that it is. It needs to be spent in areas where it will directly improve patient care.

Rachel Maclean: My hon. Friend is making good comments about investment in the NHS. Will she join me in welcoming additional funds to support mental health services in schools, which will benefit young people by helping them to secure the best start in life and to deal with the challenges in their lives?

Dr Johnson: I certainly will. As a children’s doctor, I have seen a dramatic increase in the number of young people who are admitted to hospital because they have taken an overdose or self-harmed. When I was a very junior doctor, a senior house officer, a young person would be admitted on a Friday—it was usually on a Friday—who had been in such severe mental distress that he or she had taken an overdose or self-harmed in some other way. Now it is normal to see children—sometimes several—admitted to the ward every day with similar symptoms. This investment cannot come soon enough to ensure that every one of those young people is given the best possible care. As my hon. Friend said, we must ensure that it is translated into care that makes people feel better.

We must bear in mind that care is not just provided by frontline staff. People often say that we need to get rid of managers and administration, but we should not forget that secretarial support for clinicians is particularly important. None of us wants letters to be sent by secretaries weeks after they were dictated, which is something that I have experienced during my clinical career.

We need to measure outcomes. It is important for us to know how many patients we have treated, how effective their treatments were, and how long people are waiting so that we know how best to direct the funds that we have to the areas that will make the greatest difference to our constituents. We also need to avoid spending large amounts on recording and measuring so that we can spend it on treating and diagnosing.

With the advent of GP at Hand, digital taxation and online access to the Driver and Vehicle Licensing Agency, more and more of our life has entered the online world, so I welcome the Government’s investment in technology of £500 million to ensure that our economy is fit for the future. They have invested in artificial intelligence and 5G, for instance.

Alex Burghart: Given my hon. Friend’s experience of the NHS, I should be interested to hear how that £500 million investment in future technologies could benefit the health service in the future.

Dr Johnson: I shall give an example from my constituency. United Lincolnshire Hospitals NHS Trust is considering setting up a body to look at how best to deliver rural care, examining ideas such as using Skype to have consultations with people who might otherwise have to travel a long distance. There are also the possibilities of using telemedicine to monitor patients’ blood pressure, for example, while they are in the community. In such ways, we can ensure that we deliver the best possible care using very modern technology.

Kevin Hollinrake: Does my hon. Friend agree that all these opportunities to reduce the cost of providing health services in rural areas mean we also need to invest in superfast broadband and digital networks to make sure that people can actually receive this kind of new innovative care?

Dr Johnson: My hon. Friend brings me to my next point. These investments are welcome, but we also need to invest for those people who are currently receiving poor service. Church Lane in Kirkby-la-Thorpe in my constituency has among the lowest broadband speeds in the entire country. In some parts of this country, downloading a film takes longer than flying from London to Sydney. There are children in that area who are unable to do their homework, while shopping is impossible and dealing with tax online is difficult. The Government have invested strongly in this, and now over 90% of
people have access to superfast broadband, but I urge them to take any steps they possibly can as soon as possible to ensure that those few remaining homes that cannot yet do so can receive superfast broadband and are connected to this vital utility which, as my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) said, will be vital for the provision of healthcare.

People in rural communities face long travelling distances when they go from their home to school or work. That is why I welcome the Chancellor’s freezing of the fuel duty for the eighth consecutive year. This is the longest such freeze for 40 years.

Robert Courts (Witney) (Con): My hon. Friend is making many excellent points. Does she agree that there is a link between the point she has just made about broadband and what she is saying about long travelling distances? The quicker the broadband speed, the shorter the distance anyone will have to go to work, because instead of having to go to an office, they might just have to go from their kitchen to their living room.

Dr Johnson: It is indeed true that slow broadband speeds can be a challenge for people running businesses in rural areas.

The freezing of fuel duty means that the average car driver in the UK is £850 better off since 2010, which is not an insignificant amount, while the average van driver is £2,100 better off. Therefore, through this measure, the Government are supporting hard-working families and small businesses, particularly in rural areas.

Ian Paisley (North Antrim) (DUP): The economy of our kingdom largely turns on the wheels of white van man. The initiative the hon. Lady speaks in support of is critical to ensuring that our economy moves forward. I would welcome further reductions in that tax.

Dr Johnson: I thank the hon. Gentleman for his intervention.

Finally, I welcome the £668,000 the Government have given through LIBOR grant to the International Bomber Command Centre in my constituency. Bomber Command No. 166 Squadron suffered the highest losses of any allied forces unit during world war two, with an attrition rate of 44%. The centre will open next year, the year of RAF100, which is a good time for it to open in terms of remembrance. It will serve as a point for the recognition and remembrance of the sacrifice of people from 62 nations around the globe, 57,861 of whom lost their lives saving the future for us and our children and grandchildren.

The International Bomber Command Centre will record for the future the memories of those who served in Bomber Command. They include people such as 92-year-old William Leslie Anderson, my constituent and relative through marriage. He served as a flight engineer in No. 166 Squadron. A flight engineer works not only on the planes on the ground to ensure that they are fit for take-off, but with the pilot throughout the flight and then again preparing the aeroplane once it is back on the ground. People such as Mr Anderson worked hard to secure our future, and it is important that we think about the future of those who will go ahead. That is why I reject completely the Labour party’s plans to spend, spend, spend. It is our children, our children’s children, and our children’s children’s children who would pay the debt interest on such ever-increasing spending plans.

We have asked Labour Members so many times today—perhaps 25 or 26 times—how much their plans would cost, but still we have had no answer—[ Interruption. ] I appreciate that we have had an answer. We have been told that we can look it up on the internet, but I would like to know which page and document to look at, please, because I have not been able to find it.

Stephen Kerr: My hon. Friend will be aware that the Opposition’s position is that it will cost what it will cost. Sounds horrific, doesn’t it?

Dr Johnson: It certainly does sound horrific. Spending money might sound lovely now, but we would be spending the money of our children, and it is they who would suffer for it.

Alex Burghart: We were asked earlier to look things up on the internet, so I looked up something about universal credit. It turns out that £2 billion has been set aside for universal credit but, according to the shadow Secretary of State for Work and Pensions, the £1.5 billion set aside by the Chancellor in the Budget represents only £1 in £10 that needs to be put in, therefore creating a £13.5 billion black hole. Does my hon. Friend agree that that is unacceptable?

Dr Johnson: I do, and that is why I will be supporting the Finance Bill today. It is good for my constituents and it will ensure that we have an economy that is fit for the future.

9.32 pm

Rachel Maclean (Redditch) (Con): Thank you, Mr Speaker, for calling me to speak in support of this critically important Finance Bill. I listened with a great deal of interest to the hon. Member for Bootle (Peter Dowd), as I do at every opportunity. I am sure that we will have many more such opportunities in our careers. He came up with a long list of things that he was dissatisfied with in the Government’s approach to this country’s finances. Unfortunately, he missed out certain things that he really ought to have mentioned, and I would like to take this opportunity to list the things in the Bill that he ought to have praised and welcomed.

The first is the jobs miracle. Unemployment is at a 43-year low. Unlike my hon. Friend the Member for Sleaford and North Hykeham (Dr Johnson), I had actually been born 43 years ago, but I definitely do not remember the figures. Everyone up and down the country—including my constituents in Redditch—is currently benefiting from record high levels of employment, enabling them to work and bring home money for their families. They have a pay packet at the end of the week, and they have secure long-term jobs and the prospect of fulfilling their potential in life. I welcome that, and it is a shame that the hon. Member for Bootle does not.

Alan Brown (Kilmarnock and Loudoun) (SNP): Does this jobs miracle include apprenticeships for 65-year-old WASPI women?
Rachel Maclean: I am delighted that the hon. Gentleman has raised that point, which we discussed in another debate recently. I made it clear at the time that an apprenticeship is not right for every woman, but it may be right for some. This Government have set their face against ageism. If someone wants to work and they are 60, 61, 62, 63 or even 70, they can still contribute. Some Members on the Government Benches are older, and they are still contributing and doing an excellent job. We should stand against discrimination, because ageism and sexism together are a toxic combination. Indeed, if my constituents see fit to re-elect me, I hope to be in the House when I am 65, 66, 67 and maybe even 70 or 75.

Alan Brown: I thank the hon. Lady for giving way one more time. I went to see my local WASPI group on Saturday morning, and I asked her to go and speak to WASPI women in her constituency to see whether they think it is sexist or discriminatory to promote apprenticeships to them. I can assure her that they are not happy at the suggestion.

Rachel Maclean: I thank the hon. Gentleman for that intervention. I assure him that I have spoken to WASPI women in my constituency, and I have spoken to many other women of that age or older who have welcomed my comments.

The next thing that the hon. Member for Bootle (Peter Dowd) omitted from his long list is that 31 million people have seen a tax cut during this Government’s time in office, meaning that people take home more of what they earn—more hard-earned money in their pocket at the end of the week.

Let us talk about the jobs that have been created.

Kevin Hollinrake: Is my hon. Friend aware that no Labour Government have left office with unemployment lower than when they entered office?

Rachel Maclean: I am delighted that my hon. Friend has reminded me of that excellent point. He is absolutely right. This Government understand how jobs are created. That is a serious point, because jobs are created when businesses grow and risk their hard-earned savings—[Interruption.] The hon. Member for Brent Central (Dawn Butler) is talking to me from a sedentary position. Does she want to intervene?

Dawn Butler (Brent Central) (Lab): Besides my being offended by the use of the term “miracle”, which does not describe anything that the hon. Lady has described, I want to say that many businesses are not investing due to Brexit. Are zero-hours contracts included in her “miracle”?

Rachel Maclean: I thank the hon. Lady for that intervention, in which she makes two broad points. This Bill is not about Brexit, so she will forgive me if I leave it to my esteemed colleagues to discuss that, but we recognise that it will have an impact. Does she realise that it is what the country voted for? My constituents voted for Brexit, and the Prime Minister and the Government are getting on and delivering it. The Government actually have a plan for Brexit, but the Opposition Front Benchers seem to have changed their plans several times in the past day—maybe even in the past hour—and I do not think that their constituents really understand what their plan is.

I will now move on to discuss zero-hours contracts.

Eddie Hughes (Walsall North) (Con): If the figures that I have read are correct, only 2.8% of people in employment in the UK are on zero-hours contracts, which is a very small percentage. The opportunity to take up flexible working of that nature is important to some people.

Rachel Maclean: I thank my hon. Friend for his characteristically direct and pertinent intervention. In my previous career I was a member of the Chartered Institute of Personnel and Development, the industry expert on the world of work. The CIPD has carried out many studies on zero-hours contracts, and it recognises that the vast majority of people on such contracts have taken them by choice.

Stephen Kerr: Is my hon. Friend aware that, in their report on employment practices in the modern economy, Matthew Taylor and his distinguished group of independent thinkers came out firmly against the Labour party’s policy of outlawing zero-hours contracts?

Rachel Maclean: My hon. Friend is absolutely correct. Matthew Taylor has clearly stated that banning zero-hours contracts is completely the wrong thing to do. The Conservative party wants everybody to have good work in a decent job with secure working conditions, which is why we commissioned Matthew Taylor to carry out his report. As my hon. Friend, a fellow member of the Business, Energy and Industrial Strategy Committee, says, this is an incredibly important issue. The Taylor report is a detailed piece of work that looks at the rights of employees, the self-employed and workers to make sure that everybody’s rights are protected, because no business should be afraid of treating people well and giving people a decent job. That is what this Government are doing.

Alex Burghart: My hon. Friend is being extraordinarily generous with her time. Like her, I enjoyed the speech of the hon. Member for Bootle (Peter Dowd), although I did not agree with all of it. He says that there is nothing in the Bill for low-paid workers. Perhaps my hon. Friend would like to remind him that there is a tax cut for 31 million workers, from which low-paid workers will benefit.

Rachel Maclean: My hon. Friend is absolutely right. He reminds us that, in fact, there are a lot of measures in the Bill that will help low-paid workers in our country. He mentions the tax cut and how people are being taken out of tax, but what he did not say is that the increase in the personal allowance next year will mean that, in 2018-19, a typical taxpayer will pay at least £1,075 less tax than in 2010-11.

I should explain to Labour Members that taking someone out of tax is the same as giving them a pay rise, because they get to keep more of their money—perhaps he would like to intervene.

Bill Grant: Will my hon. Friend give way?

Rachel Maclean: I give way to my hon. Friend instead.

Bill Grant: I remind my hon. Friend that Scotland is the highest-taxed part of the United Kingdom. Scottish National party Members will keep me right, but they are minded to alter the tax band and take more money
from the pockets of those who are working hard. Does she agree that that is not the best way forward for the economy of Scotland?

Rachel Maclean: My hon. Friend is completely right. He reminds us of why we see so many Conservative Members representing Scotland, and I am proud to sit with them. Even though I have a Scottish surname, I am not from Scotland, but I love that part of our country. I am delighted that the Scottish people have Conservative representatives fighting for low tax.

Peter Dowd: I like the logic of the hon. Lady’s analogy about giving people a tax cut and giving them a pay rise. Does she therefore agree with me that, by her logic, giving the bankers a cut in their levy is the biggest pay rise in this Budget?

Rachel Maclean: I am glad the hon. Gentleman made his intervention, because I would like to set the record straight. The Labour party talks a lot about banks. Shall we remind ourselves that it was the Labour party and Ed Balls—its former shadow Chancellor—who created the light-touch regime that led to the crashing of our entire economy? Millions of people were thrown out of their jobs; they lost their jobs and were in poverty because of the decisions of the former Chancellor of the Exchequer.

Mr George Howarth (Knowsley) (Lab): Will the hon. Lady remind the House which party criticised the last Labour Government for having too onerous a regulatory regime in the banking system?

Rachel Maclean: I thank the right hon. Gentleman for his intervention. I was not in the House at that time, but I am certain one of my Front-Bench colleagues will pick up on that point in the wind-up. What I do know is that we are imposing more measures on the banks. We are bringing in more measures in this Finance Bill, which is collecting more money from the banks. We are clamping down on that regime—that lax regulation—that led to the banking crash, which put thousands of people out of their jobs; they lost their jobs and were in poverty because of the decisions of the former Chancellor of the Exchequer.

Dr Caroline Johnson: Does my hon. Friend think Labour Members are not answering this question about how much their spending plans would cost because they do not know or because they do not want the public to know what the answer is?

Rachel Maclean: My hon. Friend is completely right and I fear that it may be a combination of the two issues. We know that Labour Members have been questioned on this point many times by journalists and usually their answer is, “Well, that’s not for us to say.” I do not know why it is not for them to say. Do Members not think the ordinary voter has a right to know what Labour would cut to pay for its policies? We have just heard from the hon. Member for Bootle that he is going to scrap tuition fees and renationalise all the industries, and yet he still says that all he is doing is—

Peter Dowd: I referred earlier to “Freeing Britain to Compete”, and I have the reference here on my iPad. It said that we claimed “that this regulation is all necessary. They seem to believe that without it banks could steal our money, bakers would put nails in our bread...and builders would construct houses that fell down when the wind blew.”

Does the hon. Lady agree that they might not have blown down but they burned down because of deregulation?

Rachel Maclean: I thank the hon. Gentleman for his intervention. I fear that the combination of the Labour Front-Bench team would be a lot, lot worse for our banks and for our country. Let us just look at the record, because he has mentioned that a few times. Under this Government banks are paying 58% more tax than under Labour. In 2016-17, the banking sector paid £27.3 billion in corporation tax, which represents an increase of £2.9 billion. That is going to pay for an awful lot of hospitals and schools, for the police service, and for roads and sanitation in our constituencies. It is certainly going to pay for a lot more of those things in Redditch.

I remind the hon. Member for Bootle that the average amount paid by the banks every year under the Conservative party is 13% higher than it was under Labour. HMRC data shows that the average annual amount of tax paid by the banking sector between 2010-11 and 2016-17 was £23.2 billion.

In conclusion, this Government and Conservative Members represent the true party for the many working people up and down this country.

9.50 pm

Robert Courts (Witney) (Con): It is an honour to follow my hon. Friend the Member for Redditch (Rachel Maclean), whose impassioned speech took in so many detailed points with respect to the Opposition Front-Bench team. It was a forensic dissection of their economic policy from which they will struggle to recover for months and years.

This is a Budget and Finance Bill that the people of Witney and West Oxfordshire will warmly welcome. It is strategic and finely focused on the challenges that the country faces. Moreover, it operates within a constrained and careful financial climate. The Government understand the requirement for sensible fiscal policy. They understand that it is not possible simply to promise endless spending without any idea of how it will be paid for. They do not think it is simply a matter of appealing to certain groups by promising them whatever it is suggested might be wished for at the time. The Government take a sensible, practical attitude—one of financial probity and, one might even say, prudence, a concept that was once respected and beloved by the Labour party. For all those reasons,
I welcome the Bill, which forensically and strategically identifies the challenges the country faces and puts in place methods and means by which to combat them. I start my brief remarks by looking at the positives achieved by the Government and their predecessors since 2010. It is worth repeating this because it is an extraordinary record, and I hope very much that the Minister will repeat some of it, if he thinks these achievements are worthy of repeating. We have an extraordinary financial and economic record. The Government have achieved an economy that has grown by 15.8% since 2010. The deficit has been cut by two thirds and debt is scheduled to fall next year.

Alex Chalk: Does my hon. Friend, like me, welcome the fact that at the same time as the economy has been growing the tax system has been made more progressive so that the top 1% now pay 27% of the entire tax revenue—

Stephen Kerr: Twenty-eight per cent.

Alex Chalk: I am corrected: they pay 28%, which is a higher proportion than ever before.

Robert Courts: My hon. Friend makes an extremely good point that we have not heard often enough. We should absolutely keep making the point that although we hear talk of a progressive tax system from the Opposition, we see action from the Government. The 1% of highest earners now pay 28% of tax. That proportion is higher than it ever was under Labour. That is a record to be proud of. It is real progressive, practical politics from the Conservative Government.

Stephen Kerr: My hon. Friend quite rightly talks about the progressive nature of the tax regime that has been very carefully fostered by this Conservative Government. Is he aware that, for the Scottish Budget this Thursday, the Liberal Democrats in Scotland are proposing to increase income tax on people who earn £18,000 a year? Can he tell me what he thinks about the progressive nature of such a suggestion from the Liberal Democrats in Scotland?

Robert Courts: That is a horrifying suggestion. I am not surprised that that is the attitude of the Liberal Democrats in Scotland, because it is one that we see in many parts of this House—from those who do not understand that when we raise taxation on the lowest paid, it means that those people have less money in their pockets, which reduces their ability to make the decisions that they need to make with regard to themselves, their family and their life chances. When we take money away from people, we remove their freedom of action, their freedom of manoeuvre and the investment choices that they may make for their children. It is a totally unpersuasive attitude.

Ian Paisley: Does the hon. Gentleman agree that the change by this Government in the manner, timing and way in which VAT is paid by small companies up and down the country has been significant and progressive, and has been welcomed by hundreds and thousands of businessmen and women?

Robert Courts: The hon. Gentleman makes a very good point. As chairman of the all-party group for small and micro business, that is something that is very close to my heart and the hearts of those for whom I endeavour to speak in Parliament. That matter has been a concern. I know that the hon. Gentleman has campaigned on it, as have I and many others. The simplification of the VAT regime and the ability to pay online will streamline the tax process for small businesses. I am grateful to the Government for the action that they have taken in ensuring that that burden is not too onerous.

Robert Courts: My hon. Friend is absolutely right. This is a Government who are cracking down on and taking serious, practical and effective measures against tax evasion. What we hear from the Opposition are measures that will drive businesses and investment abroad. They will not invest in the businesses that we need to help grow the economy and grow jobs. What we see from the Government is effective management of the economy, and what we see from the Opposition is, as my hon. Friend quite rightly said, fantasy. The irony is that their measures will destroy jobs, destroy the economy, destroy productivity and destroy the tax revenues on which our public services depend. The policies from the Opposition will mean less, not more, for the public services.

Rachel Maclean: As my hon. Friend is explaining so clearly, when we lower taxes on small businesses, we raise more money—in fact £20 billion more, which is a significant investment.

Robert Courts: My hon. Friend is absolutely right. It is quite important that we have sensible measures in place to ensure that more money is raised for our public services.

Robert Courts: I will not give way, as I wish to make some progress in the short time that I have available to me.

I have highlighted the positive attributes and achievements of this Government. There is a range of Budget measures that I am particularly pleased to see, including: the establishment of the National Productivity Investment Fund; the increase in the national living wage; and the rise in the personal allowance, all of which are progressive policies designed to help the lowest paid. I am particularly pleased to see the new house building measures. Homes are what we need to ensure that people in this country have somewhere to live, somewhere that is of high quality, and somewhere that they can afford. I am pleased to see the stamp duty measures, and measures in relation to skills and research and development.

Recently, I was lucky enough to visit Johnstone Safety Products in my constituency in Minster Lovell. It is based in an old mill in the heart of the Cotswolds country, a beautiful, bucolic area. When a visitor arrives at this old mill, what they will see is a thriving factory. When they go around, they see robots churning out up to 40% of the safety products for above neck height. When we see how the world’s market depends on that business in my Witney constituency, we realise quite how important it
is to rely on research and development and the robots, which are bringing manufacturing jobs back to this country. They are not taking jobs away from this country because those jobs would not exist without that technology. In the heart of rural west Oxfordshire is a thriving economy based on manufacturing. That is just one of the great many things that the Budget has brought to my constituency and, indeed, to the whole country.

I welcome the air quality measures in the Budget. If I may, I will concentrate on Oxfordshire for just one or two moments more. I very much welcome the £150 million of infrastructure money—£30 million of capital funding a year for five years—that has been promised, and the £60 million for affordable homes. We have heard from my hon. Friend the Member for Seaford and North Hykeham (Dr Johnson) that LIBOR funding is going to her constituency. West Oxfordshire has also been the beneficiary of LIBOR funding. I am glad, Mr Speaker, that you have resumed the Chair because you will remember me recently mentioning ZANE: Zimbabwe a National Emergency, and Tom Benyon. Well, that charity has received £1.3 million in LIBOR funding, which is going towards 583 Commonwealth servicemen looked after by ZANE. In addition, RAF Brize Norton has been given £250,000 for renovations.

There are so many things in the Budget, and I could go on; I wish I could. [HON. MEMBERS: “Hooray!”] I am delighted that the entire House is so keen to hear me continue to speak, but I will now draw my remarks to a conclusion.

10.1 pm

Stephen Kerr (Stirling) (Con): I rise to make a few remarks in support of the Bill, which addresses fundamental issues on which the Government are doing the right things. The public finances are not in a state where we can take them for granted. Although much progress has been made on the deficit, there is still much to be done and there is certainly no room for complacency.

I turn briefly to the subject that I mentioned in an intervention a little earlier: the need to keep taxes low. By doing so, we allow people to spend more of their hard-earned money as they wish. That is something that the Scottish Government should learn as they put the final touches to their Budget on Thursday. If they raise taxes, they hurt people’s ability to make decisions for themselves, and we all know that people are capable of making decisions for themselves. The Scottish Chambers of Commerce as recently as last Thursday told the First Minister to her face that the last thing that Scotland’s businesses and economy need is a reputation for being the highest taxed part of the United Kingdom. She will ignore the voice of Scotland’s businesses at her peril and at the peril of Scotland’s economic future.

10.2 pm

Anneliese Dodds (Oxford East) (Lab/Co-op): I have to leave later this evening to get back to my constituency so that I can have a tooth removed tomorrow morning. I am expecting that to be immensely painful, and in the last few moments I might have had a foretaste of what I will experience tomorrow.

The debate has made clearer than ever the tunnel vision of this Government, who are carrying on regardless, ignoring call after call to change economic course. Just as with the Budget, this Bill is not fit for purpose and not fit for the future. It falls woefully short of preparing the country for the challenges it faces: from the chaotic no-deal Brexit that this Government still will not rule out to the longest squeeze on wages since Napoleonic times; from record rates of child poverty to our slowdown in productivity, which is unique among comparator countries; and from what was, in the first half of this year, the third slowest GDP growth in the whole OECD to the huge regional disparities in investment that were set out with crystal clarity by my hon. Friends the Members for Bradford South (Judith Cummins), for Heywood and Middleton (Liz McInnes), for Easington (Grahame Morris) and for High Peak (Ruth George).

Mr Speaker, thank you very much for selecting our amendment, which I am formally moving because the official Opposition cannot accept the Bill as it stands. First, it does not provide measures to comprehensively lift the public sector pay cap. We will have to wait until next summer to ascertain even whether the conditional rises suggested by the Government will be put into place. Nor does it take action to boost the incomes of low and middle earners. As was powerfully argued by my hon. Friends the Members for Harrow West (Gareth Thomas) and for Walthamstow (Stella Creasy), such incomes have stagnated in recent years.

The change in the Bill to stamp duty will, according to the OBR, only increase house prices in the absence of action to decisively increase supply—[Interruption.] I am sorry, but that is the assessment of the OBR. I have read its assessment: the measure will fail to deal with our housing crisis in the absence of measures to increase supply—the kind of measures described so eloquently by my hon. Friend the Member for Easington. In that regard, I would add to the points made by my hon. Friend the Member for Harrow West, in that there is no action to promote alternative business forms. There is no action in the Bill to deal with the inequitable situation where some housing co-ops are facing higher rates of stamp duty than private housing providers.

The Bill also fails to reverse the Government’s 2015 cut to the bank levy, as so many of my hon. Friends have said. The Government are denying themselves £4.7 billion of tax revenues from banks over five years. As many have mentioned, the Bill also further reduces the scope of the bank levy. As we all know, that follows from what was, in the first half of this year, the third slowest GDP growth in the comparator countries; and from what was, in the first half of this year, the third slowest GDP growth in the whole OECD to the huge regional disparities in investment that were set out with crystal clarity by my hon. Friends the Members for Bradford South (Judith Cummins), for Heywood and Middleton (Liz McInnes), for Easington (Grahame Morris) and for High Peak (Ruth George).

As my hon. Friend the Member for Bootle (Peter Dowd) set out, these tax cuts occur while experts are warning that children’s services are strained to breaking point after seven years of budget cuts. For example, we have seen the halving of funding for early intervention, despite the number of child protection plans doubling.

We have heard concerning details about local pressures on services, particularly from my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe). That hardly
In the previous Finance Bill, the Government restricted the number of examples and I will throw in one of my own. She eloquently argued, that the Government have not learned the lessons of the Paradise papers. She mentioned a case, as my hon. Friend the Member for Walthamstow animated the Government.

That is compounded by the Government's determination to push ahead with the restructuring of HMRC, which is leading to the loss of so many experienced staff at the very time when we desperately need them to protect Government revenues and to run our customs procedures. Staff numbers at HMRC and the Valuation Office Agency have plummeted by 17% between 2010 and the present day, and we heard just last week that the VOA will be cut even further. Its headcount will go down by a quarter at the same time as there are 200,000 outstanding appeals and valuations will be occurring more frequently.

In contrast to the Government's giveaways to profitable corporations and the best-off taxpayers, the brunt of their cuts have, of course, fallen on those least able to afford them. Sadly, despite requests from a variety of people on both sides of the House for an equality impact assessment of the Finance Bill, which have been amplified by the Treasury and the Women and Equalities Committees, we still do not have one. Just last week, when the Chancellor was asked in the Treasury Committee about the existence of an equality impact assessment by my hon. Friend the Member for Wirral South (Alison McGovern), he had to ask a civil servant—and I use his phrase—"Do we have it?" The answer that came back, after some circumlocution, I took as, "No." That response was frankly astonishing. It comes at the same time as a recent report by the Runnymede Trust and the Women's Budget Group shows that as a result of tax and benefit changes and lost services since 2010, by 2020 it is the poorest families who will lose the most, with an average drop in living standards of about 17%. Lone parents, nine out of 10 of them lone mothers, and black and Asian households within the lowest income quintile will experience an average drop in their living standards of about a fifth.

In 2016, the Government agreed to exempt solar panels from an increase in domestic VAT after pressure within Parliament, yet there is no scope within the amendment of the law resolution, thus restricting the scope of the Bill's commitment to levy landfill tax on illegal waste dumps, I fear that without appropriate staff in the Environment Agency, we will not see where those dumps are, as many of us have discovered from our constituency casework. This is yet another measure seen just on paper and not in practice.

Despite all this—despite these failures—we are determined as an official Opposition to take every opportunity within the constrained environment we face to try to amend this Bill. It is what our constituents deserve and it is what parliamentary scrutiny deserves. I only wish we could do so in the manner that is merited through a proper debate and with the ability to table proper amendments.

Mr Speaker: Order. Before I call the Minister, I think that the hon. Lady was moving the amendment, was she not? It would have been helpful for her specifically to say "and I so move." In that case, it was not audible, and it is not her fault that there was too much noise, but I am grateful for the confirmation that the amendment has been moved.

Amendment proposed: To leave out from “That” to the end of the Question and add: “this House declines to give a Second Reading to the Finance (No. 2) Bill because it contains no measures to address the fact that the UK has the slowest economic growth in the G7 while the IFS warns of two decades of lost earnings growth, it fails to reverse the Government’s 2015 Bank Levy cut resulting in £4.7bn less in tax revenue from banks over five years and contains measures to further limit the scope of the Bank Levy resulting in a further fall in revenue, whilst at the same time crucial services rely on are at risk due to seven years of budget cuts, it proposes a stamp duty cut that, according to the analysis of the OBR, will increase house prices, instead of helping to address the housing crisis through measures to build more affordable homes, it proposes policies without the benefit of an adequate Equalities Impact Assessment, it arises from a Budget which made no provision for lifting the public sector pay cap or addressing the funding crisis in social care and the NHS, it includes no measures properly to tackle tax avoidance and evasion and it is not based on an amendment of the law resolution, thus restricting the scope of amendments and reducing the House’s ability to properly scrutinise and improve the Bill.”—[Anneliese Dodds.]

Question proposed, That the amendment be made.

10.12 pm

The Exchequer Secretary to the Treasury (Andrew Jones): We have had a very comprehensive debate, as is fitting for a Finance Bill. I thank all Members who have contributed.

Some Members mentioned the public sector pay cap. They might not have noticed that it was lifted on 12 September in a statement made by the Chief Secretary
to the Treasury. That was confirmed in the Budget on 22 November. Lots of Labour Members commented on the bank levy, failing to recognise that our changes will be raising revenue from the banking sector, and failing to remember that Labour voted against introducing the bank levy in 2011 and against introducing the bank surcharge in 2015.

Many Members have spoken at some length about transport schemes. They will be delighted to know that, excluding in the exceptional years following the financial crisis, public investment as a proportion of GDP will have reached its highest level in decades during this spending period. This includes a 50% increase in transport investment that is funding the biggest road programme in a generation. That will be welcomed by those who are interested in the A19, such as the hon. Member for Easington (Grahame Morris) and my hon. Friend the Member for Thirsk and Malton (Kevvin Hollinrake). We are also seeing the biggest rail transformation in modern times, which will please many Members.

We heard some comments about tax evasion. It might be worth reminding the House that this Government have taken more action to clamp down on tax evasion than any other Government. The 100 measures we have introduced since 2010 have raised more than £160 billion. The Government’s pledge is that we will continue to act in that way. If Members want the clamping down on tax evasion to continue, they should support the Bill, because it includes measures to take that forward.

One key area that my constituents have raised with me is housing. They have highlighted the fact that in my constituency, the ratio of the average house price to the average salary has reached 14:1. Across England and Wales, the ratio has reached 8:1, which means that it has doubled in just two decades. I had a meeting this morning with the new Conservative Mayor of Cambridgeshire and Peterborough, who highlighted that in his area the ratio is more than 20:1.

The autumn Budget set out our plan to deliver the pledge we have made to the next generation, namely that the dream of home ownership will become a reality in this country once again. A comprehensive set of reforms will not just boost housing supply, but help those who are looking to buy now with the up-front costs that can often get in the way. The stamp duty measure in the Bill will make sure that the tax system does not act as a barrier to first-time buyers who are seeking to get on to the housing ladder.

Let me finish by saying that the Bill is central to the Government’s vision for a brighter future for Britain. It will help to deliver that vision by helping more people to purchase their own home, promoting further economic growth, and delivering a fair, balanced and sustainable tax system. Those are significant steps towards making us fit for the future. We are building on our progress and past successes. The economy is 15.8% bigger than it was in 2010. Unemployment is at its lowest level since 1975 and income inequality is at its lowest level since 1986. We have cut the deficit by more than two thirds and, based on our plans, the OBR expects debt to fall from next year. People have talked about unemployment, which has fallen significantly. Employment has increased by more than 3 million since 2010. Opposition Front Benchers often talk about employment in London, and perhaps they should be aware that employment in London has grown by nearly 900,000 during this period. This Bill builds on successes, and I commend it to the House.

Question put, That the amendment be made.

The House divided: Ayes 271, Noes 312.

Division No. 61] 

AYES

Abbot, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tony
Ashworth, Jonathan
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Brädshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
David, Wayne
Davies, Geraint

Day, Martyn
Day, rh Ms Dianne
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Olive
Elliot, Julie
Elman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fox, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsil, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Tellers for the Ayes: Nic Dakin and Thangam Debbonaire

NOES

Davies, Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Freer, Mike
Fysh, rh Sir Michael
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca

Wilson, Phil
Yasin, Mohammad
Zeichner, Daniel
That the Bill be now read a Second time.

**Question put forthwith (Standing Order No. 62(2)), That the Bill be now read a Second time.**

The House divided:

**Tellers for the Ayes:**

- AYES
  - Afolami, Bim
  - Afriyie, Adam
  - Aldous, Peter
  - Allan, Lucy
  - Allen, Heidi
  - Amess, Sir David
  - Andrew, Stuart
  - Arag, Edward
  - Atkins, Victoria
  - Bacon, Mr Richard
  - Badenoch, Mrs Kemi
  - Baker, Mr Steve
  - Baldwin, Harriett
  - Barclay, Stephen
  - Baron, Mr John
  - Bebb, Guto
  - Bellingham, Sir Henry
  - Beresford, Sir Paul
  - Berry, Jake
  - Blackman, Bob
  - Blunt, Crispin
  - Boles, Nick
  - Bone, Mr Peter
  - Bottomley, Sir Peter
  - Bowie, Andrew
  - Bradley, Ben
  - Bradley, rh Karen
  - Brady, Mr Graham
  - Breerton, Jack
  - Bridgen, Andrew
  - Brine, Steve
  - Brokenhine, rh James
  - Bruce, Fiona
  - Buckland, Robert
  - Burghart, Alex
  - Burns, Conor
  - Burt, rh Alistair
  - Cairns, rh Alun
  - Cartlidge, James
  - Stewart, Rory
  - Streeter, Mr Gary
  - Stride, rh Mel
  - Stuart, Graham
  - Sturdy, Julian
  - Sunak, Rishi
  - Swayne, rh Sir Desmond
  - Swire, rh Sir Hugo
  - Sym, Sir Robert
  - Thomas, Derek
  - Thomson, Ross
  - Throup, Maggie
  - Tolhurst, Kelly
  - Tomlinson, Justin
  - Tomlinson, Michael
  - Tracey, Craig
  - Tredinnick, David
  - Trovelyan, Mrs Anne-Marie
  - Truss, rh Elizabeth
  - Tugendhat, Tom
  - Vaizey, rh Mr Edward
  - Vara, Mr Shailesh
  - Vickers, Martin
  - Villiers, rh Theresa
  - Walker, Mr Charles
  - Walker, Mr Robin
  - Wallace, rh Mr Ben
  - Warburton, David
  - Warman, Matt
  - Watling, Giles
  - Whately, Helen
  - Wheeler, Mrs Heather
  - Whittaker, Craig
  - Whittingdale, rh Mr John
  - Wiggin, Bill
  - Williamson, rh Gavin
  - Wilson, Sammy
  - Wollaston, Dr Sarah
  - Wood, Mike
  - Wragg, Mr William
  - Wright, rh Jeremy
  - Zahawi, Nadhim

- **Nigel Adams**

**Tellers for the Noes:**

- **AYES**
  - Cash, Sir William
  - Caufield, Maria
  - Chalk, Alex
  - Chishti, Rehman
  - Chope, Mr Christopher
  - Churchill, Jo
  - Clark, Colin
  - Clark, rh Greg
  - Clarke, rh Mr Kenneth
  - Clarke, Mr Simon
  - Cleverly, James
  - Clifton-Brown, Geoffrey
  - Coffey, Dr Thérèse
  - Collins, Damian
  - Costa, Alberto
  - Courts, Robert
  - Cox, Mr Geoffrey
  - Crabb, rh Stephen
  - Crouch, Tracey
  - Davies, Chris
  - Davies, T. C.
  - Davies, Glyn
  - Davies, Mims
  - Davies, Philip
  - Davis, rh Mr David
  - Dinenage, Caroline
  - Djanogly, Mr Jonathan
  - Docherty, Leo
  - Dodds, rh Nigel
  - Donaldson, rh Sir Jeffrey M.
  - Donelan, Michelle
  - Dorries, Ms Nadine
  - Double, Steve
  - Dowden, Oliver
  - Doyle-Price, Jackie
  - Drax, Richard
  - Duddridge, James
  - Duguid, David
  - Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, rh Mr Marcus
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Hallon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
 Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Head, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinsrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jerkin, Mr Bernard
Jennic, Robert
Johnson, rh Boris
Johnson, Mr Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewandowski, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackintosh, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Merrer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Millington, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sherry
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philip, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Reess-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Sandbach, Antoinette
Scully, Paul
Seely, rh Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Allok
Sherbrooke, Alec
Simon, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Rosston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, lain
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swain, rh Sir Desmond
Swire, rh Sir Hugo
Sym, Mr Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohurston, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, Mr Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
David Rutley and Nigel Adams

NOES

Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
(1) The following shall be committed to a Committee of the whole House—

(a) Clause 8 (exemption for armed forces' accommodation allowances);

(b) Clause 33 and Schedule 9 (the bank levy);

(c) Clauses 40 and 41 and Schedule 11 (stamp duty land tax);

(d) New Clauses or new Schedules relating to—

(i) The income tax treatment of armed forces' accommodation allowances,

(ii) The bank levy,

(iii) Stamp duty land tax,

(iv) The effect of the Bill on equality,

(v) The effect of the Bill on tax avoidance or evasion.

Question accordingly agreed to. 

Bill read a Second time.

FINANCE (NO. 2) BILL (PROGRAMME) 

Motion made, and Question put forthwith (Standing Order No. 83A(7)).

That the following provisions shall apply to the Finance (No. 2) Bill:

Committal

(1) The following shall be committed to a Committee of the whole House—

(a) Clause 8 (exemption for armed forces' accommodation allowances);

(b) Clause 33 and Schedule 9 (the bank levy);

(c) Clauses 40 and 41 and Schedule 11 (stamp duty land tax);

(d) New Clauses or new Schedules relating to—

(i) The income tax treatment of armed forces' accommodation allowances,

(ii) The bank levy,

(iii) Stamp duty land tax,

(iv) The effect of the Bill on equality, or

(v) The effect of the Bill on tax avoidance or evasion.
Business without Debate

DELEGATED LEGISLATION

Mr Speaker: With the leave of the House, I propose to take motions 3 to 16 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

FINANCIAL SERVICES AND MARKETS
That the draft Risk Transformation (Tax) Regulations 2017, which were laid before this House on 12 October, be approved.

MEDICINES
That the draft Pharmacy (Preparation and Dispensing Errors—Registered Pharmacies) Order 2018, which was laid before this House on 13 November, be approved.

PROCEEDS OF CRIME
That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order 2018, which was laid before this House on 23 October, be approved.

That the draft Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018, which were laid before this House on 23 October, be approved.

That the draft Criminal Finances Act 2017 (Consequential Amendment) Regulations 2018, which were laid before this House on 23 October, be approved.

That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2018, which was laid before this House on 23 October, be approved.

CONSTITUTIONAL LAW
That the draft Scotland Act 1998 (Insolvency Functions) Order 2017, which was laid before this House on 14 September, be approved.

PROCEEDS OF CRIME
That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2018, which was laid before this House on 23 October, be approved.

That the draft Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) Order 2018, which was laid before this House on 23 October, be approved.

PREVENTION AND SUPPRESSION OF TERRORISM
That the draft Terrorism Act 2000 (Code of Practice for Authorised Officers) Order 2018, which was laid before this House on 23 October, be approved.

CONSTITUTIONAL LAW
That the draft Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2017, which was laid before this House on 13 September, be approved.

BANKS AND BANKING
That the draft Scottish Banknote (Designation of Authorised Bank) Regulations 2017, which were laid before this House on 12 September, be approved.

ELECTRONIC COMMUNICATIONS
That the draft Electronic Communications Code (Jurisdiction) Regulations 2017, which were laid before this House on 19 October, be approved.

That the draft Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017, which were laid before this House on 19 October, be approved. — (Rebecca Harris.)

Question agreed to.
COMmUNITIES AND LOCAL GOVERNMENT
Ordered,
That Jo Platt be a member of the Communities and Local
Government Committee.—(Bill Wiggin, on behalf of the Selection
Committee.)

ENVIRONMENT, FOOD AND RURAL AFFAIRS
Ordered,
That Jo Platt be discharged from the Environment, Food and
Rural Affairs Committee and Kerry McCarthy be added.—
(Bill Wiggin, on behalf of the Selection Committee.)

10.46 pm
Mr David Lammy (Tottenham) (Lab): I wish to use
this Adjournment debate to raise the case of Abdulkarim
Boudiaf, a constituent of mine who tragically lost his
life in Tottenham on 14 March 2009. As Members of
Parliament, we are first and foremost representatives of
our constituents: we are sent here to speak for them, to
represent them, to serve them, and to fight for their interests.
This is a responsibility that I have always taken with the
utmost seriousness, so tonight I stand here as the Member
of Parliament for Tottenham, but also as the representative
of the Boudiaf family, who are yet to find closure and
are yet to get justice for their son who was taken from
them in the most brutal of circumstances.

Eight long years have passed since Karim’s untimely
death, yet the family’s grief remains as raw as on the day
he died. Their search for justice goes on, and their son’s
murderers are yet to be brought to justice for this heinous
crime. Many listening may reflect on a high-profile case
from a different constituency and think that the case of
my constituent is eerily similar to that of Stephen Lawrence.
Two of the original murder suspects, Gary Dobson and
David Norris, were convicted and are serving minimum
life terms. The remaining three prime suspects in the
murder of Stephen Lawrence on 22 April 1993 are still
free from conviction and punishment, however. I hope
tonight that I will be able not only to shed some light on
the circumstances of the case, but to highlight wider
concerns about the implications of the double jeopardy
rule in pursuing public prosecutions.

Karim, as he is known to his family, was a talented
and outgoing young man with aspirations of attending
the University of Northampton to read law. I was once
a young man from Tottenham with aspirations to go to
university to read law, so it breaks my heart that the
opportunity was snatched away from Karim when he
was callously murdered outside the Elmhurst pub on
Broadwater Road in my constituency on Saturday
14 March 2009.

At the time of the tragic incident, Karim was enjoying
an evening out with friends. Aged just 18 years, he was
shot in cold blood at point-blank range and sustained
fatal injuries to the abdomen and neck shortly after
10 o’clock in the evening. Emergency services were
called to the scene and paramedics fought desperately
to save his life, yet, sadly, in vain; he was pronounced
dead at the scene.

Karim left behind a mother, a father and two siblings.
As each day passes, the family struggle to come to terms
with what happened and with the horrific circumstances
in which Karim lost his life. No motive was identified,
nor was the murder weapon ever found. It has been
extremely difficult for the Boudiaf family to accept,
first, that their son is gone; secondly, that the murder
case remains unsolved; and, thirdly, that the perpetrators
of this senseless crime walk free among us today.

Jim Shannon (Strangford) (DUP): I should like to
congratulate the right hon. Gentleman for bringing this
matter forward with such dedication. Does he agree
that the reward offered for information in 2016 should
be reviewed, and that a renewed publicity campaign should be launched to seek justice for the family of this young man, who was planning to study law and was a much loved member of his family and of the community?

Mr Lammy: The hon. Gentleman is absolutely right. It is important that, when we offer incentives to the public to come forward, the sum involved is appropriate and the right amount to draw attention to the crime and to bring people out of the woodwork. The threshold in these sorts of cases is so high.

The perpetrators of this crime are walking free—free from conviction for this serious offence, free from justice, free from having to face up to their crimes and free to live under the pretence of being just another ordinary citizen in society. Karim’s family are not free. They cannot find any peace. They cannot find closure. They cannot live their lives with this injustice hanging over them.

Karim was out with a crowd of friends in the vicinity of a busy pub on a Saturday night. There were numerous witnesses who saw what happened to him, and some of them gave evidence, but their testimony was undermined during the investigation into his death. The Metropolitan police and the Crown Prosecution Service brought charges against two men, Asher Vance and Jack Johnson. However, the defendants were acquitted during a trial heard at the Old Bailey in 2009, much to the family’s disgust. The family’s grief was further compounded when they heard that any further prosecutions involving the only defendants charged with the murder of Karim could take place only if new and compelling evidence was brought to light in accordance with double jeopardy legislation.

Since the prosecutions failed, I have been raising questions about the relationship between double jeopardy and prosecution appeals. Was the original investigation robust and watertight? Were any stones left unturned? Why did the prosecution fail? Why was the murder weapon never found? Why was a motive never established? Is there anything that the police and Crown Prosecution Service could have done differently?

During the trial, Karim’s mother shared her anguish with the public through the recital of poetry. It is heartbreaking to have to say that the family felt that their ethnic background and Muslim faith was held against them, and that they felt marginalised throughout the process. I am no stranger to the issues of how race and ethnicity interact with our criminal justice system, having published a review into this subject area for the Prime Minister in September. The Boudiafs are a proud, loving family of Algerian descent, who have close ties to the Algerian community in my constituency and across London. It is a cause of real concern that any family faced with. Karim’s mother in particular has always felt that her Algerian background resulted in conscious and unconscious bias in the course of police investigations, which in turn contributed to a failure to secure a conviction at trial.

Social divisions, racial inequality and the disproportionate representation of individuals from black, Asian and minority ethnic backgrounds as the victims of crime are issues we have seen highlighted time and again in criminal cases. Notably, all these issues were deeply rooted in one of the most high-profile cases in criminal history in the UK: the murder of Stephen Lawrence in 1993, and the subsequent miscarriage of justice that saw his case overlooked for 19 years.

Changes to the application of the rule of double jeopardy followed shortly after recommendations in the Macpherson report, published in 1999. Amendments to sections 75 to 97 in part 10 of the Criminal Justice Act 2003 permit retrials where new and compelling evidence is brought against the acquitted. Those changes mean that acquittals can be quashed, and that qualifying and serious cases can be retried in the interests of, and in pursuit of, justice. However, it took 19 long years before significant failings were recognised. It was 19 years before substantial changes were made to the application of the double jeopardy rule. Ultimately, it took 19 years too long before only two successful convictions were secured under revisions to the doctrine of double jeopardy. How long will the Boudiaf family have to wait before justice is duly served and they can find some semblance of peace?

Following my interventions, the police launched a fresh appeal in 2015 for more information about the murder. To the family, the police efforts felt cursory. I understand that it is still an open case, but no active investigation is being undertaken at this point. For there to be an active investigation, the Homicide and Serious Crime Command would need to review the case. I am calling for a review and an active investigation as we approach the 10th anniversary of Karim’s death. Against a backdrop of austerity and spending cuts since 2010, I am also concerned that police services lack the resources they need to actively investigate open cases—even in a brutal murder case such as this. The Met is already having to find £1 billion of cuts, which has led to the loss of 2,800 staff and the closure of police stations across the capital in recent years.

Naz Shah (Bradford West) (Lab): The Macpherson report will be 20 years old next year, and does my right hon. Friend share my concern that we still do not have the diversity in the workforce, particularly in the police, that we need so that communities are represented?

Mr Lammy: My hon. Friend is quite right that part of this story is about ensuring that Britain’s ethnic diversity is replicated across the criminal justice system at all levels. There has been some small progress in the Met police but, as my review found, we need to see diversity among the judiciary and our prison officers if we are to ensure that ethnic minority communities have faith and trust in our criminal justice system.

I am grateful to the Solicitor General for being here today to listen to and understand the feelings of the family. I am also grateful for his offer of a meeting with the family, senior representatives from the Crown Prosecution Service and the police, and I will take up that offer following this debate.

Karim was somebody’s son, brother and friend. As the family’s MP, I am not only calling for justice but representing them and ensuring that those who have been silenced throughout the intervening years since the trial, are finally heard today in our Parliament. Karim’s family have not received adequate support
from the state. They inform me that they continue to feel undermined and ignored to this day. Instead, they rely on the kindness of individuals in the Muslim community, in which they feel understood and supported.

This year marks the eighth year since Karim’s death, and his family’s determination to get justice for their son remains unwavering. Over the years, the family have repeatedly posed the same questions relating to the police’s failure to build a strong case to prosecute, the failure of the prosecution in court and the shortcomings of reporting methods and communication between the state and the bereaved family following the trial. The family, who are still reeling from the death, have said that they were not aware of any right to review the decision made by the CPS not to bring any further charges against the main defendant in the form of a retrial. The family were not made aware of the victim’s right to review and believed that any appeals would cost them financially. If they had been told, they would have submitted an appeal within the time limit, which is between five working days and three months following the CPS decision.

Clearly, this is an exceptional and alarming case. I would like reassurances from the Solicitor General today that if the family were to proceed with a review request, their submission would be treated and assessed under exceptional circumstances. What is more, the family are no clearer on who actually discharged the firearm that killed Karim, why witness intimidation was not taken more seriously, why special measures were not put in place to protect witnesses in the case, and whether there was forensic evidence that would have provided new leads and evidence for the investigation. The same questions that they posed almost a decade ago remain unanswered. In an all too familiar and tragic tale when it comes to victims of violent crime from black, Asian and minority ethnic backgrounds, the lack of communication and information about Karim’s case have caused the family to lose confidence and trust in our criminal justice system. Since Karim’s death, I have supported the family and witnessed at first hand the agony and trauma that they face and battle with on a daily basis. It pains me every time I meet the family to see the looks of despair and the glimmer of hope that has been dashed.

Many who know the family believe that there is sufficient evidence, including three significant witnesses, to support a conviction. They feel that, regrettably, the scope of the police investigation was limited. The thought of having no right of appeal and no retrial is unthinkable for them.

Although of course I appreciate the principle of double jeopardy, I am concerned that the rule is fundamentally flawed. It is for that reason that I call on the Government to look again at the rule. It is time for the Government to review how it operates in practice and whether it is working as it was designed, or whether in fact it is actually preventing miscarriages from being overturned, resulting in guilty individuals avoiding justice.

The Government must also consider how circumstances such as witness intimidation and shortcomings on the part of the police and the Crown Prosecution Service can be taken into account so that justice is served. It is, of course, right and proper that the law must safeguard against miscarriages of justice. Currently, to obtain a prosecution appeal against an acquittal, we have a strict and narrow application of the double jeopardy rule that uses a high evidential threshold to test for qualifying offences.

I believe the current legislation is inflexible and does not reflect modern conditions and scientific advances. The original trial must be fit for purpose, watertight and leave no stone unturned if the double jeopardy rule is to work properly and if we are to avoid miscarriages of justice like we see in this case. Recent evidence suggests that the scope for retrials of acquitted individuals under the legislation is too narrow.

The criminal law review published in 2014 confirmed that only 13 applications for retrial were made to the Court of Appeal under the provisions of the double jeopardy rule. Of those 13 applications, nine resulted in retrials. The defendants in seven of those cases were retried and convicted, with two defendants convicted on a guilty plea. Just one case led to acquittal. That evidence highlights clearly how restrictive the double jeopardy rule is.

In the case of Abdulkarim Boudiaf, there is still a long way to go until we can reasonably conclude that justice has been done. Those responsible for his murder are protected by this rule, so it logically follows that the tragic circumstances of this case call into question the fairness of the double jeopardy rule. The law must serve the interests of the victim, of the victim’s family, of the public and, most of all, of justice. In 2019 it will be 10 years since Karim was murdered. The case remains open.

11.2 pm

The Solicitor General (Robert Buckland): I commend the right hon. Member for Tottenham (Mr Lammy) for moving and persuasively putting his case on behalf of his constituents and for securing this Adjournment debate. I join him in expressing my regret and sadness that the family have not yet found justice for their son.

The right hon. Gentleman has already said that we have agreed to meet separately with the Boudiaf family, the police and the Crown Prosecution Service to discuss this case in detail and, yes, to try to start rebuilding the faith that the family have clearly lost in the criminal justice system.

I am grateful to the right hon. Gentleman for providing detail on the investigation and trial. I hope to add some further context from the prosecution’s point of view. During the criminal trial, the prosecution presented substantial evidence, including three significant witnesses and closed-circuit television coverage that confirmed that the main defendant left the public house at the same time as the victim. However, one defendant was acquitted on the direction of the trial judge, and the other two defendants, including the one accused of murder, were acquitted by the jury.

Since the acquittal, as we have heard, the police have launched two media appeals for evidence in the hope of trying to find a breakthrough. Sadly, they have not been successful so far. I note the points raised by the right hon. Gentleman and by other hon. Members about the question of whether a renewed appeal for evidence should be made. I am sure that will be one of the specific questions about this tragic case that we will be able to discuss in person with the right hon. Gentleman, the family, the Crown Prosecution Service and the police. Those questions are probably most appropriately dealt with in that forum. However, I hear what the right hon. Gentleman says with the greatest clarity, and I can assure him that the matter will be given the most anxious and serious consideration. Questions that he raises about the absence
[The Solicitor General]

of the murder weapon and the evidence of motive—all these matters—must be seriously considered, and I give him that assurance.

What I can do productively in this debate is try to address the wider points that the right hon. Gentleman raised about support for the families of victims and about the double jeopardy legislation itself. I am of course deeply saddened to hear that the Boudiaf family feel so let down by the criminal justice system. I hope we can go some way to helping them to feel that they are being heard and understood when we meet them soon, but I understand that that cannot just be solved with a single meeting. To support families such as the Boudiafs, who suffer the trauma of the loss of a loved one and the acquittal of the alleged perpetrator, the CPS, the police and the charity Justice After Acquittal published a joint protocol in January. Under these national standards of support, bereaved families are offered a series of meetings with the CPS and the relevant police force. These standards also entitle families to a joint meeting with the CPS and the police following completion of full reviews of their case. The meetings are intended to provide an opportunity for the family to learn, in as much detail as possible, what might have led to the acquittal and what their options might be. Those standards did not exist at the time of this tragedy, but I very much hope they will go some way in helping us to improve communication, not just with families such as the Boudiafs but with every family that suffers such a trauma and such a tragedy.

The right hon. Gentleman rightly cites his recent review, and I am glad to have this opportunity to commend him for the work he has done to bring it about. The Government are currently preparing their response, and the CPS will respond as part of that. I welcome his findings in the review of the overall proportionality of CPS decision making, though we know there is still much to do. The CPS is considering his recommendations very carefully indeed. His review also notes that the CPS has proved itself willing to be open to external scrutiny, which gives different communities and groups an opportunity to hold CPS officials to account and to be heard. This serves as a strong framework to deal with situations where communication has broken down between a community and the CPS, as he suggests with respect to the Algerian community in Tottenham and indeed across London.

The right hon. Gentleman also raised concerns about the double jeopardy legislation. I hope I can reassure him of the importance of this legislation and provide some detail on the way the CPS applies it, though he will understand that wider policy considerations on this topic will be for my ministerial colleagues in the Ministry of Justice to address. The double jeopardy rule that a person should not be tried twice for the same offence represents an important principle—a principle of providing finality in criminal proceedings that protects an accused person from a further trial and helps to ensure the efficient investigation of offences. One can see from a cursory view of that principle how important it is in a system where the rule of law must apply.

There are two principles arising from the common law which underpin the double jeopardy rule. The first is known by the terms “autrefois acquit” and “autrefois convict” Those principles provide a bar to the trial, in respect of the same offence, of a person who has previously been either acquitted or convicted of that offence. In addition, the courts may consider it an abuse of process for additional charges to be brought, following an acquittal or conviction, for different offences that arose from the same behaviour or facts. The law on double jeopardy was reformed in 2003 after recommendations of the Law Commission and those set out in Lord Justice Auld’s review of the criminal courts, which was published in 2001. Under the Criminal Justice Act 2003, the Court of Appeal may, for certain specified offences, quash an acquittal and order a retrial, if the Court is satisfied of three particular alternatives.

The first is that there is compelling new evidence of guilt, to which the right hon. Gentleman did indeed allude. The second is that it is in the interests of justice for there to be a retrial—for example, it must be considered whether a fair trial would be unlikely because of adverse publicity about the accused or whether the police or prosecution has acted with due diligence and expedition with regard to the new evidence, and the length of time since the alleged offence must be considered. Finally, the Court must be satisfied that a retrial does not breach double jeopardy laws in EU law—that is, that the person has not been prosecuted and had a penalty imposed for the same acts in a contracting state. I said that the three were alternatives, but in fact they are cumulative reasons for the Court to be satisfied, so I correct myself on the record.

Parliament decided that there should also be other safeguards, including that the Director of Public Prosecutions must authorise a reinvestigation of an acquitted person. Indeed, the CPS published guidance on the retrial of serious offences that sets out in full the procedure and principles for instigating a reinvestigation of an acquitted person and an application to the Court of Appeal to quash that person’s acquittal. In essence, before the police can launch a full reinvestigation of acquitted individuals, they must provide the CPS with new and compelling evidence, which the police have not yet been able to obtain in that case. Examples of such new evidence might include DNA or fingerprint tests, or new witnesses to the offence coming forward.

Under section 78 of the 2003 Act, new evidence is “new” if it was not adduced at the original trial of the acquitted person. That would in fact include evidence that was available at the first trial but was not used. That is an important qualification that should be borne in mind. New and compelling evidence of guilt is required as a judge and jury would have already acquitted the person on the basis of the existing evidence before the court.

If evidence of a flawed investigation amounted to new compelling evidence of guilt and it was in the interests of justice to proceed with a retrial for a specified offence, that could be a basis on which to refer the matter to the Court of Appeal to ask for a retrial. Reliance on such evidence would raise questions about whether it would be in the interests of justice to order a retrial. If the failure to use the evidence was because of a lack of diligence or expedition by the prosecutor, that is a factor relevant to the application of the test set out in section 79(2)(c)—namely, whether it is in the interests of justice. There is currently no evidence that that is the situation in this particular case.
I praise the right hon. Member for Tottenham again for the seriousness with which he takes his duties to his constituents and for all the work he has done on the review that bears his name, which I am sure will lead to an improvement in the way the criminal justice system serves ethnic minorities in our country. My office will be in touch with his office very shortly to arrange a meeting with the Boudiaf family, the CPS and the police to try to start to rebuild that essential trust that has sadly but clearly broken down in this case.

Question put and agreed to.

11.13 pm

House adjourned.
Royal Mail is in negotiations with the Communication Workers Union, and progress has been made following mediation by Professor Lynette Harris. I assure the hon. Gentleman that there would be a great loss to the postal workers, who, let us not forget, own 12%—

Mr Speaker: Order. I am extremely grateful to the Minister, but we have a lot to get through. We need to be much brisker. Sorry.

Christian Matheson: I refer to my entry in the Register of Members’ Financial Interests. As postal workers trudge through the snow this morning, they will have a right to be aggrieved at losing their pensions, while Moya Greene gets paid £1.9 million and gets free flights, paid for by Royal Mail, to Canada. Does the Minister accept that?

Margot James: I disagree with the hon. Gentleman. The pension scheme, if left unchanged, would result in virtual bankruptcy for Royal Mail. It would require an injection of £1.3 billion annually, against profitability of approximately £700 million. I think he can do the maths himself.

Afzal Khan: Royal Mail is paying out over £200 million in dividends every year to private shareholders. Last year, the chief executive saw her pay increase by 23%. How can the Government stand by a model of ownership that sees postal workers’ pay being frozen and their pensions left unaffordable?

Margot James: I understand that Royal Mail’s offer of a pay increase to its workforce is far from frozen. I do not propose to comment much further, however, other than to say that the figures the hon. Gentleman refers to are misleading, because they go way beyond the chief executive’s base salary and include performance-related benefits, which are in line with a position of that stature.

Mr Speaker: Order. The Minister may judge that the figures are misleading, but I am sure she would not suggest that the hon. Gentleman would deliberately mislead the House.

Margot James: I certainly would not, Mr Speaker.

Mohammad Yasin: In the privatised Royal Mail, 500 jobs have been lost while, at the same time, it has dished out £700 million in dividends to private shareholders. Last year, the chief executive saw her pay increase by 23%. How can the Government stand by a model of ownership that sees postal workers’ pay being frozen and their pensions left unaffordable?

Margot James: As I said earlier, Royal Mail contributes £400 million a year to the pension scheme and, since privatisation, has provided access to capital of £1.5 billion and converted losses of £49 million into profits of £700 million. I would say that that was a pretty successful record.

Andrew Bridgen (North West Leicestershire) (Con): Does the Minister agree that, regardless of ownership, Royal Mail needs to continue to modernise and become more efficient, because it operates in an increasingly competitive marketplace?
Margot James: My hon. Friend makes a very good point. When Royal Mail was privatised, Amazon was one of Royal Mail’s biggest customers; Amazon is now one of its biggest competitors. So he is absolutely right. More investment in technology and modernisation is required if Royal Mail is to maintain its market position.

Mr Philip Hollobone (Kettering) (Con): The posties in Kettering work extremely hard all year round and do a tremendous job, especially at Christmas. What is the value of the average postal worker’s individual stake in Royal Mail?

Margot James: I can confirm to my hon. Friend that the workforce own 12% of Royal Mail, which is a fact that the leadership of the Labour party should consider as it contemplates a round of nationalisation.

John Cryer (Leyton and Wanstead) (Lab): All the evidence is that employment standards in Royal Mail and more widely are being driven down, including with job losses and cuts to pensions. Is the Minister seriously arguing that employment standards today are higher than they were at the point of privatisation?

Margot James: The hon. Gentleman should accept that Royal Mail needs to maintain its position in the marketplace. It already provides employment conditions that are the envy of delivery workers employed by its competitors.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Royal Mail employs a significant number of people in the north of Scotland. Protecting those jobs, and the universal service that the workers deliver, is vital, especially given that, according to Citizens Advice Scotland, more than 1 million Scots face surcharges or late delivery, or are refused delivery altogether, when they buy goods online. Will the Minister commit herself to protecting those Royal Mail jobs, and will she confirm that there will be a review of the regulation of parcel delivery prices to support our rural communities?

Margot James: The hon. Gentleman should accept that Royal Mail needs to maintain its position in the marketplace. It already provides employment conditions that are the envy of delivery workers employed by its competitors.

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): Today marks postal workers day, when we thank our posties for their hard work and determination in providing a key public service—not that the Conservatives would accept that Royal Mail pays a living wage. Is the Minister aware of the cuts to the 12,000 job losses and proposals to slash pensions by 45%? It is a classic case of “one rule for the rich and another for the rest”. Royal Mail has paid out £70 million in dividends to private shareholders, and that is only in the last six months. Does the Minister still stand by the Government’s decision to privatise Royal Mail?

Margot James: I stand by it 100%. Royal Mail would have had no future had it not been privatised.

Electric and Autonomous Vehicles

2. Stephen Metcalf: (South Basildon and East Thurrock) (Con): What recent steps his Department has taken to support the development of electric and autonomous vehicles.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Two weeks ago I announced the location for the new national Faraday battery scale-up facility, which will be built in Coventry. On the same day, Jaguar Land Rover announced its intention to produce battery electric vehicles in the west midlands, thus bringing the region to the forefront of modern mobility in the United Kingdom.

Stephen Metcalf: When it comes to autonomous and electric vehicles, public trust in the exciting technology involved is key to making the most of the opportunities that it presents. What discussions has my right hon. Friend had with industry to combat the Luddites and dispel the mythical fears of that exciting technology that are currently being promoted?

Greg Clark: My hon. Friend has made an excellent point. Part of the programme involves test beds to demonstrate the new technologies. The demonstrations will be open to the public so that they can see for themselves, and they will begin in Milton Keynes, Greenwich, Bristol and Coventry. However, people are already experiencing these technologies through satnav, cruise control and automatic parking, and I hope that increasing exposure will reveal their benefits.

Chris Elmore: (Ogmore) (Lab): The Secretary of State mentioned Jaguar Land Rover. As he will know, Ford in Bridgend, which neighbours my constituency and employs hundreds of workers there, is pulling out of the contract early. Has the Secretary of State had any conversations with Ford about the possibility of converging its lines to produce electric batteries for electric cars?

Greg Clark: The hon. Gentleman will be pleased to know that I shall be meeting the head of Ford’s European operations immediately after this session to discuss the fact that Ford has based its new development of electric and autonomous vehicles in Britain.

Alan Mak (Havant) (Con): Britain has the potential to be a world leader in developing the new regulatory standards that will govern electric and autonomous vehicles. Will the Secretary of State work with industry, and with other Departments, to ensure that Britain leads the world and that other countries adopt our standards?

Greg Clark: I will indeed. The industrial strategy makes it clear that being at the forefront of the regulatory standards for these new technologies gives us a big advantage. The Automated and Electric Vehicles Bill, which is currently before Parliament, is intended to establish—before most other countries—the right regulatory standards, so that we can make progress with those technologies.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Secretary of State knows that no assessment of the impact of Brexit on the sector has been carried out by
Constitution anyone, apart from the RAND Corporation, which told us this morning that this and every other sector will be deeply harmed by Brexit. What does he say in response to that important and thorough investigation?

Greg Clark: I think the hon. Gentleman knows that I have continuous discussions with all the sectors for which I am responsible, including the automotive sector. They lead me to make sure that, as part of our negotiating mandate, we get the best possible deal. The agreement achieved in Brussels last week, including the transitional phase, had been pressed for by the automotive sector in particular.

Industrial Strategy

3. Mike Amesbury (Weaver Vale) (Lab): What assessment he has made of the potential effect on productivity of the Government’s industrial strategy.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): We know that the best way to improve our productivity is by investing in research and development, improving the level of skills in our workforce, upgrading our infrastructure, creating an attractive environment for new and growing businesses, and making sure that every place in the country can prosper. That is exactly what the industrial strategy does.

Mike Amesbury: Our productivity growth has been far worse than that of any other G7 country bar Italy. Does the Secretary of State admit that the Government public investment figures in the revised industrial strategy are far below those of leading OECD nations?

Greg Clark: No: if the hon. Gentleman reads the strategy he will see that there is a commitment to the biggest increase in research and development funding, both private and public sector, that we have ever had in this country. It has been the foundation of our success, and I hope the hon. Gentleman will join me in welcoming the progress we are making to be even better at it.

Jo Churchill (Bury St Edmonds) (Con): Productivity in the construction industry is a key requirement of building houses. How will the Secretary of State ensure quality in on and offsite builds for the £1.7 billion investment in construction in the industrial strategy?

Greg Clark: I am glad my hon. Friend mentions that, because the construction sector is one of the areas in which there are big opportunities. It has a sector deal that has been concluded as part of the industrial strategy, and representatives of the sector have said that this represents a major opportunity, especially in offsite manufacture.

Rachel Reeves (Leeds West) (Lab): The Secretary of State has just touched on the sector deals the Government are agreeing with different sectors of the economy. Some of the sectors with the lowest productivity, such as retail, hospitality and social care, do not have a sector deal, yet if we close the productivity gap in those sectors, we will help boost productivity overall compared with our main competitors. What are the Government doing to secure sector deals in those sectors?

Greg Clark: I am delighted to hear the hon. Lady’s endorsement of that, and she is absolutely right that there is an opportunity for sector deals for many sectors, including those she mentioned. We are already in discussions with many of those sectors, including the food and drink sector and the hospitality sector; we expect to see early sector deals concluded in them. I am delighted that the hon. Lady supports that.

George Freeman (Mid Norfolk) (Con): I congratulate the Secretary of State on launching the industrial strategy—in particular the life sciences sector deal, which has already triggered £1 billion of new investment. Does he agree that the key now is to negotiate a Brexit deal that avoids a cliff edge but gives us the regulatory freedom to continue to lead in the all-important genomics and data of tomorrow’s medicine?

Greg Clark: I do agree with that, and I commend my hon. Friend as the former life sciences Minister who saw before many people the opportunities of the strategic approach. I think he has been honoured this very week by the learned societies for his contribution to promoting science in Parliament, and I congratulate him on that. He is absolutely right that we need to build on these successes. The life sciences sector deal is a demonstration that a long-term strategy can have immediate benefits; we have had more than £1 billion of investment on the basis of the confidence that the sector has in the strategy we have set out.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): With a few notable exceptions, I am sure we would all agree that technology has improved the productivity of this House, but the same is not true for our country: productivity has stagnated since 2010, and we produce 25% less in an hour than the Germans and French, crippling business and making us all poorer. Last week the Chancellor tried to blame disabled workers, but his own Budget fails to invest in science and productivity until 2021. Will the Secretary of State admit that the Chancellor’s ideological austerity, meaning we fail to invest in our engines of economic growth, is the real handicap here?

Greg Clark: I do not agree with the hon. Lady, and if she reads the industrial strategy she will see that the biggest increase in science and innovation investment for 40 years has been triggered by this. It is the right way to go, and it has been welcomed by all parties across the country. It would be helpful if the hon. Lady recognised that many other countries have benefited from a strong national commitment to improving investment in productivity, such as through science and innovation, and that gives confidence to overseas investors.

Renewable Energy (Scotland)

4. Brendan O’Hara (Argyll and Bute) (SNP): What steps he is taking to support the development of renewable energy sources in Scotland.

18. Hannah Bardell (Livingston) (SNP): What steps he is taking to support the development of renewable energy sources in Scotland.
Richard Harrington: As the right hon. Gentleman will know, we are studying that proposition carefully.

Taylor Review

5. Stephen Timms (East Ham) (Lab): When he plans to respond to the Taylor review of modern working practices.

Margot James: It is important that this much-needed report gets the consideration it deserves and that we take action where needed. In the industrial strategy, the Secretary of State took responsibility for improving quality of work in the UK and continued an important dialogue on this issue. We will publish our full response shortly.

Stephen Timms: The TUC reports that 3.2 million people are now in insecure work—an increase of more than a quarter over the past five years. Will the Minister accept Matthew Taylor’s recommendation, endorsed by the Select Committee, that a longer break in service—a month rather than a week, as at present—should be allowed before there is any loss of employment rights?

Margot James: That will be something that we consult on as we consult on the vast majority of the other proposals in the Taylor review. Taylor acknowledges the excellent track record of employment in terms of new jobs, but as the right hon. Gentleman rightly points out—and the TUC endorses this—there is an issue with insecure work and far too much risk being transferred to the employee.

Mrs Maria Miller (Basingstoke) (Con): The Taylor review says that the same basic principles should apply to all forms of employment in the UK. Does my hon. Friend see paid time off for women attending antenatal appointments as a basic principle, and does she agree that, for health reasons, the law needs to clearly extend that principle to all female workers?

Margot James: I thank my right hon. Friend for her excellent question. We will review the matter that she raises in tandem with the rest of the review of Taylor’s recommendations, but she makes a very good point indeed.

Jo Swinson (East Dunbartonshire) (LD): I welcomed last week the Government’s latest round of naming and shaming employers that have failed to pay the minimum wage—an area where state enforcement has actually had some success—so I urge the Minister to respond positively to the Taylor review’s recommendation that state enforcement of employment rights should be enhanced beyond just the minimum wage.

Margot James: We will consult on the remainder of the recommendations, particularly those relating to employment tribunals and the enforcement of awards that go unpaid.

Theresa Villiers (Chipping Barnet) (Con): Insecure working practices at Uber enable the company to engage in a pricing policy that many of my constituents consider to be predatory and designed to drive out competition.
What more can the Government do to improve working practices at Uber and ensure fairer competition between taxis and private hire vehicles?

Margot James: My right hon. Friend gets to the nub of many of the Taylor review’s recommendations. It is important that decent employment standards are maintained and that consumers are offered new opportunities, and we will be reviewing the proposals.

Rebecca Long Bailey (Salford and Eccles) (Lab): Recent reports uncovered the fact that people driving on behalf of Amazon were forced to deliver up to 200 parcels a day while earning less than the minimum wage. With impossible schedules that left little to no time for breaks and no access to paid holidays or sick pay, many drivers experienced conditions that could be described as Dickensian. As yet another high-profile employment case emerges, why are the Government not taking robust action to crack down on bogus self-employment and to enforce employment rights?

Margot James: The hon. Lady puts her finger on precisely why the Prime Minister commissioned the Taylor review in the first place. When employers are indulging in practices such as those the hon. Lady outlines there will definitely be a deleterious effect on employees’ health, and they should be roundly condemned.

Rebecca Long Bailey: The Government keep hiding behind their forthcoming response to the Taylor review, but Sir David Metcalf, the Government’s director of labour market enforcement, stated this year that even the Government’s existing powers have not been used to protect workers, despite numerous official statements that the Government have taken abuse by employers seriously. Only last week, the Government identified 16,000 workers who were paid less than the minimum wage, and yet the Low Pay Commission believes that the true figure is between 300,000 and 580,000. Does the Minister agree with Sir David Metcalf that the Government’s enforcement of basic employment rights is wholly inadequate?

Margot James: I await the publication of Sir David’s strategy for dealing with labour market enforcement, which we expect to see in the first quarter of next year. I am pleased with his appointment, and he is doing a great job so far of bringing together the enforcement agencies at the Government’s disposal to ensure that they work even more effectively in the pursuit of non-compliance with the law.

Carbon Savings

6. Colin Clark (Gordon) (Con): What estimate he has made of the potential carbon savings due to result from phasing out the use of unabated coal from electricity generation by 2025.

Colin Clark: Further exploration of the North sea for oil and gas was given a boost in the Budget. Gas is a lower emitter of greenhouse gases and is a better alternative to coal, so will the Minister focus on oil and gas in particular when developing the industrial strategy?

Richard Harrington: We absolutely will. While the move towards clean growth is clear, the White Paper sets out that oil and gas remain one of the economy’s most productive sectors and refers to the intelligent use of its assets and expertise. I thank my hon. Friend for joining me on a visit to Aberdeen; we saw the prospects for the green economy, where sweating the assets is already leading to innovation.

Anna McMorrin (Cardiff North) (Lab): Unlike Wales’ ambitious targets for moving towards low carbon generation in onshore wind, the lack of ambition shown by the UK Government is startling. Will the Minister confirm whether Welsh wind projects will be eligible in any future contract for difference pot 1 auction, which he has already confirmed for projects in Scotland?

Richard Harrington: The hon. Lady should be aware that this country is leading the world in the development of green energy.

21. [902902] David Warburton (Somerton and Frome) (Con): The good people of Frome are leading the way in moving to a low-carbon economy. We have ambitious plans to be carbon neutral by 2046, when all the energy needed to live, work and travel will be provided by renewable sources. May I invite the Minister, or indeed the Secretary of State, to Frome in sunny Somerset to hear this story first hand and see how these ambitions are being realised?

Richard Harrington: My hon. Friend should be reassured that nothing would please me more than coming to Frome in Somerset to see the work that he has done locally. The clean growth strategy sets out how the UK is leading the world on carbon emissions, and we have set out how the Government will invest more than £2.5 billion in low-carbon innovation between 2015 and 2021.

Mr Speaker: I am sure that Frome will roll out some sort of carpet for the hon. Gentleman.

Sammy Wilson (East Antrim) (DUP): Major banks have lent £630 billion to build new coal-powered stations across the world, many of them in our competitor countries. What assessment has the Minister made of the cost of electricity for the competitiveness of businesses in the UK and does he not recognise that our attempts to save the world while the rest of the world is gaily building power stations fuelled by coal only damage our economy?

Richard Harrington: The hon. Gentleman is probably aware that we commissioned the Helm review of all the different costs of energy. We believe in a mixed use strategy for energy, and he must also understand the employment and economic advantages of the development of alternative energy sources, quite apart from the carbon-free advantages.
16. [902897] David T. C. Davies (Monmouth) (Con): Does my hon. Friend agree that, notwithstanding his comments, wind energy requires a subsidy, realignment of the national grid and extra money for back-up sources when the wind is not blowing? Does that not mean that the electricity will be far more expensive than that which is produced by gas or coal?

Richard Harrington: The facts are that the—

Dr Alan Whitehead (Southampton, Test) (Lab): Tell him he is wrong.

Richard Harrington: There is a lot of chuntering from a sedentary position, which I will not take any notice of. I would like to answer the question if Opposition Members will allow me.

My hon. Friend should know that the cost of renewable energy is coming down. The cost of electricity from offshore wind farms, for example, has halved in price since they were first introduced. The Opposition may interpret this to mean that my hon. Friend is wrong. I would say that he is not wrong but he needs further education on this subject, and I will be delighted to meet him at any time to discuss it.

Mr Speaker: What an enticing prospect for the hon. Member for Monmouth.

Small Business Sector

7. Stephen Hammond (Wimbledon) (Con): What steps is he taking to support growth in the small business sector. [902886]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): Through the industrial strategy we will drive over £20 billion of investment in innovative and high growth businesses. We will increase the national productivity investment fund to £31 billion. We are working to ensure that small and medium-sized enterprises win more public sector contracts to enjoy the benefits of that investment.

Stephen Hammond: My hon. Friend the Minister will know that many local authorities have reliefs, including small business relief, which they could use. Unfortunately, not all local authorities are using them. Will my hon. Friend say what the Government could do to encourage local authorities to use those reliefs so that all small businesses benefit?

Margot James: The Department for Communities and Local Government has issued clear advice to councils that will enable them to calculate the relief that is payable to businesses in the current year. I urge them to pay heed to that advice and implement it. My hon. Friend may be interested to know that Merton council has been allocated £459,000 of business rates discretionary relief in the current year.

Paula Sherriff (Dewsbury) (Lab): Many small businesses are in catering and hospitality, and we of course wish them well, but when we leave a tip for staff we expect it to be paid to them, so when will the Minister publish the report on fair tips so that we can ensure that workers get paid properly?

Margot James: The hon. Lady rightly raises an important issue. Following the commissioning of the work on tipping, we have issued guidance and publicised the issue. What was happening was grossly unfair. I am glad to report that there has been a significant improvement since we commissioned the review.

Julian Sturdy (York Outer) (Con): Unfair trading practices used by big retailers have been identified as a factor in limiting the growth of small and new businesses supplying to the groceries sector. Will the Minister therefore reassure me that the Department will be bringing forward proposals to widen the remit of the Groceries Code Adjudicator in its response to this year’s consultation?

Margot James: We will be publishing our response to this year’s consultation on the future of the Groceries Code Adjudicator early next year. I have already committed to meeting my hon. Friend with the Minister for Agriculture, Fisheries and Food, my hon. Friend Member for Camborne and Redruth (George Eustice), and I look forward to that meeting.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Small business growth has been made more difficult due to the decision of the Royal Bank of Scotland to close 269 branches, which has been described as a “hammer blow” by the Federation of Small Businesses policy convenor in Scotland, who says that “these changes will make it more difficult to run a business in much of Scotland”. Will the Minister commit to working with the bank and her colleagues in the Treasury to ensure that the businesses and communities these branches serve are not left without the banking services they require?

Margot James: The hon. Gentleman raises a crucial point of concern to communities across the country. Although there is limited action the Government can take on how banks run their businesses, we have worked with the Post Office to enable it, through its 11,600 branches nationwide, to run a full complement of services

Bill Esterson (Sefton Central) (Lab): Despite having the fifth biggest economy in the world—soon to be the sixth—the UK is ranked only 48th in the global enterprise league; 48th out of five really takes some doing. But this is not just about the lack of support for start-ups. Among small and medium-sized enterprises business confidence is falling and costs are rising, and, as the Bank of England’s figures show, access to finance is still at its lowest level since 2010. Do the Government have any excuse for their woeful failure to support our smallest businesses?

Margot James: The hon. Gentleman really should stop talking small businesses down, and he is absolutely wrong in his estimate. The UK is No. 4 in the world for being the best place to start a business, and the OECD figures show that we score highly on enterprise. He does raise a valid point about growth, and we need to improve our record in supporting small businesses to grow, which is precisely why the Chancellor has made available a vast amount of money in this year’s Budget to support the growth of small businesses.¹

¹[Official Report, 8 January 2018, Vol. 634, c. 2MC.]
UK Automotive Sector

8. Justin Tomlinson (North Swindon) (Con): What steps he is taking to support the UK automotive sector.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): The UK’s automotive industry is a great British success story and, building on the success of institutes such as the Advanced Propulsion Centre, we have agreed an automotive sector deal to ensure that we continue to reap the benefits from the transition to ultra-low and zero-emission vehicles. Our ambition is to build innovative and competitive supply chains to increase the value of UK content from about a third in 2011 to more than half by 2022.

Justin Tomlinson: What more is the Department doing to encourage further investment in UK car plants, particularly in my constituency with Honda and BMW?

Greg Clark: Both Honda and BMW have been part of the sectoral council that has helped to create institutions that have trained people, and developed research and development; they are a very valued part of the sector deal, which has been so warmly welcomed by the industry.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): My constituency contains many small businesses involved in the supply chains for the motor industry. These chains stretch right across Europe and are largely regulated by European Union law. Will the Secretary of State make a commitment that these will not be disrupted by Britain’s exit from the EU?

Greg Clark: Given what he said, I hope the hon. Gentleman will welcome the supply chain initiative, which is at the heart of the sector deal to increase the level of UK content. But one way or another the motor industry, like so many others, is based on its good relations, not just across Europe, but around the world, and it is essential that the deal we do allows that to continue and indeed to prosper in the future.

Amanda Milling (Cannock Chase) (Con): The west midlands has a proud heritage in the automotive sector, and I welcome the Government’s recent announcements, which will see the region be a global leader in the sector. Does my right hon. Friend agree that supporting innovation and new technologies is key to addressing productivity and creating higher-skilled, well-paid jobs?

Greg Clark: My hon. Friend is absolutely right on that, and the commitment we have made to being the world centre for research in new battery technology, through the Faraday challenge, is already commanding attention right around the world. The investment in skills that accompanies this strategy will make sure that her constituents and others in the region will benefit from the jobs that result.

Richard Burden (Birmingham, Northfield) (Lab): Every day, around £35 million-worth of components are imported to the UK from the EU for “just in time” delivery to plants. Many of those components help to build more than 6,500 cars and nearly 10,000 engines to be re-exported back into the EU. As we saw from the Operation Stack debacle a couple of years ago, it does not take much for disruption at the channel ports to completely clog up the south-east, losing millions and millions of pounds. What guarantee can the Secretary of State give the automotive sector that Brexit will not result in any extra customs checks that will clog up the industry?

Greg Clark: The hon. Gentleman is right to highlight the importance of ensuring that the agreement we reach will be free not only of tariffs but of the types of frictions he describes. It is important for our successful industry, and not just the automotive sector, that that is the deal we conclude. I hope he will welcome the progress that was made towards that deal last week.

Industrial Strategy

9. Jack Brereton (Stoke-on-Trent South) (Con): What steps he is taking to develop sector deals as part of the Government’s industrial strategy.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): The industrial strategy White Paper highlighted the emphatic support for sector deals, encouraging any sector to come forward with proposals on how, working in partnership with the Government, that sector can grow and increase its investment, productivity and earning power. A number of sectors have signalled their interest in developing a sector deal, including, as my hon. Friend knows, the ceramics sector.

Jack Brereton: I thank the Secretary of State for that response. Will he please update the House on the progress that has been made in developing a sector deal for ceramics?

Greg Clark: Very good progress is being made with the leaders of the ceramics sector, of which there is a significant cluster in north Staffordshire and Stoke-on-Trent, where Dr Laura Cohen leads the sector. In the months ahead, we hope and expect to be able to conclude a deal with the sector that will capitalise on the enormous opportunity, especially given the new uses of ceramics in, for example, the medical sector.

John Spellar (Warley) (Lab): The Government are not just a funder and a regulator; they are also a customer. Would it help if national and local government acted like they do in every other country and bought vehicles built in this country by British workers, thereby supporting the companies and British workers?

Greg Clark: The most important thing is that we have excellent products here, and I am proud to say that we do in the automotive sector. The right hon. Gentleman will be aware that the Government changed the procurement guidelines to allow the importance of local impact to be taken into account. I hope he welcomes that.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): Thanks to the actions of this Government, it is widely recognised that the UK now has the most fiscally attractive regime in the world for investment in oil and gas. Does my right hon. Friend agree that a good sector deal would build on that and would mean that the
north-east of Scotland could look forward to a future in which it is not only Europe’s energy capital, but the world’s?

Greg Clark: I completely agree with my hon. Friend. I had the privilege of leading a trade delegation to India that included many companies from Aberdeen and the north-east of Scotland that are selling their wares and expertise right around the world. That is one of the big opportunities in the deal that is being negotiated.

Peter Kyle (Hove) (Lab): The steel industry met the criteria for a sectoral deal, it wanted one and applied for one, but it did not get one. Will the Secretary of State please explain why?

Greg Clark: The discussions with the steel sector are continuing and I fully expect to conclude an important and ambitious deal for this foundational industry.

Carbon Reduction Targets

10. Joan Ryan (Enfield North) (Lab): What recent assessment has he made of the UK’s progress towards meeting its carbon reduction targets?  

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): The UK was the first country to introduce legally binding emissions reduction targets through the Climate Change Act 2008. We have made excellent progress towards meeting our targets: we met our first carbon budget and are on track to exceed the second and third.

Joseph Johnson: As I have said, our position is that we have met our first carbon target, and we are on track to exceed the second and third. The Government are taking this agenda exceptionally seriously. In fact we are leading the world on it, having legislated with the Climate Change Act and put clean growth at the very heart of this country’s industrial strategy.

Industrial Strategy (Wales)


The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Our industrial strategy is for the whole United Kingdom. I was pleased to hear from, and work with, people, businesses and institutions in Wales and colleagues in the Welsh Government as we developed the strategy. I have held important discussions with Welsh businesses from a range of sectors, including life sciences, steel and nuclear. Welsh innovators are well placed to benefit from the second wave of the industrial strategy challenge fund.

Liz Saville Roberts: In the past 10 years of successive Westminster Governments, productivity in my county of Gwynedd has fallen by 10%, while productivity in central London has risen by more than 5%. Such regional inequality is evidence that Westminster is not working for Wales. Does the Minister agree that we should be seeking the tools to build our own future?

Greg Clark: The hon. Lady is right in identifying that there are big regional disparities in productivity, and the long-term purpose of the industrial strategy is to work together with our leaders right across the country, with industries, and with universities and colleges to make sure that the drivers of improved productivity are in place. I know that the Government in Wales have participated in and endorsed the approach that we are taking, and I take her endorsement of our direction as further encouragement.

Offshore Wind Industry

15. Peter Aldous (Waveney) (Con): What steps he is taking to support the offshore wind industry.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): The UK is the world’s largest offshore wind market and will remain so for the foreseeable future. The contracts for difference announced in September will support more offshore wind deployment in the UK than Denmark and the Netherlands have in their last four auctions combined.

Peter Aldous: I am grateful to the Minister for his reply. Offshore wind has been of significant benefit to my constituency, but will he outline the work that the
Government are doing to ensure that UK fabricators, such as Sembmarine SLP in Lowestoft, have every opportunity to participate in this great British success story?

Richard Harrington: I am delighted that companies in Lowestoft, such as Sembmarine, are benefiting from offshore wind projects off the east coast. I met several of them earlier this year, thanks to my hon. Friend’s invitation, at the East of England Energy Group event in October. Developers must submit a supply chain plan before entering into a CfD auction.

David Hanson (Delyn) (Lab): The north Wales coast is one of the key offshore wind sectors in the whole world, never mind the United Kingdom. Ministers announced £557 million for renewable energy in the Budget a few weeks ago. How much of that will go towards renewable offshore energy?

Richard Harrington: As the right hon. Gentleman will know, the system of CfD auctions is very efficient in allocating money, and I have every reason to believe that the north Wales coast will be a major beneficiary of it.

Civil Nuclear Police Authority (State Pension Age)

17. Martin Whitfield (East Lothian) (Lab): What assessment has he made of the potential merits of serving officers in the Civil Nuclear Police Authority being exempted from the planned increase in the state pension age for public servants in April 2019.

Richard Harrington: I am delighted that companies in Lowestoft, such as Sembmarine, are benefiting from offshore wind projects off the east coast. I met several of them earlier this year, thanks to my hon. Friend’s invitation, at the East of England Energy Group event in October. Developers must submit a supply chain plan before entering into a CfD auction.

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Richard Harrington: As the right hon. Gentleman will know, the system of CfD auctions is very efficient in allocating money, and I have every reason to believe that the north Wales coast will be a major beneficiary of it.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): The pension age for civil nuclear constabulary officers was agreed by Parliament in 2013. I have met both the chief constable and the chair of the Civil Nuclear Police Authority to hear their concerns about the planned increase to the pension age. After listening to their concerns, my officials are preparing an equality impact assessment. Additionally, I have arranged to meet the Civil Nuclear Police Federation early in the new year.

Martin Whitfield: Stuart, a firearms officer in the Civil Nuclear Constabulary who works in Torness in my constituency, asks, like many such officers, why he is any different from the police who protect us from terrorists on the street when he is protecting a cornerstone of our power industry.

Richard Harrington: I have heard the hon. Gentleman’s point before. It is a valid one and, as I said, I am looking into it.

Topical Questions

T1. [902903] Mrs Kemi Badenoch (Saffron Walden) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Since we last met, my ministerial colleagues and I have launched the industrial strategy White Paper, and we can already see it in action. Last week we launched the first sector deal with the life sciences sector, which has attracted significant investment in the UK from companies including MSD and GlaxoSmithKline. We are determined to do even more, and to make the UK the best place to start and grow a business.

Many colleagues from both sides of the House joined us in celebrating Small Business Saturday on 2 December. I congratulate the organisers of that great event, which saw more than three quarters of a billion pounds spent with small businesses.

I attended the global forum on steel excess capacity in Berlin, which agreed actions by all G20 nations to tackle unfair subsidies. Today, colleagues will have noticed that the Minister for Climate Change and Industry is accompanying the Prime Minister to President Macron’s One Planet summit in Paris.

Mrs Badenoch: We all know that rapid advances are being made in self-driving cars. Does the Secretary of State agree that now is the time to adapt our regulatory framework to ensure that it is fit for the future?

Greg Clark: My hon. Friend is absolutely right. That is why we have the Automated and Electric Vehicles Bill before Parliament. We are taking a lead in ensuring not only that we invest in research and development, but that we are ahead of the world in having the right regulatory system to support the adoption of this technology.

T4. [902906] Dr Roberta Blackman-Woods (City of Durham) (Lab): Recent Government figures show that UK funding from Horizon 2020 dropped significantly last year. Will the Secretary of State tell us what he is going to do to address that alarming fall in funding, and will he commit to participating in Horizon 2020 beyond March 2019 should the UK leave the EU then?

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): UK participation in Horizon 2020 has held up remarkably well since June 2016. We remain one of the strongest performers across the EU system. As the hon. Lady will have seen, last Friday’s joint report between the Commission and the UK Government painted a very positive outlook for our continued participation in this valuable programme.

T2. [902904] Wendy Morton (Aldridge-Brownhills) (Con): Given the importance of the automotive industry to the UK, and particularly to the west midlands, does the Secretary of State agree that it is essential to invest in test environments for self-driving cars to ensure that the UK can compete with other countries that want to become the world’s test bed for new vehicle technologies?

Greg Clark: I agree with my hon. Friend. That is one reason why we have established a series of test beds between London and the west midlands, including the motorsport cluster. They are already attracting huge interest from around the world, reinforcing our reputation in the field.

T5. [902907] Alan Brown (Kilmarnock and Loudoun) (SNP): Onshore wind has been Scotland’s success story, with the Scottish Government still on track to meet 100% of electricity generation coming from renewables. The UK Government are the possible blocker. As we
approach the point of zero-subsidy onshore developments, will the Government find a way to allow Scottish onshore developments to bid in the next CfD auction?

**Greg Clark:** The renewables strategy that we have set out has been remarkably successful in bringing down the price of onshore wind and creating jobs, including in Scotland. As the hon. Gentleman knows, I have discussions with the Scottish Government, which have resulted in the remote islands policy that we have adopted. I will continue to have those discussions with his colleagues.

T3. [902905] Mr Marcus Fysh (Yeovil) (Con): Does the Minister agree that retaining full sovereign control of our regulation is essential to getting the most out of our economy, 88% of which does not relate to the EU?

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** Sound regulation is crucial to businesses, workers and consumers. Approximately 1.4 million small and medium-sized enterprises export directly or indirectly to countries in the EU, and they will have a keen interest in the outcome of our trade negotiations.

T7. [902909] Jim Shannon (Strangford) (DUP): Northern Ireland has people with very good basic digital skills, but a quarter of business owners in England lack confidence in their basic digital skills. What is the Department doing to provide help for smaller businesses to fill this skills gap on the UK mainland?

**Margot James:** We are working with the Department for Education, which is investing hugely in lifelong learning, skills and employability. We are prioritising the digital skills capability within that mission, which I am sure will be of great benefit to SMEs.

T6. [902908] Matt Warman (Boston and Skegness) (Con): A recent report from Intel identified £2 trillion of global opportunities in artificial intelligence and driverless cars. Will the Minister outline what steps the Government are taking to invest in the skills that Britain will need to capitalise on that huge opportunity?

**Greg Clark:** I am delighted that my hon. Friend draws attention to this area, and he is a great expert in it. He will know that, in the industrial strategy, we established as one of the four grand challenges leadership in the world in artificial intelligence and the analysis of big data. A crucial part of that is making sure that our young people and people retraining have the skills to take up those jobs.

T8. [902911] Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Rumours abound that the Westminster Government are seeking to change the policy on nuclear decommissioning. Will the Minister indicate whether he has any plans to introduce a policy of continuous decommissioning for the UK’s ageing nuclear estate, and whether such a policy would apply to Trawsfynydd?

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington):** I can assure the hon. Lady that nuclear decommissioning is a very important part of the scenery and will be for many years to come.

T9. [902912] Mr William Wragg (Hazel Grove) (Con): What recent discussions has my right hon. Friend had with the Secretary of State for Transport about increased investment in road and rail projects to improve productivity, particularly in the north of England?

**Greg Clark:** I have regular and fruitful conversations with the Transport Secretary. My hon. Friend will know that, in Greater Manchester, as part of the industrial strategy, there was an investment of a quarter of a billion pounds in improving connections in and around the city. That is on top of the investment in connections across the north of England.

**Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op):** Given the time that has passed since the promise of an energy price cap, will the Secretary of State confirm that he remains committed to implementing the cap for 17 million households, and will he outline the process by which the Conservative party is expected to introduce it?

**Margot James:** We have published an important Bill, and we have requested Ofgem to develop proposals as we progress with it. The Business, Energy and Industrial Strategy Committee is scrutinising our draft legislation, which we intend to bring to the House at the earliest opportunity.

**Martin Vickers (Cleethorpes) (Con):** Last week I was pleased to welcome a delegation from Taiwan to my constituency to meet businesses in the offshore renewables sector, and the delegation regarded the way the sector has developed in the UK as a model. Will the Minister outline what support is available to small and medium-sized businesses involved in the supply chain in this country that want to extend to countries abroad?

**Richard Harrington:** I can assure my hon. Friend that our industrial strategy, and particularly our discussions on the sector deal, have been very much based on skilling up small businesses with a view to their expanding in this country and exporting.

**Gavin Robinson (Belfast East) (DUP):** The Secretary of State may know that Unite the union officials from the Belfast Bombardier plant are in Washington and Montreal pressing the case against the egregious US tariff situation. Is the Secretary of State continuing to engage in this process and working towards a sensible resolution?

**Greg Clark:** I certainly am. As the hon. Gentleman knows, throughout this process we have been absolutely determined to send a clear message to Boeing and to the US Administration that this action is unfair. Its effects on Belfast are intolerable. I will have further conversations later this week to continue to press the case with all the parties concerned.

**Lucy Frazer (South East Cambridgeshire) (Con):** I recently visited the Cambridge biomedical campus, which brings together academia, business and healthcare. Does the Minister agree that this is important collaboration, which will help boost productivity, improve our economy and create jobs for the future?
Joseph Johnson: Yes, indeed. Cambridge is leading the way in this respect, as in many others. We want to see more collaboration between our universities and the world of business to drive commercialisation and to make the most of the R and D we are investing in.

Sir Edward Davey (Kingston and Surbiton) (LD): It is good news that the Prime Minister is attending President Macron's summit on climate change in Paris today, but may I warn the Secretary of State that President Macron is positioning Paris as the world’s leader in green finance? To tackle that threat and to protect London, Ministers must back the Bank of England’s taskforce on climate-related financial disclosures and bring in new mandatory corporate requirements on fossil fuel assets.

Greg Clark: Britain leads the world in climate finance, and one of the major contributions the Prime Minister and the Minister for Climate Change and Industry are making is in promoting the availability of green finance in the UK—that includes Edinburgh as well as London. That is getting a very good reception.

Mark Pawsey (Rugby) (Con): The Secretary of State has already spoken about the great news for the west Midlands on electric vehicles. He will remember the all-new electric taxi being manufactured at Antsy Park in my constituency, and the taxi was certified for use in London this week. Does he agree that the opportunity for a platform for a delivery vehicle is also very important?

Greg Clark: I do agree with my hon. Friend. I congratulate the London Taxi Company on having the first electric taxi, manufactured in the west Midlands, on the streets of London this very week—again, a big vote of confidence in our world-beating motor industry.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): Access to finance is critical for small businesses, but the protection in place when things go wrong is non-existent. Do the Government agree, and will they look at extending the role and remit of the Financial Conduct Authority in that regard?

Margot James: I am meeting the chief executive of the FCA before Christmas, and I will be raising the issue of unregulated small business lending, which the hon. Gentleman mentions.

Craig Tracey (North Warwickshire) (Con): Does the Secretary of State agree that the key to a successful industrial strategy is that it focuses on all areas of the UK, obviously including North Warwickshire and Bedworth?

Greg Clark: I do indeed. One of the features of our industrial strategy, which takes an approach that previous business policies have not taken sufficient account of over many decades, is the importance of the skills and clusters of industries in local places. As my hon. Friend knows, that is very much at the heart of the industrial strategy that we have published.

Rachael Maskell (York Central) (Lab/Co-op): On 8 March, the Chancellor announced a full review of business rates. On 14 March, the Minister responsible for small business said:

“The review will report in due course and in the not-too-distant future.”—[Official Report, 14 March 2017; Vol. 623, c. 178.]

Yet the industrial strategy barely mentions business rates, which are having a massive impact on businesses in York. When will this review start?

Margot James: The Chancellor has announced considerable business rate relief for small businesses, including making small business rate relief permanent, retrospective redress for SMEs caught by the staircase tax ruling, and more besides.
Mr Speaker: Order. I have selected the urgent question because I judge it to be urgent. However, I should advise the House that it is focused very much on London, and I have that in mind. I am sensitive to the interest in the subject, but I am conscious also that we have other business that will run for several hours and in which there is intense interest. That is a guide to the House that I do not intend to run the urgent question beyond approximately half an hour.

Ms Harriet Harman (Camberwell and Peckham) (Lab) (Urgent Question): To ask the Secretary of State for Health if he will make a statement on the resignation of Lord Kerslake as chair of the King’s College Hospital NHS Foundation Trust.

The Minister of State, Department of Health (Mr Philip Dunne): I would like to begin by paying tribute to Lord Kerslake, whom I have met in his role as chair of King’s, which he has served with great commitment for two years during a period of significant challenge. While we may differ on some matters of policy, this should not blind us to the service that he has given to the NHS.

The context of Lord Kerslake’s departure from King’s is the very real financial challenges faced by the trust and the way in which these have or have not been addressed. A number of other trusts have similar challenges, but none has deteriorated as far or as fast as King’s, especially in the past few months. This is why it was placed into financial special measures by the Department of Health if he will make a statement on the resignation of Lord Kerslake as chair of the King’s College Hospital NHS Foundation Trust.

There has been a consistent pattern of financial projections by the trust that have not been met during Lord Kerslake’s tenure as chairman. In 2016-17, a planned deficit of £1.6 million deteriorated over the year to an actual deficit of £59.6 million. For the current year, a budget deficit of £38.8 million was agreed in May. At month 5, the chairman confirmed to NHS Improvement that the trust was on track to meet this deficit, but by October there had been significant deterioration in the trust’s position, with a projected deficit of £70.6 million at October—£32.1 million worse than planned. NHS Improvement was informed last week that this had deteriorated further to a mid-case projection of a deficit of £92.2 million, which would be £53.4 million worse than the original planned deficit. Indeed, Lord Kerslake indicated that the final position could be even worse.

King’s is receiving substantial financial support from the Department of Health. During this financial year, the trust is receiving £135 million of support to maintain frontline services. That is the second highest level of support across England. Both the level of deficit and the speed of deterioration are unacceptable, as I am sure all hon. Members will agree. Although no trust or hospital is an island, it is right that those charged with leading it should take responsibility for such results. The chief financial officer and chief operating officer both resigned last month, and, as we know, Lord Kerslake left on Sunday.

The trust will now receive even more support with the appointment of a financial improvement director. The organisation will be required to implement a plan to improve its finances, which will be closely monitored by NHS Improvement. On top of special measures and subject to due process, NHS Improvement intends to appoint Ian Smith as a new and experienced interim chair for King’s to take control of the organisation’s position.

Ms Harman: Does the Minister not realise that the problem at King’s is not the leadership, any more than it is the growing number of patients or the dedicated staff? The problem at King’s is that there is not enough money. He shows no recognition of the fact that over the past two years, King’s has already cut £80 million—double the rate that other hospitals have had to cut—and taken on an ailing trust to help out the wider NHS. King’s is now being told that it has to make even further cuts. How can it keep its A&E waiting times down, prevent waiting lists from growing and continue to meet cancer targets if it goes on to make further cuts?

Will the Minister face up to the fact that problems caused by lack of money are simply not going to be solved by blaming the leadership? King’s is an amazing hospital and a specialist world centre of research, which is also there for local people. It was there after the Grenfell Tower fire and the terrorist incidents we have had in London. Is it too much to ask the Government to recognise the reality of the situation and pull back from imposing further cuts, which will make patients suffer? No amount of changing the faces at the top will make that difference. It is the Minister’s responsibility.

Mr Dunne: The right hon. and learned Lady said on the radio yesterday, “just because they’re the regulator, when these judgments have to be made, doesn’t mean that they are actually right”.

I have to ask her about that, in the light of the comments made by NHSI, the regulator. I will give her a couple of quotes. Jim Mackey, who was until recently the chief executive of NHSI, has said:

“Honestly, I don’t think they have in my time hit a single set of their re-forecasted numbers”.

The current chief executive, Ian Dalton, has said that no other trust in the country “has shown the sheer scale and pace of the deterioration at King’s”.

This is not just about the numbers; it is about the way in which the trust is managed.

Chuka Umunna (Streatham) (Lab): Have you been there?

Mr Dunne: I have visited the trust, and I have met the chairman and finance director. The brutal reality is that they were not addressing the problems as they should have done, and as is being done across the NHS.

Chris Philp (Croydon South) (Con): The right hon. and learned Lady has just asked questions concerning funding. Will the Minister confirm that NHS spending is at a record level, and that the Budget on 22 November provided a further £6 billion to support our NHS?

Mr Dunne: I am grateful to my hon. Friend, because I can confirm that the NHS is receiving record levels of funding, in advance of the plan that was agreed with the
NHS chief executive for the five year forward view. That was front-loaded for the five years, so the NHS has received increases of funding for the first three of those five years over and above what was requested.

Jonathan Ashworth (Leicester South) (Lab/Co-op): Lord Kerslake has said that the Government are “simply not facing up to the enormous challenge the NHS is currently facing”.

We agree. The Nuffield Trust has today called King’s “the canary down the coalmine” for NHS finances. Hospitals across London and beyond have been forced to cut costs by 4% a year since 2011, yet the report that Ministers commissioned from Lord Carter advised that trusts should find savings of 2% a year.

Does the Minister agree with NHS Providers, which warns that the saving hospitals have been ordered to find “risks the quality of patient care”?

He will know that, by September this year, 83% of acute hospital trusts were in deficit to the tune of £1.5 billion. Does he agree that these deficits, across London and beyond, are a consequence of Government underfunding, cuts to tariffs and the failure to get a grip of delayed transfers of care because of the £6 billion of cuts to social care? Does he expect delayed transfers of care to increase in the coming weeks, and will trusts again be ordered to cancel elective operations this winter?

Before the Budget, the NHS argued publicly for an extra £4 billion in revenue a year. Why did the Chancellor refuse to give the NHS the extra funding that Simon Stevens asked for? Lord Kerslake has said that our NHS faces the “tightest spending figures in recent times”.

Does that not mean that, as at King’s, there will be continued hospital deficits, growing waiting lists, greater rationing of care, the dropping of the 18-week target, more privatisation and an NHS pushed to the brink of bankruptcy? Does he agree that these deficits, across London and beyond, are a consequence of Government underfunding, cuts to tariffs and the failure to get a grip of delayed transfers of care because of the £6 billion of cuts to social care?

Mr Dunne: What is particularly disappointing about King’s is that it does have a cost improvement programme, driven austerity threatens the very future of our NHS?

Jonathan Ashworth (Leicester South) (Lab/Co-op): The key to this question has to be ensuring sustainable delivery of the NHS. The Minister may wish to look at the model in Scotland, where we have boosted investment and listened to the needs of our healthcare workers. By stark contrast, the UK Government seem intent on burning their bridges with NHS staff with their cost cutting and special financial measures. When will the UK Government wake up and realise that their ideologically driven austerity threatens the very future of our NHS?

Mr Dunne: I am afraid that the hon. Gentleman was not referring to the urgent question. We are talking about what has happened at King’s over the past few days, rather than what is happening in Scotland.

Bob Blackman (Harrow East) (Con): My local hospital trust, based on Northwick Park Hospital, has had to make some very difficult decisions to make itself more efficient and to reduce its deficit, and it has done so under excellent leadership. Does my hon. Friend know whether decisions were taken at King’s to keep to the deficit target? Were efficiencies made, and how effective were they?

Mr Dunne: I think the hon. Gentleman’s critique would have a shade more credibility if he acknowledged that, before the 2015 election, the then shadow Health Secretary indicated that he wanted £5.5 billion less for the NHS than my party was offering. If we had followed that prescription, the financial position of the NHS would be far worse.

The hon. Gentleman asked about delayed transfers of care. In March, the Chancellor gave an additional £2 billion to the adult social care system, precisely targeted on reducing DTOC, and significant progress is being made in freeing up beds across the system. He also asked about NHS funding in the most recent Budget. The Chancellor awarded an additional £2.8 billion in revenue support for this year, next year and the following year, and a further £3.5 billion of capital to support programmes.

Stephen Hammond (Wimbledon) (Con): As a London MP, I know that other hospitals that have faced challenging situations have put in place improvement plans and met the targets set by NHSI. If the regulator had not acted yesterday, would it not have been letting down other London hospitals and my constituents?

Mr Dunne: My hon. Friend is quite right. There has to be a sense of responsibility and accountability for delivering on budget deficits—if they are deficits—that have been agreed between the regulator and the trust. That is happening up and down the country, and it would be unfair on other trusts and other areas of the country if one trust was allowed to get away with its performance unchecked.

Martyn Day (Linlithgow and East Falkirk) (SNP): The key to this question has to be ensuring sustainable delivery of the NHS. The Minister may wish to look at the model in Scotland, where we have boosted investment and listened to the needs of our healthcare workers. By stark contrast, the UK Government seem intent on burning their bridges with NHS staff with their cost cutting and special financial measures. When will the UK Government wake up and realise that their ideologically driven austerity threatens the very future of our NHS?

Mr Dunne: I am afraid that the hon. Gentleman was not referring to the urgent question. We are talking about what has happened at King’s over the past few days, rather than what is happening in Scotland.
lack of capital provided to King’s. I have been there myself and seen some of the building work going on. I am happy to look at the circumstances surrounding what happened in 2013, but they are not as relevant to today’s situation as the way the trust’s financial management has deteriorated in recent months.

John Howell (Henley) (Con): What has NHS Improvement said about this, and what has it recommended that King’s should do?

Mr Dunne: As I have indicated, the chief executive of NHS Improvement said yesterday that no other trust “has shown the sheer scale and pace of the deterioration at King’s. It is not acceptable for individual organisations to run up such significant deficits when the majority of the sector is working extremely hard to hit their financial plans, and in many cases have made real progress.”

That is from the regulator responsible for putting the trust into special measures for now.

Chuka Umunna: The “brutal reality”—to use the Minister’s words—is that the staff at King’s, which also serves my constituency, are doing all they can in impossible circumstances. If we are honest about this, we on both sides of the House have perpetuated the fiction for too long—over decades—that we can have Scandinavian levels of public services on American levels of taxation. That is why I ask him to heed the call of the hon. Member for Totnes (Dr Wollaston), and many others across the House, that it might just take their eye off the ball?

Mr Dunne: My hon. Friend may say that; I am not going to comment.

Maria Caulfield (Lewes) (Con): We do have a problem with NHS managers; not only are there too many of them, but many lack clinical skills, which is probably why they make so many bizarre decisions. On Lord Kerslake’s watch, £715,000 was spent off payroll last year on an interim director, and £30,000 a month was spent on temporary managers. There is a problem with this scandalous waste of taxpayers’ money.

Mr Dunne: My hon. Friend takes a close interest in what is happening in London’s hospitals, where she regularly works shifts. From time to time, there is a need for some interim managers to fill vacancies and gaps, but she is absolutely right that we have taken significant action to limit the excessive amounts that some have been paid. The amounts have now been capped and are being driven out of the service, and the interim managers are being encouraged to take up substantive positions.

Kate Hoey (Vauxhall) (Lab): I pay tribute to the staff at King’s, who have looked after so many of my constituents so well. Does the Minister agree that one thing we have to learn from this is that when a trust takes over a failing hospital, the challenges and difficulties can be much more than people have said, and the money given has not always been spent as it should have been? Does he also agree that just appointing a former head of the civil service to chair a trust does not necessarily mean that they will have the attributes to do the job and that sometimes they are so busy doing other jobs that they might just take their eye off the ball?

Mr Dunne: In relation to the hon. Lady’s first point, I think that the experience has been variable; some outstanding trusts have taken on failing hospitals and managed successfully to turn them around, and others have found it more of a challenge. I accept that it is specific to the circumstances, and we are looking to learn from the various experiences to ensure that we encourage the right trusts to buddy up with those that are in trouble. In relation to her second point, I gently point out that Lord Kerslake has been providing advice to the NHS, and he has been spending a considerable part of his time providing advice to the Leader of the Opposition on a whole range of non-NHS-related topics.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): Following on from the hon. Lady’s question, King’s College Hospital NHS Foundation Trust is indeed a significant organisation and it requires very firm leadership. I understand the chairman who has resigned from his position also held seven remunerated roles other than that chairmanship and four non-financial positions. Will the Minister assure the House that any future chairman will be looked at very closely to ensure they have the capacity to lead an organisation of this size successfully?

Mr Dunne: My right hon. Friend makes a very valid point. We need to ensure that chairmen who go into trusts that have challenges have the capacity to do that job. I will be looking to ensure that NHS Improvement challenges Ian Smith, if he is appointed, to check that he has sufficient capacity to undertake the role. My understanding is that he does.

Sir Edward Davey (Kingston and Surbiton) (LD): Will the Minister ask NHS Improvement to produce a report on what has happened at King’s, so that Parliament can look at the report to learn the lessons and to find out who was right?

Mr Dunne: NHS Improvement regularly reviews trusts in financial special measures. It does so through the usual channels to the ministerial team responsible for it. It will do so in this case, as it does in all other cases where financial special measures have been entered into.

David T. C. Davies (Monmouth) (Con): Is it not the case that what we have here is one of Labour’s top advisers jumping in a blaze of politically motivated publicity before being pushed out for woeful financial mismanagement?

Mr Dunne: My hon. Friend may say that; I am not going to comment.

Mr Ben Bradshaw (Exeter) (Lab): The Minister quoted selectively from the chief executive of NHS Improvement, who also made it absolutely clear he did not think the NHS has enough money overall. In the real world,
Mr Dunne: I was actually quoting the chief executive of NHS Improvement.

Sir Desmond Swayne (New Forest West) (Con): What was he paid and where is he going next?

Mr Dunne: I understand that Lord Kerslake was paid in the range of £60,000 to £65,000 for his role as chairman of King’s. My right hon. Friend would have to ask him where he is going next.

Clive Efford (Eltham) (Lab): The Minister has to accept that when the Government stepped in with South London Healthcare NHS Trust in 2013, they imposed their own interim director, just as they are now doing at King’s, and imposed the restructuring of south-east London health but never, ever funded it. That has led to the crisis at King’s today. The buck stops with the Tories. You just cannot trust the Tories with the NHS.

Mr Dunne: I am afraid the hon. Gentleman was clearly not listening to my response to the question. The trust agreed a budget deficit in May this year of £38.8 million. That figure is currently £92 million from activity happening this year, not in the past.

Matt Warman (Boston and Skegness) (Con): Is not the reality that any politically motivated resignation such as this leaves the NHS, the hard-working staff and the patients all worse off?

Mr Dunne: All those who assist the NHS in a non-executive capacity do so with the best motivations. I would not question Lord Kerslake’s motivation for wanting to undertake this role. As to the suitability of all the individuals appointed to these positions, that will be variable because there are so many organisations across the NHS. I would not like to make any comment about political motivation in relation to this departure.

Andy Slaughter (Hammersmith) (Lab): Imperial College Healthcare NHS Trust is also running a large deficit—it is not just King’s. The Government’s solution is to demolish Charing Cross hospital, when admissions have gone up 11% in the past two years. We are on our fourth chief executive in five years. The last one left to run NHS Improvement before he could even meet local MPs. When are the Government going to get a grip and fund the NHS properly, rather than blame everybody else for the problem?

Mr Dunne: I share the hon. Gentleman’s concern about trusts that have a revolving door of senior leadership. One thing we are looking to do is to encourage a larger cadre of leadership people in the NHS and more clinicians to become leaders, so we have more consistency of skills and better trained leaders across the NHS. I do not think the departure of Ian Dalton from Imperial has anything to do with the subject of King’s College, or indeed with the funding of the NHS.

Rachel Maclean (Redditch) (Con): Is it not the case that in any senior public service appointment within the civil service, a basic requirement is political neutrality and non-partisanship? Is there a question for the Committee on Standards in Public Life with regard to this particular appointment?

Mr Dunne: The NHS is the largest organisation in the country and everybody who works in it will have their own political views and persuasions. Very few of them are brought to the board table. It is the case that when in government parties on both sides appoint individuals with political representation from the other side, so I think we have to be balanced about this. I would gently point out that Lord Kerslake sits as a Cross Bencher, although he may provide advice to one party more than another.

Karin Smyth (Bristol South) (Lab): Does the Minister believe that the duty of candour extends to NHS leaders?

Mr Dunne: The duty of candour applies right across the NHS.

Robert Jenrick (Newark) (Con): Does my hon. Friend agree that one upshot from the noble Lord’s resignation is that he will have more time on his hands to use his proven financial prowess to prepare implementation manuals for the Leader of the Opposition?

Mr Dunne: My hon. Friend is very ingenious with his question. Clearly, there will be more time available for Lord Kerslake to take on his other responsibilities. The Leader of the Opposition might like to look very closely and keenly at the financial performance of the organisation over which Lord Kerslake has taken responsibility before he adopts any of his other advice.

Margaret Greenwood (Wirral West) (Lab): It is abundantly clear that the Government are accelerating the privatisation of our national health service by reducing supply in the NHS to create demand for private health insurance. We do not want a US-style health insurance here. Will the Minister please give the NHS the money it needs?

Mr Dunne: I cannot understand how the hon. Lady can make such an interpretation from any discussions that have been held, either in this urgent question or further afield. The Government have just given an additional £2.8 billion over and above that asked for by the chief executive of NHS England when he set out the five year forward view and up to £10 billion of capital. This is nothing whatever to do with privatisation.

Robert Courts (Witney) (Con): Will the Minister confirm that the trust has been in discussions with NHS Improvement with regards to reducing its deficit for some time and that the forecast of double the deficit is an unacceptably poor standard of financial leadership at a time when other trusts have made great successes in improving patient care and finding successors?
Mr Dunne: My hon. Friend is quite right. There are financial pressures across the NHS in England. We have been very clear and very open about that. Some trusts are managing within those financial challenges and other trusts are not. That is in large part down to the rigour and leadership given to those trusts. Unfortunately, in this trust there has not been sufficient of either.

Ms Marie Rimmer (St Helens South and Whiston) (Lab): Given the financial incapacity problems currently affecting the NHS, is it right or fair that individual acute trust leaders should be removed from their post when surely their perceived failures are part of wider systems issues and funding pressures?

Mr Dunne: The hon. Lady is right to identify pressures across the system, but it is also the case that when leaders change their position in a very short period of time and oversee a period of significant deterioration, the regulator has to take a view on whether those individuals are the right people to continue to lead that organisation. I think that that is what has happened in this case.

Lucy Frazer (South East Cambridgeshire) (Con): Does the Minister think it would have been possible for the trust to have improved, notwithstanding its financial position? I ask in the knowledge that Cambridge University Hospitals went from special measures to outstanding in care and good overall.

Mr Dunne: My hon. and learned Friend highlights the special measures regime. We have introduced a financial special measures regime and, during 2016-17, the trusts that went through that regime—King’s went in only yesterday—improved their financial performance by £100 million overall over the year. The short answer is yes. It is possible to manage improvement through this regime, and that is what NHS Improvement is there to do—to help trusts that get into financial difficulties to manage their way out of them.

Andrew Bridgen (North West Leicestershire) (Con): Given the noble Lord Kerslake’s much publicised association with the current Labour leadership, should it come as any surprise that the trust he was chairing would run out of taxpayers’ money? Is not the truth that he jumped and squeaked before he was pushed?

Mr Dunne: My hon. Friend is right to highlight the sources of advice that the Leader of the Opposition seeks to take. He will need to reflect on that, as will the shadow Chancellor. In connection with this particular situation, it is the case that NHS Improvement spoke to Lord Kerslake last week to ask him to consider his position.

Point of Order

1.1 pm

Alex Cunningham (Stockton North) (Lab): On a point of order, Mr Speaker. The deadline for members of the British Steel pension scheme to decide whether to join their new employers’ scheme, to have their pension paid through the Pensions Protection Fund or to make personal arrangements is all but upon them. The House will share my concerns over rogue advisers who are cold calling scheme members and attempting to part them from their hard-earned pension pots with a series of elaborate get-rich-quick schemes. One that I have heard of costs 5% of the pension pot immediately and is littered with high costs, with a further 5% fee if the person cancels their arrangement. The Financial Conduct Authority has been in steel areas trying to alert scheme members to the dangers, but more needs to be done. Mr Speaker, are you aware of any plans by Ministers to make a statement and outline to the House what the Government are doing to ensure that British Steel pension scheme members are properly protected?

Mr Speaker: I thank the hon. Gentleman for giving me notice that he wished to raise this matter. I am bound to say that I have not received any indication that a Minister intends to make a statement on this matter in the Chamber. That said, I appreciate that it is a matter of considerable concern to the hon. Gentleman and his constituents. My understanding of that fact is enhanced by the examples that the hon. Gentleman has just furnished to the House. Moreover, it may well be a matter of considerable concern to other Members, too. The hon. Gentleman has succeeded in putting his concern on the record and I trust that it will have been heard on the Treasury Bench. The hon. Gentleman is a person of considerable ingenuity and no little experience in the House, and I rather sense that he will lose no opportunity to air his concerns again in the coming days.
Courts (Abuse of Process)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.3 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I beg to move,

That leave be given to bring in a Bill to prevent abuse of process in civil and family courts; to make provision about cooperation between court jurisdictions; to create offences when certain civil and family court orders are breached; to amend the rights and duties of certain parties to prevent abuse of process in civil and family court; and for connected purposes.

Since becoming a Member of Parliament in May 2015, I have endeavoured to do my best to further the interests of victims of gender-related abuse, stalking and harassment. In this I would aspire to follow in the footsteps of my predecessor, Elfyn Llwyd, whose work on coercive control legislation entered the statute books two years ago this month.

I am honoured to present this motion in collaboration with Harry Fletcher of the victims’ rights campaign, who, working alongside Zainab Gulamali of Plaid Cymru’s office and Speaker’s intern Ami McCarthy, has a worthy record of furthering the interests of victims here in Westminster. Our work earlier this year reviewed victims’ experiences of vexatious court claims, many of which had been initiated by perpetrators of abuse. A survey of 122 victims of stalking and domestic abuse gave us a snapshot of individuals’ unnecessary suffering and distress, as well as the courts’ unintended role. Our research uncovered that 55% of the victims had court proceedings taken out against them by their abusers. All these victims—this should be noted: all of these victims—had restraining orders in place. Two thirds of them had to appear in court, and a third were personally cross-examined by the perpetrator. In only a quarter of these cases did the police view the court proceeding as a breach of those restraining orders.

The purpose of this Bill is to limit the ability of perpetrators of primarily domestic abuse, stalking and harassment to use—indeed, to misuse or abuse—family and civil courts as a cynical and calculated method of causing further distress and exercising deliberate control over the actions of their victims. The Bill also strengthens the sanctions available for a breach of a restraining or other restrictive order. In the event of multiple breaches, the Bill introduces a presumption of custody.

The Bill gives the court the power to dismiss any meritless applications where it is apparent that their purpose is to harass or distress victims under the guise of an appeal to justice in matters relating to civil or family court jurisdiction. The applicant would be obliged to declare any unspent convictions and restrictions in relation to the respondent or similar convictions against other victims. The respondent would be given the power to inform the court of any relevant convictions or restraining orders in respect of the applicant. The court would have a duty to investigate such claims.

In such circumstances, if proceedings were permitted to continue, the respondent would be able to request special measures such as the provision of screens or video links. I bring with me today a dossier of case studies, and I will refer to some specific examples. It must be emphasised that abuse of process in civil and family courts affects both men and women, and causes distress and, in many instances, personal financial loss. The experience of children as pawns in adults’ power games needs to be remembered, especially when considering that family courts should be seeking a resolution in the best interest of the child. For obvious reasons, the names of all the people described have been altered. They would otherwise be likely to be subject to yet further abuse.

I spoke just last night to a mother in Wales who has been subject to domestic violence and harassment. She has been taken to the family court on five occasions without merit. She has had to give up her career and move house.

Richard has been a victim of stalking for over six years. His stalker repeatedly brings baseless, vexatious claims against him through the civil court. Richard has no option but to represent himself because of lack of funds. Despite the fact that his stalker is subject to a restraining order, he is allowed to cross-examine Richard in the civil courts. Neither the police nor the Crown Prosecution Service recognises these vexatious claims to be in breach of the restraining order. It is difficult to come to a conclusion other than that court procedures are presently colluding with the applicant in his continued abuse of the respondent.

Lucy’s ex-partner also has a restraining order, having been charged with stalking her. He has taken Lucy to court 15 times in both civil and family courts, which has cost her around £25,000 as, like many people, she is not eligible for legal aid in these circumstances.

Victims of abuse, often years of abuse, are obliged by court protocol to face their abusers, to sit with them in waiting rooms, to be in close proximity with them in court rooms, and to undergo cross-examination in person. In one instance, Julia, who had a history of mental illness, was sat alongside her previous partner in a family court hearing to decide child custody arrangements. He was able to whisper to her and play on her vulnerability to the point where she unexpectedly changed her standpoint, against what she previously had stated to be her wishes and her best interests. The judge noticed neither the communication in court nor the sudden change in her expressed position. This resulted in ongoing issues regarding custody of her daughter, preventing Julia’s access to her child over an extended period of time.

I have repeatedly been told that restraining orders are effectively not worth the paper they are written on. Let us remember that the purpose of such orders is to protect and safeguard people, many of whom would otherwise be living in fear or have previously experienced violence. I have recently obtained, by means of parliamentary written questions, statistics regarding compliance with such orders and their effectiveness in deterring abusive behaviour. The answers revealed that the majority of breaches do not result in custody, with 27% resulting in a fine or conditional discharge. As regards breach of order to prevent contact via social media, it is not even possible to get hold of data. In spite of this, victims report that such contact is commonplace. I know of one instance where the abuser threatened to kill family members of a former partner via Facebook Messenger. The police did not regard this as sufficient evidence of a breach.

To close, I would like to thank the supporters of the Bill. There is cross-party support for what it intends to achieve, and I look forward to opportunities to discuss
how best to further its contents with the Government. Finally, I would like to emphasise the significance of training in bringing about institutional cultural change. MPs are, of course, would-be legislators, but the grim reality is that the best of laws always run the risk of failing to bring about the difference for the better for which they were originally drafted. Training for the relevant staff and ongoing monitoring will be essential if we are to shift the balance in favour of victims in ensuring that the justice system best serves their interests and welfare.

Question put and agreed to.

Ordered.

That Liz Saville Roberts, Jess Phillips, Tracy Brabin, Dr Sarah Wollaston, Tim Loughton, Alex Norris, Mr Alistair Carmichael, Alison Thewliss, Ben Lake, Jim Shannon, Caroline Lucas and Peter Kyle present the Bill.

Liz Saville Roberts accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 16 March 2018, and to be printed (Bill 141).

Mr Chris Leslie (Nottingham East) (Lab/Co-op): I beg to move, That the clause be read a Second time.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): With this it will be convenient to consider the following:

New clause 24—Scope of delegated powers—

“Subject to sections 8 and 9 and paragraphs 13 and 21 of Schedule 2, any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its Schedules must be used, and may only be used, insofar as is necessary to ensure that retained EU law continues to operate with equivalent scope, purpose and effect following the United Kingdom’s exit from the EU.”

The purpose of this amendment is to ensure that the powers to create secondary legislation given to Ministers by the Bill can be used only in pursuit of the overall statutory purpose, namely to allow retained EU law to continue to operate effectively after exit day.

New clause 27—Institutional arrangements—

“(1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to the environment or environmental protection that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement (‘relevant powers and functions’) will—

(a) continue to be carried out by an EU entity or public authority;

(b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or

(c) be carried out by an appropriate international entity or public authority.

European Union (Withdrawal) Bill


Further considered in Committee

[Mrs Eleanor Laing in the Chair]

New Clause 18

REGULATIONS TO DEAL WITH DEFICIENCIES ARISING FROM WITHDRAWAL - INDEPENDENT REPORT

“Within one month of Royal Assent of this Act HM Government shall commission the publication of an Independent Report into the constitutional implications of the powers delegated to Ministers in section 7 of this Act and the implications these powers will have on the relationship between Parliament and the executive, the rule of law and legal certainty, and the stability of the UK’s territorial constitution.”—[Mr Leslie.]


Brought up, and read the First time.

1.13 pm
for the purposes of this section, relevant powers and functions relating to the UK exercisable by an EU entity or public authority include, but are not limited to—

(a) monitoring and measuring compliance with legal requirements,

(b) reviewing and reporting on compliance with legal requirements,

(c) enforcement of legal requirements,

(d) setting standards or targets,

(e) co-ordinating action,

(f) publicising information including regarding compliance with environmental standards.

(3) Within 12 months of exit day, the Government shall consult on and bring forward proposals for the creation by primary legislation of—

(a) a new independent body or bodies with powers and functions at least equivalent to those of EU entities and public authorities in Member States in relation to environment; and

(b) a new domestic framework for environmental protection and improvement.

(4) Responsibility for any functions or obligations arising from retained EU law for which no specific provision has been made immediately after commencement of this Act will belong to the relevant Minister until such a time as specific provision for those functions or obligations has been made."

This new clause requires the Government to establish new domestic governance proposals following the UK’s exit from the EU and to ensure statutory and institutional basis for future environmental protection.

New clause 35—Regulations (publication of list)—

“(1) Within 1 month of this Act receiving Royal Assent, the Secretary of State must publish a draft list of regulations that the Government intends to make under section 7.

(2) A list under subsection (1) must include—

(a) the proposed title of the regulation,

(b) the area of retained EU law it is required to correct,

(c) the Government Department who has responsibility for the regulation, and

(d) the proposed month in which the regulation will be tabled.

(3) The Secretary of State must ensure that a list published under subsection (1) is updated within one month from the day it was published, and within one month of every subsequent update, to include any regulations that the Government has since determined it intends to make.”

This new clause would require the Government to produce a list of regulations it intends to make under the Bills correcting powers, and to update that list each month, in order to provide clarity about when, and in which areas, it believes the power will be necessary.

New clause 37—Governance and institutional arrangements—

“(1) Before exit day a Minister of the Crown must seek to make provision that all powers and functions relating to any right, freedom, or protection, that any person might reasonably expect to exercise, that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease to have effect as a result of the withdrawal agreement (‘relevant powers and functions’) will—

(a) continue to be carried out by an EU entity or public authority;

(b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or

(c) be carried out by an appropriate international entity or public authority.

(2) For the purposes of this section, relevant powers and functions relating to the UK exercisable by an EU entity or public authority include, but are not limited to—

(a) monitoring and measuring compliance with legal requirements,

(b) reviewing and reporting on compliance with legal requirements,

(c) enforcement of legal requirements,

(d) setting standards or targets,

(e) co-ordinating action,

(f) publicising information.

(3) Responsibility for any functions or obligations arising from retained EU law for which no specific provision has been made immediately after commencement of this Act will belong to the relevant Minister until such a time as specific provision for those functions or obligations has been made.”

This new clause would ensure that the institutions and agencies that protect EU derived rights and protections are replaced to a sufficient standard so those rights and protections will still be enjoyed in practice.

New clause 53—Dealing with deficiencies arising from withdrawal in relation to child refugee family reunion—

“(1) In the exercise of powers under section 7 (Dealing with deficiencies arising from withdrawal) the Secretary of State must in particular make regulations amending the Immigration Rules in order to preserve the effect in the United Kingdom of Commission Regulation (EU) No. 604/2013 (establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person).

(2) In particular, the regulations made under subsection (1) must provide for an unaccompanied minor who has a family member in the United Kingdom who is a refugee or has been granted humanitarian protection to have the same family reunion rights to be reunited in the United Kingdom with that family member as they would have had under Commission Regulation (EU) No. 604/2013.

(3) The regulations under subsection (1) must require an assessment of the best interests of the minor, taking into account possibilities for family reunification, the minor’s well-being and social development, safety and security considerations, and the view of the minor.

(4) Regulations under this section must be made within six months of this Act receiving Royal Assent.

(5) For the purpose of this section “family member” in relation to the unaccompanied minor, means—

(a) their parents;

(b) their adult siblings;

(c) their aunts and uncles;

(d) their grandparents.”

This new clause is intended to provide for refugee family reunion in the UK in place of the family reunion aspects of the Dublin III Regulation, allowing adult refugees in the UK to sponsor relatives who are unaccompanied children to come to the UK from around the world.

New clause 62—Enforcement of retained environmental law—

“(1) The Secretary of State must make regulations under section 7 of this Act for the purpose of ensuring that retained EU legislation relating to environmental protection continues to be monitored and enforced effectively after exit day.

(2) The regulations must, in particular—

(a) create a statutory corporation (to be called “the Environmental Protection Agency”) with operational independence from Ministers of the Crown to monitor environmental targets set by retained EU law relating to environmental protection;

(b) require the statutory corporation to report to Parliament every year on progress in meeting those targets and to make recommendations for remedial action where appropriate;
allow the statutory corporation to publish additional reports identifying action or omissions on the part of Ministers of the Crown that is likely to result in targets not being met."

This new clause would require Ministers of the Crown to make specific provision for the enforcement of EU legislation relating to environmental protection.

New clause 63—Environmental standards and protections: enforcement—

“(1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to environmental standards and protections that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day and which do not cease to have effect as a result of the withdrawal agreement ("relevant powers and functions") will be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom.

(2) For the purposes of this section, relevant powers and functions include, but are not limited to—

(a) reviewing and reporting on the implementation of environmental standards in practice,
(b) monitoring and measuring compliance with legal requirements,
(c) publicising information including regarding compliance with environmental standards,
(d) facilitating the submission of complaints from persons with regard to possible infringements of legal requirements, and
(e) enforcing legal commitments.

(3) For the purposes of this section, relevant powers and functions carried out by an appropriate existing or newly established entity or public authority in the United Kingdom on any day after exit day must be at least equivalent to all those exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement.

(4) Any newly established entity or public authority in the United Kingdom charged with exercising any relevant powers and functions on any day after exit day shall not be established other than by an Act of Parliament.

(5) Before making provision under subsection (1), a Minister of the Crown shall hold a public consultation on—

(a) the precise scope of the relevant powers and functions to be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom, and
(b) the institutional design of any entity or public authority in the United Kingdom to be newly established in order to exercise relevant powers and functions.

(6) A Minister of the Crown may by regulations make time-limited transitional arrangements for the exercise of relevant powers and functions until such time as an appropriate existing or newly established entity or public authority in the United Kingdom is able to carry them out."

This new clause would require the Government to establish new domestic governance arrangements following the UK’s exit from the EU for environmental standards and protections, following consultation.

New clause 82—Tertiary legislation—

“The powers conferred by this Act do not include power to confer any power to legislate by means of orders, rules or other subordinate instrument, other than rules of procedure for any court or tribunal."

Amendment 65, in clause 7, page 5, line 4, leave out “appropriate” and insert “necessary”.

This Amendment would reduce the wide discretion for using delegated legislation and limit it to those aspects which are unavoidable.

Amendment 15, page 5, line 5, leave out from “effectively” to end of line 6 on page 6.

Amendment 49, page 5, line 7, at end insert—

“(1A) Regulations under subsection (1) may be made so far as necessary to adapt the body of EU law to fit the UK’s domestic legal framework.

This amendment would place a general provision on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only so far as necessary.

Amendment 131, page 5, line 7, at end insert—

“(1A) A Minister of the Crown must by regulations make provision to maintain, preserve and protect the rights of any citizen of an EU member state who was lawfully resident in the UK immediately before exit day, and in particular to continue their right to be lawfully resident in the UK.”

This Amendment is intended to preserve after exit day the rights, including residence rights, of EU citizens in the UK.

Amendment 264, page 5, line 7, at end insert—

“(1A) The Secretary of State shall make regulations to define “failure to operate efficiently” for the purposes of this section.”

This amendment would require the Secretary of State to define in regulations one of the criteria for the use of Clause 7 powers to deal with deficiencies arising from withdrawal from the EU.

Amendment 1, page 5, line 8, leave out “(but are not limited to)” and insert “and are limited to”.

To restrict the power of a Minister to make regulations to amend retained EU law to cases where the EU law is deficient in the way set out in the Bill.

Amendment 56, page 5, line 8, leave out “(but are not limited to)”.

This amendment would remove the ambiguity in Clause 7 which sets out a definition of deficiencies in retained EU law but allows Ministers significant latitude. By removing the qualifying phrase ‘but are not limited to’, subsection (2) becomes a more precise prescribed set of circumstances where Ministers may and may not make regulations.

Amendment 277, page 5, line 41, at end insert—

“(3A) Regulations under this section may not be made unless a Minister of the Crown has laid before each House of Parliament a report setting out how any functions, regulation-making powers or instruments of a legislative character undertaken by EU entities prior to exit day and instead to be exercisable by a public authority in the United Kingdom shall also be subject to the level of legislative scrutiny by the UK Parliament equivalent to that available to the European Parliament prior to exit day."

This amendment would ensure that any regulatory or rule-making powers transferred from EU entities to UK public bodies receive the same degree of scrutiny that would have been the case if the UK had remained in the European Union.

Amendment 359, page 5, line 41, at end insert—

“( ) Retained EU law is not deficient only because it enables rights to be exercised in the United Kingdom by persons having a connection with the EU, which other persons having a corresponding connection with the United Kingdom may not be able to exercise in the EU as a consequence of the United Kingdom’s withdrawal from the EU.”

The amendment would make clear that retained EU law cannot be modified under clause 7 to restrict the rights of EU nationals or businesses in the UK simply because UK nationals or businesses may lose equivalent rights in the EU as a result of the UK’s withdrawal.

Amendment 57, page 5, line 42, leave out subsection (4).

This amendment would remove the scope for regulations to make provisions that could be made by an Act of Parliament.

Amendment 32, page 5, line 43, at end insert “, apart from amending or modifying this Act”. 
This amendment would remove the proposed capacity of Ministers under Clause 7 to modify and amend the Act itself via delegated powers.

Amendment 121, page 5, line 44, leave out subsection (5) and insert—

“(5) No regulations may be made under this section which provide for the establishment of public authorities in the United Kingdom.

(6) Subsection (5) applies to but is not limited to—

(a) Agency for the Cooperation of Energy Regulators (ACER),
(b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
(c) Community Plant Variety Office (CPVO),
(d) European Border and Coast Guard Agency (Frontex),
(e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
(f) European Asylum Support Office (EASO),
(g) European Aviation Safety Agency (EASA),
(h) European Banking Authority (EBA),
(i) European Centre for Disease Prevention and Control (ECDC),
(j) European Chemicals Agency (ECHA),
(k) European Environment Agency (EEA),
(l) European Fisheries Control Agency (EFCA),
(m) European Insurance and Occupational Pensions Authority (EIOPA),
(n) European Maritime Safety Agency (EMSA),
(o) European Medicines Agency (EMA),
(p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
(q) European Union Agency for Network and Information Security (ENISA),
(r) European Police Office (Europol),
(s) European Union Agency for Railways (ERA),
(t) European Securities and Markets Authority (ESMA),
and
(u) European Union Intellectual Property Office (EUIPO).”

This amendment ensures that the Government cannot establish new agencies using delegated legislation.

Amendment 388, page 5, line 44, leave out subsection (5).

Amendment 61, page 6, line 3, leave out sub-paragraph (ii).

This amendment would remove the ability of Ministers to replace or abolish public service functions currently undertaken by EU entities without making an alternative provision for those equivalent public services to continue domestically after exit day. Retaining the existing functions undertaken by the EU is an important principle that the part of this sub-clause could potentially undermine.

Amendment 5, page 6, line 3, leave out “abolished”.

To prevent the abolition by SI of a function currently carried out by an EU entity in the UK, as opposed to its replacement or modification.

Amendment 108, page 6, line 4, leave out paragraph (b).

This amendment seeks to prevent the establishment of new public bodies by means of secondary legislation only, as opposed to primary legislation.

Amendment 17, page 6, line 6, at end insert—

“(5A) Regulations under this section must be prefaced by a statement by the person making the regulations—

(i) is satisfied that the conditions in section 7 are met,
(ii) is satisfied that the regulations contain only provision which is appropriate for the purpose of preventing, remedying or mitigating any failure to operate effectively or other deficiency in retained European Union law arising from the withdrawal of the United Kingdom from the European Union in respect of which the regulations are made, and

(b) declaring that the person making the regulations—

(i) is satisfied that the conditions in section 7 are met,
(ii) is satisfied that the regulations contain only provision which is appropriate for the purpose of preventing, remedying or mitigating any failure to operate effectively or other deficiency in retained European Union law arising from the withdrawal of the United Kingdom from the European Union in respect of which the regulations are made,

(iii) is satisfied that the effect of the regulations is in due proportion to that failure to operate effectively or other deficiency in European Union retained law arising from the withdrawal of the United Kingdom from the European Union, and

(iv) is satisfied that the regulations are compatible with the Convention rights (within the meaning of section 1 of the Human Rights Act 1998 (c. 42)).”

This amendment replicates the provisions in the Civil Contingencies Act 2004, which limit Ministers’ powers even in a time of declared emergency. They ensure that statutory instruments are proportionate and necessary.

Amendment 48, page 6, line 6, at end insert—

“(5A) But a Minister may not make provision under subsection (4), other than provision which merely restates an enactment, unless the Minister considers that the conditions in subsection (5B), where relevant, are satisfied in relation to that provision.

(5B) These conditions are that—

(a) the effect of the provision is proportionate to the policy objective,

(b) the provision does not remove any necessary protection, and

(c) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.”

This amendment is intended to prevent the regulation-making power from being used to remove necessary protections.

Amendment 104, page 6, line 6, at end insert—

“(5A) A public authority established under this section will be abolished after two years.”

This amendment provides for any new public authority established under secondary legislation to be temporary.

Amendment 342, page 6, line 6, at end insert—

“(5A) Regulations to which subsection (5) applies must so far as practicable ensure that all powers and functions exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement are carried out by either an EU entity, an appropriate public authority in the United Kingdom or an appropriate international entity after exit day.”

This amendment would ensure that standards, rights and protections currently maintained by EU entities or public authorities in member states will continue to be maintained in practice following the UK’s exit from the EU.

Amendment 123, page 6, line 10, at end insert—

“(ca) weaken, remove or replace any requirement of law in effect in the United Kingdom place immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the customs union,”

This amendment is intended to prevent the regulation-making powers being used to create barriers to the UK’s continued membership of the customs union.

Amendment 124, page 6, line 10, at end insert—

“(ca) weaken, remove or replace any requirement of law in effect in the United Kingdom place immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the single market,”.
This amendment is intended to prevent the regulation-making powers being used to create barriers to the UK’s continued membership of the single market.

Amendment 222, page 6, line 11, at end insert—

“(da) remove any protections or rights of consumers which are available in the United Kingdom under EU law immediately before exit day.”

This amendment would prevent the Government from using powers in the Act to remove any consumer protections or rights enshrined in EU law after the United Kingdom’s withdrawal from the European Union.

Amendment 332, page 6, line 11, at end insert—

“(da) remove or reduce any rights available to unaccompanied child refugees or asylum seekers (including those who wish to claim asylum) concerning their admission or transfer to the UK under—

(i) Regulation (EU) No 604/2013 (the “Dublin Regulation”); or

(ii) Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;

(db) remove any rights or obligations derived from the Treaty on the Functioning of the European Union, the Treaty on the European Union, or the Charter of Fundamental Rights, which can be applied to the treatment of unaccompanied child refugees or asylum seekers (including those who wish to claim asylum) concerning their admission or transfer to the UK.”

This amendment would prevent a Minister from using regulations under Clause 7 of the Bill to remove or reduce rights under the Dublin Regulation, the 2004 Directive on freedom of movement, or to remove rights or obligations under TFEU, TEU or the Charter of Fundamental Rights, concerning admission or transfer to the UK of unaccompanied child refugees or asylum seekers (including those who wish to claim asylum) concerning their admission or transfer to the UK.

Amendment 333, page 6, line 11, at end insert—

“(da) establish a new entity or public authority in the United Kingdom charged with exercising any powers and functions currently exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day in relation to the environment or environmental protection.”

This amendment would ensure that any new institutions required to enforce environmental standards and protections following the UK’s exit from the EU can be created only by primary legislation.

Amendment 52, page 6, line 12, after “revoke” insert “the Equality Act 2010 or”

This amendment would prevent regulations under the Bill being used to amend the Equality Act 2010.

Amendment 363, page 6, line 12, after “revoke”, insert “, or otherwise modify the effect of,”

This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.

Amendment 364, page 6, line 13, after “it”, insert—

“(ea) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights;”.

This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).

Amendment 2, page 6, line 18, at end insert—

“(g) make any other provision, unless the Minister considers that the conditions in subsection (6A) where relevant are satisfied in relation to that provision.

(6A) Those conditions are that—

(a) the policy objective intended to be secured by the provision could not be secured by non-legislative means;

(b) the effect of the provision is proportionate to the policy objective;

(c) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;

(d) the provision does not remove any necessary protection;

(e) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

(f) the provision is not of constitutional significance”.

To narrow down the circumstances in which this power can be exercised.

Amendment 25, page 6, line 18, at end insert—

“(g) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,

(h) prevent any person from continuing to exercise a right that they can currently exercise,

(i) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

This amendment would prevent the Government’s using delegated powers under Clause 7 to reduce rights or protections.

Amendment 73, page 6, line 18, at end insert—

“(g) make changes to EU-derived domestic legislation concerning the rights of workers in the UK unless the Secretary of State has secured unanimous agreement from the Joint Ministerial Committee.”

Amendment 96, page 6, line 18, at end insert—

“(g) limit the scope or weaken standards of environmental protection.”

This Amendment ensures that the power to make regulations in Clause 7 may not be exercised to reduce environmental protection.

Amendment 109, page 6, line 18, at end insert—

“(g) amend, repeal or revoke any legal right derived from EU law and operative in UK law immediately before 30 March 2019.”

This amendment seeks to prevent the delegated powers granted to Ministers by Clause 7 being used to weaken or abolish existing EU-derived legal rights, such as those on workers’ rights, equality, and environmental protection.

Amendment 233, page 6, line 18, at end insert—

“(g) make changes to EU-derived domestic legislation concerning the co-ordination of social security systems between the UK and EU member states unless the Secretary of State has consulted with the relevant Minister in each of the devolved administrations.”

This amendment would require that changes cannot be made under Clause 7 to EU-derived domestic legislation concerning the co-ordination of social security systems between the UK and EU member states unless the Secretary of State has consulted with the relevant Minister in each of the devolved administrations.

Amendment 234, page 6, line 18, at end insert—

“(g) make changes to EU-derived domestic legislation concerning eligibility for UK pensions unless a public consultation on these changes has taken place.”

This amendment would require that changes cannot be made under Clause 7 to EU-derived domestic legislation concerning eligibility for UK pensions unless a public consultation on these changes has taken place.

Amendment 239, page 6, line 18, at end insert—

“(g) make changes to EU-derived domestic legislation concerning agricultural policies in the UK unless the Secretary of State has secured unanimous agreement from the Joint Ministerial Committee to those changes.”
This amendment would ensure that the power to make regulations on agricultural policy under Clause 7 could not be exercised without agreement from the Joint Ministerial Council.

Amendment 240, page 6, line 18, at end insert—

“(g) make changes to EU-derived domestic legislation concerning fisheries in the UK unless the Secretary of State has secured unanimous agreement from the Joint Ministerial Committee to those changes.”

This amendment would ensure that the power to make regulations concerning fisheries under Clause 7 could not be exercised without agreement from the Joint Ministerial Council.

Amendment 266, page 6, line 18, at end insert—

“(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under it.”

This amendment would prevent the powers in Clause 7 being used to amend Equality Act 2010 legislation.

Amendment 269, page 6, line 18, at end insert—

“(g) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”

This amendment would prevent the powers in Clause 7 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.

Amendment 272, page 6, line 18, at end insert—

“(g) make provision which, in the opinion of the Minister, could pose a threat to national security.”

This amendment would prevent the powers in Clause 7 being used to make provision which could pose a threat to national security.

Amendment 389, page 6, line 18, at end insert—

“(g) confer a power to legislate (other than a power to make rules of procedure for a court or tribunal).”

Amendment 138, page 6, line 18, at end insert—

“(6A) Regulations may not be made under this section unless a Minister of the Crown has certified that the Minister is satisfied that the regulations do not remove or reduce any environmental protection provided by retained EU law.

This amendment ensures that regulations under this section cannot interfere with environmental protection under retained EU law, by requiring a Ministerial certificate.

Amendment 360, page 6, line 18, at end insert—

“(6A) A Minister of the Crown must as soon as reasonably practicable—

(a) publish a statement of Her Majesty’s Government’s policy as to modifications of retained EU law under this section, so far as they appear to the Minister likely to affect industry and commerce in the United Kingdom, and

(b) consult with representatives of, or participants in, industry and commerce as to the modifications which are necessary or desirable.

(6B) In subsection (6A) “industry and commerce” includes financial and professional services.”

The amendment would require early consultation with representatives of the financial and professional services industries on relevant modifications which are to be made under clause 7.

Amendment 385, page 6, line 18, at end insert—

“(6A) A Minister of the Crown must by regulations make provision to replicate the protections in relation to ‘protected persons’ as defined in Part 3 of the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 after exit day.”

This amendment is intended to require the Government to make regulations that continue to recognise European Protection Orders issued by courts in other EU member states after exit day.

Amendment 16, page 6, line 21, leave out subsection (8).

Amendment 88, page 6, line 25, at end insert—

“(9) Regulations may only be made under subsection (5)(a)(ii) if an impact assessment on the replacement, abolition or modification of the functions of EU entities is laid before each House of Parliament prior to their being made.”

This amendment prevents Ministers of the Crown from being able to replace, abolish or modify the functions of EU Agencies without laying impact assessments on its effect before both Houses of Parliament.

Amendment 334, page 6, line 25, at end insert—

“(9) In the exercise of powers under this section the Secretary of State must guarantee the standards and protections currently required as a result of the National Emissions Ceilings Directive, the Ambient Air Quality Directive, the Industrial Emissions Directive, the Medium Combustion Plant Directive and Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.”

This amendment would ensure that the UK maintains existing air quality standards and protections following the UK’s exit from the EU.

Clause 7 stand part.

Amendment 206, in clause 9, page 6, line 43, leave out “appropriate” and insert “necessary”.

To require the final deal with the EU to be approved by statute passed by Parliament.

Amendment 114, page 7, line 1, leave out subsection (2).

This amendment seeks to restrict the delegated powers granted to Ministers by Clause 9.

Amendment 18, page 7, line 2, leave out “(including modifying this Act)” and insert “except modifying this Act, the Parliament Acts 1911 and 1949 and any Act granted Royal Assent in the session of Parliament in which this Act is passed”.

This removes the power of Ministers to amend this Act, the Parliament Acts 1911 and 1949 and any Act granted Royal Assent in the session of Parliament in which this Act is passed.

This amendment would ensure that the Government to make rules of procedure for a court or tribunal.

Amendment 368, page 7, line 6, leave out “or”.

This amendment is preparatory to Amendment 370.

Amendment 369, page 7, line 7, after “revoke”, insert “, or otherwise modify the effect of;”.

This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.

Amendment 13, page 7, line 8, at end insert—

“(e) make any provision, unless the Minister considers that the conditions in subsection (3B) where relevant are satisfied in relation to that provision.

(3A) Those conditions are that—

(a) the policy objective intended to be secured by the provision could not be secured by non-legislative means;

(b) the effect of the provision is proportionate to the policy objective;

(c) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
(d) the provision does not remove any necessary protection;
(e) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise;
(f) the provision is not of constitutional significance"

Amendment 27, page 7, line 8, at end insert—

“(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,
(f) prevent any person from continuing to exercise a right that they can currently exercise,
(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

This amendment would prevent the Government’s using delegated powers under Clause 9 to reduce rights or protections.

Amendment 98, page 7, line 8, at end insert—

“(e) limit the scope or weaken standards of environmental protection.”

This Amendment ensures that the power to make regulations in Clause 8 may not be exercised to reduce environmental protection.

Amendment 115, page 7, line 8, at end insert—

“(e) amend, repeal or revoke any legal right derived from EU law and operative in UK law immediately before 30 March 2019.”

This amendment seeks to prevent the delegated powers granted to Ministers by Clause 9 being used to weaken or abolish existing EU-derived legal rights, such as those on workers’ rights, equality, and environmental protection.

Amendment 268, page 7, line 8, at end insert—

“(e) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under it.”

This amendment would prevent the powers in Clause 9 being used to amend Equality Act 2010 legislation.

Amendment 271, page 7, line 8, at end insert—

“(e) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”

This amendment would prevent the powers in Clause 9 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.

Amendment 274, page 7, line 8, at end insert—

“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

This amendment would prevent the powers in Clause 9 being used to make provision which could pose a threat to national security.

Amendment 370, page 7, line 8, at end insert “, or
(e) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”

This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).

New clause 6—Government proposals for Parliamentary scrutiny—

“Within one month of Royal Assent of this Act the Leader of the House of Commons shall publish proposals for improved scrutiny of delegated legislation and regulations that result from this Act.”

This new clause would require the Government to bring forward early proposals for the House of Commons to consider as changes to Standing Orders to reflect the scrutiny required as a result of changes to regulation and delegated legislation made by this Act.

New clause 26—Scrutiny of statutory instruments—

“(1) A Parliamentary Committee shall determine the form and duration of parliamentary and public scrutiny for every statutory instrument proposed to be made under this Act.

(2) Where the relevant Committee decides that the statutory instrument will be subject to enhanced parliamentary scrutiny the Committee shall have the power—

(a) to require a draft of the proposed statutory instrument be laid before Parliament;
(b) to require the relevant Minister to provide further evidence or explanation as to the purpose and necessity of the proposed instrument;
(c) to make recommendations to the relevant Minister in relation to the text of the draft statutory instrument;
(d) to recommend to the House that “no further proceedings be taken” in relation to the draft statutory instrument.

(3) Where an instrument is subject to enhanced scrutiny, the relevant Minister must have regard to any recommendations made by the Parliamentary Committee pursuant to subparagraph (2) above before laying a revised draft instrument before each House of Parliament.

(4) Where an instrument is subject to public consultation, the relevant Minister must have regard to the results of the consultation before laying a revised draft instrument before each House of Parliament or making a Written Statement explaining why no revision is necessary.”

This new clause seeks to ensure that a Parliamentary Committee rather than ministers should decide what is the appropriate level of scrutiny for regulations made under the Act and that the Parliamentary Committee has the power to require enhanced scrutiny in relation to regulations that it considers to be particularly significant or contentious.

Amendment 68, in schedule 7, page 39, line 13, leave out sub-paragraphs (1) to (3) and insert—

“(1) If a Minister considers it appropriate to proceed with the making of regulations under section 7, the Minister shall lay before Parliament—

(a) draft regulations,
(b) an explanatory document and
c) a declaration under sub-paragraph (3).

(2) The explanatory document must—

(a) introduce and explain the amendment made to retained EU law by each proposed regulation, and
(b) set out the reason why each such amendment is necessary (or, in the case where the Minister is unable to make a statement of necessity under sub-paragraph (3)(a), the reason why each such amendment is nevertheless considered appropriate).

(3) The declaration required in sub-paragraph (1) must either—

(a) state that, in the Minister’s view, the provisions of the draft regulations do not exceed what is necessary to prevent, remedy or mitigate any deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU (a “statement of necessity”); or
(b) include a statement to the effect that although the Minister is unable to make a statement of necessity the Government nevertheless proposes to exercise the power to make the regulations in the form of the draft.
(4) Subject as follows, if after the expiry of the 21-day period a joint committee of both Houses of Parliament appointed to consider draft regulations under this Schedule (“the joint committee”) has not reported to both Houses a resolution in respect of the draft regulations laid under sub-paragraph (1), the Minister may proceed to make a statutory instrument in the form of the draft regulations.

(5) A statutory instrument containing regulations under sub-paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) The procedure in sub-paragraphs (7) to (9) shall apply to the proposal for the draft regulations instead of the procedure in sub-paragraph (4) if—

(a) either House of Parliament so resolves within the 21-day period,

(b) the joint committee so recommends within the 21-day period and neither House by resolution rejects the recommendation within that period, or

(c) the draft regulations contain provision for—

(i) establish a public authority in the United Kingdom,

(ii) provide for any function of an EU entity or public authority in a member State to be exercisable instead by a public authority in the United Kingdom established by regulations under section 7, 8 or 9 or Schedule 2,

(iii) provides for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom,

(iv) imposes, or otherwise relates to, a fee in respect of a function exercisable by a public authority in the United Kingdom,

(v) creates, or widens the scope of, a criminal offence, or

(vi) creates or amends a power to legislate.

(7) The Minister must have regard to—

(a) any representations,

(b) any resolution of either House of Parliament, and

(c) any recommendations of a committee of either House of Parliament charged with reporting on the proposal for the draft regulations,

made during the 60-day period with regard to the draft regulations.

(8) If after the expiry of the 60-day period the draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the form of the draft.

(a) revised draft regulations, and

(b) a statement giving a summary of the changes proposed.

(9) If after the expiry of the 60-day period the Minister wishes to proceed with the draft regulations but with material changes, the Minister may lay before Parliament—

(a) revised draft regulations, and

(b) a statement giving a summary of the changes proposed.

(10) If the revised draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the terms of the revised draft.

(11) For the purposes of sub-paragraphs (1) to (10) regulations are made in the terms of draft regulations or revised draft regulations if they contain no material change to their provisions.

(12) In sub-paragraphs (1) to (10), references to the “21-day” and “60-day” periods in relation to any draft regulations are to the periods of 21 and 60 days beginning with the day on which the draft regulations were laid before Parliament.

(13) For the purposes of sub-paragraph (12), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.”

This amendment would require the Minister to provide an explanatory statement on whether the regulations simply transpose EU law or make further changes, subject to a check by a committee of the House, and require that if the regulations involve more than simple transposition the super affirmative procedure must be used.

Amendment 129, page 39, line 13, leave out paragraphs 1 to 3 and insert—

‘Scrutiny procedure: introductory

1 A statutory instrument containing regulations under section 7 may not be made by a Minister of the Crown unless it complies with the procedures in this Part.

Determination of scrutiny procedure

2 (1) The explanatory document laid with a statutory instrument or draft statutory instrument containing regulations under section 7 must contain a recommendation by the Minister as to which of the following should apply in relation to the making of an order pursuant to the draft order—

(a) the negative resolution procedure:

(b) the affirmative resolution procedure;

(c) the super-affirmative procedure.

(2) The explanatory document must give reasons for the Minister’s recommendation.

(3) Where the Minister’s recommendation is that the negative resolution procedure should apply, that procedure shall apply unless, within the 30-day period—

(a) either House of Parliament requires that the super-affirmative procedure shall apply, in which case that procedure shall apply; or

(b) in a case not falling within paragraph (a), either House of Parliament requires that the affirmative resolution procedure shall apply, in which case that procedure shall apply.

(4) Where the Minister’s recommendation is that the affirmative resolution should apply, that procedure shall apply unless, within the 30-day period, either House of Parliament requires that the super-affirmative resolution procedure shall apply, in which case the super-affirmative resolution procedure shall apply.

(5) Where the Minister’s recommendation is that the super-affirmative procedure should apply, that procedure shall apply.

(6) For the purposes of this paragraph a House of Parliament shall be taken to have required a procedure within the 30-day period if—

(a) that House resolves within that period that that procedure shall apply; or

(b) in a case not falling within paragraph (a), a committee of that House charged with reporting on the draft order has recommended within that period that that procedure shall apply and the House has not by resolution rejected that recommendation within that period.

Super-affirmative procedure

3 (1) for the purposes of this Part of this Schedule, the “super-affirmative resolution procedure” is as follows.

(2) The Minister must have regard to—

(a) any representations,

(b) any resolution of either House of Parliament, and

(c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,

made during the 60-day period with regard to the draft order.

(3) If, after the expiry of the 60-day period, the Minister wishes to make an order in the terms of the draft, he or she must lay before Parliament a statement—

(a) stating whether any representations were made; and

(b) if any representations were so made, giving details of them.
(4) The Minister may after the laying of such a statement make an order in the terms of the draft if it is approved by a resolution of each House of Parliament.

(5) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under sub-paragraph (3) and before the draft order is approved by that House under sub-paragraph (4), recommend under this subparagraph that no further proceedings be taken in relation to the draft order.

(6) Where a recommendation is made by a committee of either House under subparagraph (5) in relation to a draft statutory instrument with material changes, he or she must lay before Parliament—

(a) a revised draft statutory instrument; and

(b) a statement giving details of—

(i) any representations made; and

(ii) the revisions proposed.

(7) If, after the expiry of the 60-day period, the Minister wishes to make an order consisting of a version of the draft statutory instrument in that House unless the recommendation is, in the same Session, rejected by resolution of that House.

(a) a revised draft statutory instrument; and

(b) a statement giving details of—

(i) any representations made; and

(ii) the revisions proposed.

(8) The Minister may after laying a revised draft statutory instrument and statement under sub-paragraph (7) make regulations in the terms of the revised statutory instrument if it is approved by a resolution of each House of Parliament.

(9) However, a committee of either House charged with reporting on the revised draft statutory instrument may, at any time after the revised draft statutory instrument is laid under sub-paragraph (7) and before it is approved by that House under sub-paragraph (8), recommend under this sub-paragraph that no further proceedings be taken in relation to the revised draft statutory instrument.

(10) Where a recommendation is made by a committee of either House under sub-paragraph (9) in relation to a revised draft statutory instrument, no proceedings may be taken in relation to the revised draft statutory instrument in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.

(11) In this Part—

(a) the “30-day period” means the period of 30 days beginning with the day on which the draft statutory instrument was laid before Parliament;

(b) the “60-day period” means the period of 60 days beginning with the day on which the draft statutory instrument was laid before Parliament;

(c) the “affirmative resolution procedure” has the same meaning as in section 17 of the Legislative and Regulatory Reform Act 2006;

(d) the “negative resolution procedure” has the same meaning as in section 16 of the Legislative and Regulatory Reform Act 2006.

This amendment would ensure Parliament has the power to determine, following recommendations by the Minister, which parliamentary procedure should be used to scrutinise statutory instruments containing regulations that deal with deficiencies arising from EU withdrawal. It also provides for use of the “super-affirmative resolution procedure” whereby a committee of either House can recommend that no further proceedings be taken in relation to a draft order, which can only be over-taken by a resolution of that House.

Amendment 20, page 39, line 13, leave out “which contain provisions falling with sub-paragraph (2).”

This amendment is linked to Amendment 21 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs made under Clause 7 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

Amendment 21, page 39, line 17, leave out sub-paragraphs (2) and (3)

This amendment is linked to Amendment 20 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs made under Clause 7 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

Amendment 33, page 39, line 17, after “if” insert “a scrutiny committee determines that”.

This amendment together with Amendments 34 and 35 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 34, page 39, line 29, at end insert “(g) is otherwise of sufficient policy interest to merit the application of sub-paragraph (1).”

This amendment together with Amendments 33 and 35 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 265, page 39, line 29, at end insert “(g) defines "failure to operate efficiently" under section 7(1A).”

This amendment, linked to Amendment 264, would ensure that any regulations to define "failure to operate efficiently" under section 7(1A) would be subject to affirmative procedure.

Amendment 3, page 39, line 30, leave out sub-paragraphs (3) to (10) and insert “(3) A Minister of the Crown must not make an Order under (1) and (2) above or any other Order to which this Schedule applies, unless—

(a) a draft Order and explanatory document has been laid before Parliament in accordance with paragraph 1A; and

(b) in the case of any Order which can be made other than solely by a resolution of each House of Parliament, the Order is made as determined under paragraph 1B in accordance in accordance with—

(i) the negative resolution procedure (see paragraph 1C); or

(ii) the affirmative resolution procedure (see paragraph 1D); or

(c) it is declared in the Order that it appears to the person making it that because of the urgency of the matter, it is necessary to make the Order without a draft being so approved (see paragraph 1E).

Draft Order and Explanatory document laid before Parliament

1A (1) If the minister considers it appropriate to proceed with the making of an Order under this Part, he must lay before Parliament—

(a) a draft of the Order, together with

(b) an explanatory document.

(2) The explanatory document must—

(a) explain under which power or powers in this Part the provision contained in the Order is made;
Affirmative resolution procedure

1D (1) For the purposes of this Part the “affirmative resolution procedure” in relation to the making of an Order pursuant to a draft Order laid under paragraph 1A is as follows.

(2) The Minister must have regard to—

(a) any representations,

(b) any resolution of either House of Parliament, and

(c) any recommendations of a committee of either House of Parliament charged with reporting on the draft Order, made during the 40-day period with regard to the draft Order.

(3) If, after the expiry of the 40-day period, the minister wishes to make an Order in the terms of the draft, he must lay before Parliament a statement—

(a) stating whether any representations were made under sub-paragraph (2)(a); and

(b) if any representations were so made, giving details of them.

(4) The Minister may after the laying of such a statement make an Order in the terms of the draft if it is approved by a resolution of each House of Parliament.

(5) If, after the expiry of the 40-day period, the Minister wishes to make an Order consisting of a version of the draft Order with material changes, he must lay before Parliament—

(a) a revised draft Order; and

(b) a statement giving details of—

(i) any representations made under sub-paragraph (2)(a); and

(ii) the revisions proposed.

(6) The Minister may after laying a revised draft Order and statement under sub-paragraph (5) make an Order in the terms of the revised draft if it is approved by a resolution of each House of Parliament.

(7) For the purposes of sub-paragraphs (4) an Order is made in the terms of a draft Order if it contains no material changes to the provisions of the draft Order.

(8) In this paragraph the “40-day period” has the meaning given by paragraph 4(5)(a).

Procedure in urgent cases

1E (1) If an Order is made without being approved in draft, the person making it must lay it before Parliament, accompanied by the required information, after it is made.

(2) If, at the end of the period of one month beginning with the day on which the original Order was made, a resolution has not been passed by each House approving the original or replacement Order, the Order ceases to have effect.

(3) For the purposes of sub-paragraph (1), “required information” means—

(a) a statement of the reasons for proceeding under paragraph 1E; and

(b) an explanatory document, as set out in paragraph 1A (2).

To set up a triage and scrutiny system under the control of Parliament for determining how Statutory Instruments under Clause 7 of the Bill will be dealt with.

Amendment 67, page 39, line 30, leave out sub-paragraph (3).

This amendment would facilitate the use of affirmative and super-affirmative procedures, other than for the transfer of functions of EU public bodies.

Amendment 35, page 39, line 33, at end insert “, unless a scrutiny committee determines that the instrument is of such significant policy interest that it ought to be subject to approval of each House with a procedure that allows for amendment.”

This amendment together with Amendments 33 and 34 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.
Amendment 392, page 39, line 33, at end insert—

“( ) See paragraph 2A for restrictions on the choice of procedure under sub-paragraph (3).”

This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 7 for which there is a choice between negative and affirmative procedures.

Amendment 130, page 40, line 23, leave out sub-
paragraphs (2) to (4) and insert—

“(2) The procedure provided for in paragraphs 1 to 3 of this Part in respect of the Houses of Parliament applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable to the regulations concerned.”

This amendment applies the procedures set out in Amendment 129 in respect of the UK Parliament for regulations made jointly by a Minister of the Crown acting jointly with a devolved authority.

Amendment 4, page 40, line 32, leave out from “is” to end of line 34 and insert

“subject to the rules set out in paragraphs 1 to 1E above.”

Consequential amendment to Amendment 3.

Amendment 393, page 42, line 4, at end insert—

“Parliamentary committee to sift certain regulations involving Minister of the Crown

2A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 1(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and
(b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—

(a) has made a statement in writing to the effect that in the Minister’s opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
(b) has laid before the House of Commons—

(i) a draft of the instrument, and
(ii) a memorandum setting out the statement and the reasons for the Minister’s opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 1(3) applies is made that another procedure should apply in relation to the instrument (whether under paragraph 1(3) or 3).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

This amendment ensures that regulations under Clause 7 for which there is a choice between negative and affirmative procedures cannot be subject to the negative procedure without first having been subject to a scrutiny process involving a committee of the House of Commons. The scrutiny process envisages that the committee will make a recommendation as to the appropriate procedure in the light of draft regulations and other information provided by the Government.

Amendment 394, page 42, line 31, at end insert—

“(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Paragraph 2A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.”

This amendment permits the scrutiny process for deciding whether certain regulations under Clause 7 should be subject to the negative or affirmative procedure to be disallowed in urgent cases.

Amendment 36, page 43, line 3, after “if” insert

“a scrutiny committee determines that”.

This amendment together with Amendments 37 and 38 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 37, page 43, line 15, at end insert—

“(g) is otherwise of sufficient policy interest to merit the application of sub-paragraph (1)”.

This amendment together with Amendments 36 and 38 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 22, page 43, line 19, at end insert

“or if the Government has not provided time on the floor of the House for a debate and vote on a prayer against the statutory instrument signed by the Leader of the Opposition or 80 Members of the House of Commons.”

This would mean that if the Leader of the Opposition or 80 members of the House of Commons were to sign a prayer against an SI that was subject under Schedule 7 to the negative procedure, the Government would have to provide time for a debate and a vote on the floor of the House or lose the SI. At present there is no such provision in the House of Commons.

Amendment 38, page 43, line 19, at end insert

“, unless a scrutiny committee determines that the instrument is of such significant policy interest that it ought to be subject to approval of each House with a procedure that allows for amendment.”

This amendment together with Amendments 36 and 37 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 395, page 43, line 19, at end insert—

“( ) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3).”

This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 8 for which there is a choice between negative and affirmative procedures.

Amendment 23, page 43, line 26, leave out

“which contain provisions falling within sub-paragraph (2).”

This amendment is linked to Amendment 24 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs under Clause 9 to

Amendment 24, page 43, line 30, leave out sub-paragraph (2).

This amendment is linked to Amendment 23 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs under Clause 9 to
go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

Amendment 39, page 43, line 30, after “if” insert “a scrutiny committee determines that”.

This amendment together with Amendments 40 and 41 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 40, page 43, line 43, at end insert—

“(b) is otherwise of sufficient policy interest to merit the application of sub-paragraph (1).”

This amendment together with Amendments 39 and 41 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 41, page 43, line 47, at end insert “, unless a scrutiny committee determines that the instrument if of such significant policy interest that it ought to be subject to approval of each House with a procedure that allows for amendment.”

This amendment together with Amendments 39 and 40 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Amendment 396, page 43, line 47, at end insert—

“( ) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3).”

This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 9 for which there is a choice between negative and affirmative procedures.

Amendment 374, page 44, line 5, at end insert—

“Amendment of definition of “law relating to equality or human rights”

6A A statutory instrument containing regulations of a Minister of the Crown under section 14(7) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

This amendment provides for draft affirmative resolution scrutiny for the power to the definition of “law relating to equality or human rights”, inserted by Amendment 371.

Amendment 397, page 45, line 11, at end insert—

“Parliamentary committee to sift certain regulations involving Minister of the Crown

10A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 5(3) or 6(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and
(b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—

(a) has made a statement in writing to the effect that in the Minister’s opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
(b) has laid before the House of Commons—

(i) a draft of the instrument, and
(ii) a memorandum setting out the statement and the reasons for the Minister’s opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 30 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 5(3) or 6(3) applies is made that another procedure should apply in relation to the instrument (whether under that paragraph or paragraph 11).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

This amendment ensures that regulations under Clause 8 or 9 for which there is a choice between negative and affirmative procedures cannot be subject to the negative procedure without first having been subject to a scrutiny process involving a committee of the House of Commons. The scrutiny process envisages that the committee will make a recommendation as to the appropriate procedure in the light of draft regulations and other information provided by the Government.

Amendment 398, page 45, line 40, at end insert—

“(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 5(3) or 6(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Paragraph 10A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.”

This amendment permits the scrutiny process for deciding whether certain regulations under Clause 8 or 9 should be subject to the negative or affirmative procedure to be disapplied in urgent cases.

Government amendment 391.

Amendment 207, in clause 17, page 13, line 35, leave out “appropriate” and insert “necessary”.

Amendment 208, page 14, line 7, leave out “appropriate” and insert “necessary”.

Amendment 373, page 14, line 13, at end insert—

“(8) Regulations under subsection (1) or (5) may not amend, repeal or revoke, or otherwise modify the effect of, any law relating to equality or human rights.”

This amendment would replicate, for the powers in clause 17, the equality and human rights restrictions on other powers in this Bill (as modified by other amendments).

Amendment 205, in clause 8, page 6, line 28, leave out “appropriate” and insert “necessary”.

Amendment 110, page 6, line 31, leave out subsection (2)

This amendment seeks to restrict the delegated powers granted to Ministers by Clause 8.

Amendment 31, page 6, line 32, at end insert “, apart from amending or modifying this Act”.

This amendment would remove the proposed capacity of Ministers in Clause 8 to modify and amend the Act itself via delegated powers.

Amendment 365, page 6, line 36, leave out “or”

This amendment is preparatory to Amendment 367.

Amendment 366, page 6, line 37, after “revoke”, insert “, or otherwise modify the effect of,”
This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.

Amendment 367, page 6, line 38, at end insert “, or
(e) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”.

This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).

Amendment 12, page 6, line 38, at end insert—
“(c) make any provision, unless the Minister considers that the conditions in subsection (3A) where relevant are satisfied in relation to that provision.

(3A) Those conditions are that—
(a) the policy objective intended to be secured by the provision could not be secured by non-legislative means;
(b) the effect of the provision is proportionate to the policy objective;
(c) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
(d) the provision does not remove any necessary protection;
(e) the provision does not prevent any person from exercising any right or freedom which that person might reasonably expect to continue to exercise;
(f) the provision is not of constitutional significance”.

Amendment 26, in clause 8, page 6, line 38, at end insert—
“(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,
(f) prevent any person from continuing to exercise a right that they can currently exercise,
(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

This amendment would prevent the Government’s using delegated powers under Clause 8 to reduce rights or protections.

Amendment 97, page 6, line 38, at end insert—
“(e) limit the scope or weaken standards of environmental protection.”

This Amendment ensures that the power to make regulations in Clause 8 may not be exercised to reduce environmental protection.

Amendment 111, page 6, line 38, at end insert—
“(e) amend, repeal or revoke any legal right derived from EU law and operative in UK law immediately before 30 March 2019.”

This amendment seeks to prevent the delegated powers granted to Ministers by clause 8 being used to weaken or abolish existing EU-derived legal rights, such as those on workers’ rights, equality, and environmental protection.

Amendment 267, page 6, line 38, at end insert—
“(c) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under it.”

This amendment would prevent the powers in Clause 8 being used to amend Equality Act 2010 legislation.

Amendment 270, page 6, line 38, at end insert—
“(e) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”

This amendment would prevent the powers in Clause 8 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.

Amendment 273, page 6, line 38, at end insert—
“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

This amendment would prevent the powers in Clause 8 being used to make provision which could pose a threat to national security.

Amendment 371, in clause 14, page 10, line 26, at end insert—
“(3) The first report made under subsection (1) following Royal Assent must—
(a) include an assessment of the amount and nature of funding provided by European Union institutions to organisations based in the United Kingdom for the purposes of research, service provision, and other activity relating to ending violence against women and girls; and,
(b) outline plans to provide comparable resources for research, service provision, and other activity relating to ending violence against women and girls in the United Kingdom.”
This new clause calls for the Government to lay a report before Parliament laying out how cross-border action to end violence against women and girls will continue after exit day, assessing the extent of current European Union funding for work to end violence against women and girls, and setting out the Government's plans to provide comparable resources.

Mr Leslie: I thought for a minute, Mrs Laing, that you were going to read out all the amendments grouped today, which might have taken up some considerable time.

Today's debate is about taking back control—about Parliament and the powers of the House of Commons to hold the Executive to account and to overrule it if we wish to do so. New clause 18 essentially says that it is time for the Government to be honest about the extensive and wide-ranging powers they want to take away from Parliament, which essentially is what the Bill proposes to do. Some might say that my new clause does not go far enough, that it is a little tepid; it simply says that the Government ought to commission a proper independent report into the constitutional ramifications and implications of their proposal. In my view, they have not thought through the process properly. They denied the House a pre-legislative scrutiny process for the Bill and, importantly, ignored an extremely detailed and thoughtful report and set of recommendations from the House of Lords Constitution Committee, which went into painstaking detail to review Ministers' proposals, particularly those in clause 7. It also did so with respect to clause 9—we will not be voting on aspects of clause 9 today, but certain amendments to it have been grouped for discussion.

I accept that if we leave the EU, the acquis—the body of existing EU law—will need to be converted into UK law. We were told, of course, that the Bill was supposed to be a simple "copy and paste" exercise that merely transposed those EU rules under which we have lived for the past 30 or 40 years into UK law. Despite the early recommendations from the House of Lords Constitution Committee, made long before publication of the Bill, back in March, Ministers have made a real error in failing to distinguish between the technical and necessary task of transposing existing laws from EU to UK statute and the wider powers that Ministers are taking potentially to make substantive policy changes, by order, in areas that currently fall within EU competence. In other words, they have not sought to curtail the order-making powers simply to focus on that transposition exercise. The order-making powers go far wider into a whole array of policy making areas.

Mr Jim Cunningham (Coventry South) (Lab): We were told that we were bringing powers back to this Parliament so that this Parliament could take decisions. Why, then, are the Government trying to introduce parliamentary debates in both Houses. Does the hon. Member not understand that? We are dealing with a very narrow set of provisions, relating only to statutory instruments to deal with technical matters which, of course, the House can ultimately determine in any event.

Mr Leslie: I want to emphasise that this is not simply an exercise in transposing technical and necessary measures. The Government have extended the scope of the Bill into policy-making capability, which brings in the question of divergence. We have heard a lot recently about concepts of full alignment and this notion of diverging from rules and policies. The way clauses 7 and 9 have been drafted would allow Ministers, by order, through negative statutory instruments that we rarely get the chance even to vote on in this place, to make policy changes that could affect policy functions and the rights of our constituents—perhaps as part of a deregulating agenda—if that is indeed what the Government of the day sought to achieve.

Mary Creagh (Wakefield) (Lab): My hon. Friend, like me, will have read in the newspapers about the Cabinet split opening up on divergence, with various Cabinet Ministers backing divergence and others not. How does he think this squares with the Prime Minister’s promise to our European partners and the Government of the Republic of Ireland that we will stay in full regulatory alignment after we leave?

Mr Leslie: I suspect that the European Commission and the Republic of Ireland Government saw the phrase “full alignment” and thought that full alignment meant full alignment. It turns out from the Prime Minister’s statement yesterday that full alignment does not quite mean full alignment. She said it only meant aligning the areas in the Good Friday agreement protocol, but of course that predates the notion of our leaving the single market and the customs union, so the Good Friday agreement did not cover such narrow issues—I say that sarcastically—as goods and manufacture trade. The list of issues that she thinks full alignment covers does not include trade in goods, which is a staggering thing, because of course if we do not cover trade in goods, we end up with that hard border, which is absolutely the point we have got to.

Mary Creagh rose—

Mr Leslie: I do not want to digress at this stage. I want to focus particularly on the powers that Ministers are taking in clause 7, if my hon. Friend will allow me to do so.

John Redwood (Wokingham) (Con) rose—

Mr Leslie: I cannot resist.

John Redwood: Ministers have assured us that if they want to change policy—if, for instance, they see a need for a new fishing policy, or a new customs and trade policy—there will be primary legislation and full parliamentary debates in both Houses. Does the hon. Gentleman not understand that? We are dealing with a very narrow set of provisions, relating only to statutory instruments to deal with technical matters which, of course, the House can ultimately determine in any event.

Mr Leslie: It is touching that the right hon. Gentleman takes those assurances from Ministers at face value, but the Ministers may not be here for very much longer. Who knows? If we are going to make policy changes, that should be done in a Bill that comes before Parliament, or in a statutory instrument subject to affirmative resolution.
I now invite Members to pick up their copies of the Bill, because I want to deal with a couple of provisions in clause 7 which I think contradict the understanding of the right hon. Member for Wokingham (John Redwood) of the scope of the order-making powers that are being taken. It is, in fact, fairly wide. Clause 7(4) states:

"Regulations under this section may make any provision that could be made by an Act of Parliament."

In other words, a provision in a statutory instrument could have the same effect as one in primary legislation.

Mr Dominic Grieve (Beaconsfield) (Con): When statutes are being considered and Bills are being drafted, there does on occasion come a point at which we must accept that assurances given, for example, at the Dispatch Box will have to complement the inevitable small grey areas. However, that should not prevent us as a Parliament from scrutinising legislation and insisting that, so far as possible, it is drafted in conformity with the purpose for which the Government say that they intend to use it.

Mr Leslie: That is why Members often say in the House, “Let us place it on the face of the Bill”, which means “Let us put in writing, in black and white, something that can then be held up in a court of law”, rather than a mere verbal promise from a Minister who, as I have said, could be here today and gone tomorrow. These things matter, and if we are to do our job properly we need to get our statute right.

It is not an exaggeration that clause 7(4) represents a massive potential transfer of legislative competence from Parliament to Government. It is a sweeping power that would make Henry VIII blush if he were to see it today. My amendment 57 would delete the sweeping nature of clause 7(4), because Ministers have not ensured that their powers are as limited as possible; on the contrary, they have ensured that they are as exceptionally wide as possible.

Tom Brake (Carshalton and Wallington) (LD): The right hon. Member for Wokingham (John Redwood) referred to Bills relating to, for instance, trade and customs. Does the hon. Gentleman agree that those Bills are very likely to contain the very same Henry VIII powers?

Mr Leslie: Indeed. There are, I think, eight pieces of subsequent legislation which are also opening up this precedent. Effectively, Members of Parliament are being patted on the head and told, “Do not trouble yourselves. We will sort out all these areas of policy. We will just go away and if you really object, you can petition us about it.” That is not good enough.

Let me now turn to clause 9. We are not voting on it today, but the grouping of the amendments allows us to discuss issues relating to it. Subsection (2) states:

"Regulations under this section may make any provision that could be made by an Act of Parliament (including modifying this Act)."

If, having gone through all the rigmarole of debating the proposals that are before us today and made all sorts of promises, Ministers then say, after Royal Assent, “Actually, we did not like that bit of the Act”, they will be taking order-making powers to amend this very provision.

Hilary Benn (Leeds Central) (Lab): It is not just a question of assurances given from the Dispatch Box. In clause 9, Ministers are proposing to take a power that would enable them, after the event, to get rid of what they have described as safeguards in the Bill if they feel like it, by means of the mechanisms provided in that clause. Does that not undermine the confidence that the House can have in those safeguards, given that they may no longer be in the text of the Bill when it becomes an Act?

Mr Leslie: It is almost an Alice in Wonderland “down the rabbit hole” concept: the notion that we are passing an Act that hands powers to Ministers to amend not just any other Act of Parliament, but the Act itself. It is completely ridiculous. I know that Conservative Members will say I am making the point because I am sceptical about Brexit or something, but this is a constitutional issue. It is about ensuring that Parliament is sovereign, and that Members of Parliament can override the executive and curtail excessive behaviour. I shall be astonished if clause 9(2) is still there after Royal Assent, because if the House of Commons does not deal with it, the other place will certainly have to do so.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I have some sympathy with the points that the hon. Gentleman is making, but why did he not raise these objections when his own party was passing legislation that could be self-amending in exactly the same way, without a sunset clause—for example, the Scotland Act 1998?

Mr Leslie: I am not sure whether there is anything comparable to the sweeping nature of the policy scope of a Bill that says that order-making powers can include powers to modify the Act itself.

Mr Jenkin: There is the Scotland Act!

Mr Leslie: If that is indeed the case, two wrongs do not make a right, but I do not think that any other provision is quite as extensive as this. The hon. Gentleman’s loyalty to the Government knows no bounds—he has to come to their defence, because it is important for someone to do so—but I think that, in this particular instance, even he may be slightly embarrassed by quite how far Ministers have gone.

Clause 7(1) states:

“A Minister of the Crown may by regulations make such provision as the Minister considers appropriate”.

The term “appropriate” is entirely undefined, and it is the only condition imposed on the Minister’s desire to address “deficiencies” in the law. The House of Lords Constitution Committee has said:

“This application of a subjective test to a broad term like ‘deficiency’ makes the reach of the provision potentially open-ended.”

The Government tabled amendment 391 to try to ameliorate some of the concern about that, but it barely constitutes a concession. It merely requires Ministers to make explanatory statements that provisions are “appropriate” in order to justify the order-making power.
It is because it is so broad that I tabled amendment 65, which would at least shift the subjective threshold from “appropriate” to “necessary”. I believe that requiring Ministers to feel that a regulation is necessary would present them with a stronger test and a higher threshold. It would allow them to retain fairly broad powers, but I think that it would provide an extra safeguard. A Minister may think that something is appropriate without having to justify it, and I feel that we should expect more in a Bill such as this. The Constitution Committee has also said:

“We proposed that ‘a general restriction on the use of delegated powers’ could be achieved using ‘a general provision … placed on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only so far as necessary to adapt the body of EU law to fit the UK’s domestic legal framework’.”

I followed that advice by tabling amendment 65.

Clause 7(2) implies that the scope of the Henry VIII powers are not exhaustive at all.

That subsection begins with the phrase:

“Deficiencies in retained EU law include (but are not limited to) where the Minister considers that retained EU law does x, y and z, and it goes on to set out a series of particular conditions.

The right hon. and learned Member for Beaconsfield (Mr Grieve) has also spotted this issue in his amendment 1, and this caveat does not have to be limited to the exceptions set out in clause 7. Again, that provision is too broad and gives too much power to Ministers. Ministers might well say, “Well, it’s not our intention to go beyond the list of prescribed areas in clause 7”, but the Bill as drafted does not constrain their successors; as I have said, there will, of course, always be further Ministers after the current ones have moved on.

1.30 pm

Mr Grieve: Does the hon. Gentleman agree that those who draft legislation go off to Government Departments, show the draft and ask whether that covers all the things that need to be covered, and are then inevitably told that the Department is worried that something has not been covered? Perhaps this should be an encouragement to those on the Treasury Bench to go away and think again about whether the list they have produced is not in reality exhaustive. If it is not, perhaps they would like to identify during today’s debate where they think there might be these extra powers that take them beyond the limits they have listed.

Mr Leslie: The right hon. and learned Gentleman and any other Member who has had the privilege of serving as a Minister will know exactly what civil servants will advise, which is, “Well, you don’t know the exact circumstances, so seek as wide a power as you can possibly get away with through Parliament, if it will turn a blind eye to it. We can deal with the consequences thereafter.”

Unfortunately for them, Ministers will not be able to get away with that on this occasion, because we have spotted this land grab attempt. It is not appropriate; if they feel that there should be exceptions or that certain circumstances should be accounted for, those must be set out in the Bill, not just left in these current loose terms.

Current Ministers might feel that they are responsible stewards of Government, but I invite hon. Members to imagine circumstances in which we end up with a malign Government of some sort, shape or variety, such as some sort of extreme Administration—who knows what might happen in years to come? These Henry VIII powers are extremely sweeping. They will be available to Ministers in years to come and could leave the door open to quite arbitrary near-autocratic actions of a future Government.

For example, if a future Government sought to lift the 48-hour working week provisions that EU law currently gives to employees in this country, Ministers would by order potentially have the scope to do that under the powers in clauses 7 and 9. If Ministers wanted to require the banking sector to have more capital requirements under these provisions, they would be able to simply make those orders. If Ministers wanted some sort of aggressive or inappropriate state intervention to distort competition, favouring one producer over others, they would be able to do that through the provisions on these order-making powers.

Chris Stephens (Glasgow South West) (SNP): Does the hon. Gentleman agree that there is a real concern across the UK in relation to workers’ rights, particularly as many in government at present were saying during the EU referendum campaign that the roll-back of workers’ rights was one of the reasons why they advocated a leave vote in the first place?

Mr Leslie: The Bill’s provisions are so wide-ranging that the protections that our constituents have enjoyed to this day as a result of European regulations and rights could be at risk—not from Parliament, but from a ministerial sweep of the pen, through the making of an order: a negative statutory instrument.

Mr Jim Cunningham: We had a good test of that some time ago in relation to trade union rights, through what the Government did to the Trade Union Bill during its passage through Parliament. Does my hon. Friend agree that the big test will be something the Government are being evasive about: will this Parliament get the final vote? We were told during the referendum campaign that Parliament would have its say and everything would be brought back here, yet the Government are doing everything in their power to avoid giving Parliament the final vote on this.

Mr Leslie: The offer from the Government has been a binary yes or no motion at some point when we see the withdrawal agreement, and then—potentially after the fact, post-signature by Ministers—a Bill later on down the line. That is obviously not good enough, but we will come to many of those issues in tomorrow’s debates. For now, there are further deficiencies in the way clause 7 has been drafted to be addressed.

Clause 7(5) talks about the functions and public services that the regulations can amend. The right hon. and learned Member for Beaconsfield has spotted in amendment 5, as I have in amendment 61, that these powers could allow Ministers to sweep away a public service function currently undertaken by an EU agency without making alternative provisions; Ministers have talked about a function being not only “replaced” or
“modified”, but “abolished”. Ridiculously, Ministers have smirked in this phrase, under which by order they can abolish a whole area of public service activity through the powers they are granting themselves in subsection (5). That could affect lots of obscure and small areas of public policy that do not matter to all our constituents but will certainly matter to some, including chemical safety certification, medicine risk assessment activities, aircraft airworthiness, preparedness for disease prevention and control, aeronautic research, energy market trading, and maritime pollution.

There are lots of functions that EU agencies currently fulfil. Some Members might say that they should be fulfilled within the UK, which is a perfectly good argument, but clause 7 would allow Ministers to abolish those functions entirely by order. I do not believe that is appropriate, and that is why I think amendment 61 and certainly amendment 5 are necessary.

Mary Creagh: My hon. Friend has talked about the many agencies that we currently rely on to regulate all manner and aspects of our national life, but he has neglected to mention the regulatory and enforcement functions carried out by the European Commission and the European Court of Justice. Does he share my concern that, particularly in the environmental sphere—which I will talk about in my speech—removing the Commission as an enforcement body could be very detrimental to standards in all areas of regulation?

Mr Leslie: My hon. Friend has done important work as Chair of the Environmental Audit Committee on some of these questions. These are not small matters; they are important functions that over the years we have developed and grown to expect. Some of them are provided by EU agencies, but they should not be able to be abolished simply by order—by the sweep of a ministerial pen—without reference to this place and without the House of Commons having some ability to decide.

Angela Smith (Penistone and Stocksbridge) (Lab): Does my hon. Friend agree that the Government might well find other ways of delivering these functions, but the key point is independence? We need the authorities that deliver these safeguards and regulatory activities to be independent of Government and to be accountable to the people.

Mr Leslie: Indeed, and there are good arguments for having independent provision of many of these assessments. We might feel that many regulatory activities currently undertaken by EU agencies need to be undertaken by our regulators here in the UK, rather than being brought into a Government departmental function, to give them that further arm’s-length independent status. I want to talk about some aspects of that shortly.

I want to make reference, too, to the Procedure Committee’s set of amendments that the hon. Member for Broxbourne (Mr Walker) and others have tabled to try to deal with what could be thousands of negative statutory instruments—orders by Ministers that do not automatically come up for a vote in the House of Commons. I totally respect the work of the Procedure Committee, and it is important that it has gone through this process, but I do not believe that the proposed committee would be an adequate safeguard. I do not believe that it would fulfil the concept of what a sifting committee ought to be.

We need a Committee of the House that can look through the hundreds of statutory instruments that are currently not for debate and be able to pick them out and bring them forward for an affirmative decision. The Procedure Committee’s amendments would not quite do that; they would simply create a committee able to voice its opinion about the designation of an order as a negative statutory instrument. That could be overruled or ignored by Ministers. Indeed, if a Minister were to designate such a negative statutory instrument as urgent, it would not even need to be referred to that committee. That is a pretty low threshold, and a pretty weak concession.

Chris Bryant (Rhondda) (Lab): Is it my hon. Friend’s understanding that the committee would have an automatic Conservative party majority, because of the changes to Standing Orders?

Mr Leslie: I am not sure whether such a provision exists. Perhaps members of the Procedure Committee will have a view on that. I certainly think that that would be unfortunate.

Helen Goodman (Bishop Auckland) (Lab): We will look at the composition when we look at the Standing Orders. It is not covered in the contents of the amendments today, but people will have an opportunity to debate that issue on another occasion.

Mr Leslie: That is true, but it deserves to be debated today as well. If we are creating a committee, it is perfectly legitimate to argue that we need to know whether it will have teeth and exercise bite, or whether it will be reluctant to do so. The question that my hon. Friend the Member for Rhondda (Chris Bryant) asked about its composition is perfectly reasonable.

Chris Bryant: For that matter, the Procedure Committee has regularly suggested changes to Standing Orders that the Government have refused to move forward. I have seen the right hon. Member for Broxbourne more furious than anyone else in the Chamber because the Government have refused to act on that, so it is inadequate to suggest that Standing Orders might make arrangements in this regard.

Mr Leslie: My hon. Friend’s point is well made. Again, it goes to show that if we are to assert ourselves as the House of Commons and create a committee to deal with this flood of negative statutory instruments, that needs to be done in a way that has teeth. We will debate the Bill and kick it around and it will go to the House of Lords, but we need to ensure that it has teeth when it comes back.

Several hon. Members rose—

Mr Leslie: I am conscious that a lot of Members want to speak, and I want to get to the end of my remarks.

There are other issues relating to the standard of scrutiny, and perhaps the Procedure Committee will want to think about them as well. Currently, when regulatory policy issues are decided in Europe by EU
Mr Leslie: I absolutely do, Madam Deputy Speaker. Amendment 124 talks about protecting the single market provisions, and that is why, in today’s debate, as well as getting into constitutional areas such as protecting Parliament’s rights, we also have a duty to talk about the single market. The right hon. Member for Carshalton and Wallington’s amendment addresses this point. This is something that many of us feel very strongly about, and we are not going to give up without a bit of a fight.

Tom Brake: The point also enables us to remember that this was in the Conservative party manifesto in 2015.

Mr Leslie: Who could possibly forget that support for the single market was once a key aspect of Margaret Thatcher’s policy making, as well as the policy of subsequent Governments?

Anna Soubry (Bromley and Chislehurst) (Con): The hon. Gentleman is right when he says that Margaret Thatcher was pretty much the authoress of the single market. Does he agree that, as trade develops, the best places to do business will be those nearest to us—not those far away, which mean that goods have to be conveyed over huge distances?

Mr Leslie: We are putting a lot of effort into trying to get free trade deals with New Zealand, Australia and other countries, and much as I would love free trade deals with all of them, the fact is that our biggest markets are our nearest neighbours. Having that single market and that customs union is incredibly important, which is why amendment 124 should not be dismissed and I believe Members should support it. We also need to pay attention to the powers and rights that Parliament must now assert if we are to ensure that the Executive do not take back the control that many of our constituents thought was coming to their representatives after the referendum.

Sir Oliver Letwin (West Dorset) (Con): As always, I am lost in admiration for the extraordinary eloquence of the hon. Member for Nottingham East (Mr Leslie). It is unfortunate that he has a tendency, as he exhibited on this occasion, to be so carried away by his eloquence as to take arguments that many Government Members often recommend to Ministers—but it is not the case that this was in the Conservative party manifesto to give the Government greater scope for dealing with a whole series of problems, in a way that the civil service often recommends to Ministers—but it is not the case that it offers the unconstrained powers that he was suggesting. His world is a world without a Supreme Court, and without judgments of the meaning of deficiency. He alleged that the meaning of “appropriate” was entirely obscure and then used it, by my count, five times himself. We all knew what he meant and so would a court. One does not need to go to the extents to which he was going to point out that the Bill requires some amelioration in respect of the secondary legislation powers, a point which many Members on both sides of the Committee made during an earlier debate. He could have rested with that, which would have taken rather fewer minutes.
[Sir Oliver Letwin]

I look forward to hearing from my hon. Friend the Member for Broxbourne (Mr Walker), the Chairman of the Procedure Committee, because unlike the hon. Member for Nottingham East I think that amendment 393—if I remember the number correctly—is carefully judged. I think it probably will provide—a [Interruption.] I apologise for getting the number wrong; I was referring to amendment 397. In any case, the Procedure Committee’s amendment seems to be the right way to tackle the question of triage, and it is well judged and well drafted. I hope that Ministers will tell us in their responses from the Dispatch Box that recommendations from the Procedure Committee will in this instance always be respected in the House. I do not think that we need to worry about a completely separate set of Ministers dealing with the recommendations, because the recommendations will be made in the coming months. We need a combination of that amendment plus an assurance from the Dispatch Box that the Procedure Committee’s recommendations will be observed, and I think we could rest on that.

Chris Bryant: I just worry about this whole business of relying on the Government saying that they will always go by a recommendation that comes from a Committee. Several times I have heard Ministers stand in the Chamber and say that if the Opposition demand a vote on the annulment of a Standing Order, there will always be one. However, over the past few years, there have on repeated occasions been no debates or votes, even when demanded by the Opposition and a large number of Government Members. It is almost sweet of the right hon. Gentleman to place such confidence in Ministers, but they are sometimes not to be trusted. We just put temptation in their way.

Sir Oliver Letwin: The hon. Gentleman is a doughty defender of his party interest and of the House of Commons. On this occasion, if such an assurance is given from the Dispatch Box and if the advice of the committee is not followed, people on both sides of the House will cause a sufficient fuss to ensure that the House does have the opportunity to debate instruments under the affirmative procedure.

John Redwood: Will my right hon. Friend clear up one other uncertainty created by the hon. Member for Nottingham East (Mr Leslie)? Is it not the case that the powers that we are debating are strictly time limited to two years from the date of departure? This is no long-term issue.

Sir Oliver Letwin: One of the most striking moments of hyperbole was when the hon. Member for Nottingham East asserted that the situation would last for many years. He will of course know, as my right hon. Friend the Member for Wokingham (John Redwood) points out, that the provisions are sunsetted.

Chris Bryant: Unfortunately, that is not true because the Government are able to change the Act by statutory instrument.

Sir Oliver Letwin: Except of course it is, because if the amendment is accepted, as the Government intend, the committee will be empowered to make a recommendation to have something debated by the affirmative procedure in the House should such an eventuality arise. In those circumstances, if we have an assurance from the Dispatch Box that something will be so debated, the hon. Gentleman and I will be able to join forces to prevent such a thing from happening. That is a genuine lock, and this debate depends on whether we want to engage in party political games or whether we want a serious approach to ensuring ministerial accountability. Amendment 397 is serious, and my hon. Friends and I are keen to ensure that its changes are made. I note that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) has also put his name to the amendment, which gives me great comfort that it is a serious effort to cure the problem.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): On the point made by the hon. Member for Rhondda (Chris Bryant) about amending the Act, which I will refer to in my own speech, I just want to draw the Committee’s attention to paragraph 6 (2)(g) of Schedule 7. For us to amend the Act, any change would have to relate to the withdrawal agreement and its implementation and would be subject to a vote in both Houses.

Sir Oliver Letwin: That is indeed true. I suppose that Opposition Members would tend to argue that only the courts could enforce that, which is an oddity with the principle of comity, but I think we are dancing on the heads of pins here. I am confident that the Government do not intend to use that power to get rid of the constraints within the Bill. I am equally confident that the serious issue here is whether significant changes are proposed by the negative procedure and, I repeat, the Procedure Committee amendment seems to handle that serious issue, which is in contrast to the highly hypothetical considerations that have already been put before the Committee.

Amendments 62 and 63 were, in a different form, the subject of some serious discussions earlier in Committee. They relate to how we bring the important environmental principles in the treaty on the functioning of the European Union into English law at the time of withdrawal and to how we replace the useful role that the Commission has played in being an independent enforcement agency for environmental law that is governed by those principles in its procedures and substantive actions.

Helen Goodman: Is the right hon. Gentleman referring to new clauses 62 and 63 or amendments 62 and 63?

Sir Oliver Letwin: New clauses 62 and 63. I do apologise. I am very bad at remembering the nomenclature, but I know which ones I am talking about. They are the ones that relate to the environment—their proponent, the hon. Member for Wakefield (Mary Creagh), is sitting behind the hon. Lady—and we had a long discussion about them earlier in Committee. Since those discussions inside the House, many of my hon. Friends, including my hon. Friend the Member for Richmond Park (Zac Goldsmith), and I have had considerable conversations outside the House with various people, such as the Secretary of State for Environment, Food and Rural Affairs, green non-governmental organisations and others. I am now confident that the Government will bring forward proper new primary legislation to create an
independent body outside the House with prosecutorial powers that will replace the Commission as the independent arbiter to enforce environmental rules and to ensure that the Government are taken to task in court without the need for the expense of class action lawsuits.

Caroline Lucas (Brighton, Pavilion) (Green) rose—

Sir Oliver Letwin: I do not suppose that I will succeed now in persuading the hon. Lady. I do not wholly disapprove of the idea of her and others pursuing aggressive amendment tactics here and in the other place to ensure that the Government continue to respond effectively and rapidly. Once the consultation paper emerges and the Secretary of State has made further statements about this, and once legislative time has been allocated in the Parliamentary Business and Legislation Committee, assuming it is still called that, we will have that confidence. I would prefer to rest on that, because it would be at the least inelegant and possibly positively damaging to pass one piece of legislation and then introduce another that repealed or amended it. That sounds to me like a recipe for confusion.

Should we become sceptical at a later date about whether the Government will bring separate legislation forward, it would be open to the House of Lords to table amendments in the other place, which would come back to us. I, for one, would want to see those amendments made if the Government did not intend to put something in place before EU exit day. I am currently confident that they will, and that is the only basis on which I will not be voting for the new clause this evening.

Mary Creagh: I do not share the right hon. Gentleman’s confidence that all this will be done in time, and I share the concerns of the hon. Member for Brighton, Pavilion (Caroline Lucas). We have been waiting two and a half years for a 25-year environment plan, which will be a 22-year plan by the time it is published. We have had promises of legislation on fisheries and the common agricultural policy, and today a draft animal sentience and animal welfare Bill has been published. There is already a legislative logjam in the Department for Environment, Food and Rural Affairs as a result of the decision to leave the EU, and at the moment there is a reporting gap. Although there may be a new body in the future to do some of the enforcement, I do not believe that it will be up and ready at the point of leaving, when all our reporting obligations, which currently rest with the European Commission, will fall.

Sir Oliver Letwin: There are quite a lot of bits to unpack in that. If we were to leave without an agreement and hence without a transition period, there would be some merit in her observation, although the gap would be short if the new body had been legislated for by the time we left. If the Government’s plan succeeds and there is a transition period, we will no doubt be bound to do some of the enforcement, I do not believe that it will be up and ready at the point of leaving, when all our reporting obligations, which currently rest with the European Commission, will fall.

Mary Creagh: I am conscious that the right hon. Member for Leeds Central (Hilary Benn) will inevitably cavil slightly at...
that, and I respect his record. I genuinely believe that the current Secretary of State is even more devoted to the environment than he was.

An awful lot of DEFRA legislation will inevitably have to be brought to the House before exit. No Environment, Food and Rural Affairs Secretary and no Government could resist it. One cannot exit the EU without solving the problems of the common fisheries policy and the common agricultural policy so there is a natural legislative slot, and this powerful Secretary of State will be more than capable of bringing before the House the relevant statutory provisions. They will not be simple; they will require mature deliberation in both Houses. I am sure we all agree that it is incredibly important that we get the provisions exactly right. We need to make sure that it is a genuinely watertight system, with a set of policies that apply, that the court will enforce and that can be brought to court by an independent body. We need to ensure that the independent body is genuinely and completely independent of the Government, that it can bring Ministers to court, that it is properly funded and staffed and that it looks at the way in which the principles are applied through the policy statement in practice.

I believe that if all that can be done in a proper statute, it would be not just a replication of where we have been, which is now much lauded but was in practice very imperfect, but a huge advance on that. We would have a more comprehensive enforcement of a better environmental legislative framework than any country on earth. That is a goal worth striving for in a proper Act, instead of trying to shoehorn into this Bill a set of new clauses and amendments that are well intentioned but cannot perform the same purpose.

Zac Goldsmith (Richmond Park) (Con): My right hon. Friend makes a brilliant speech. [Laughter.] I cannot disagree with a single word that he has said. I strongly agree with him. The main sticking point is not the aspirations of the Secretary of State to build an independent body that is sufficiently resourced to hold the powerful to account in the way that he has described. The issue is timing and trust. Exactly the same arguments were used just a couple of weeks ago in relation to animal sentience. Sceptics in the House questioned the commitment of the Government to deliver a sentience Bill and said that if it was delivered, it would be a watered down version. We have proof this morning of the Government's intent; we have a sentience Bill that goes way further than anything in EU law. It applies to all animals, all sectors, all parts of government. It takes us forward in a dramatic and meaningful sense, and that is what I hope we can expect from the initiative of the Independent Body. I apologise for speaking for so long.

Sir Oliver Letwin: I agree with my hon. Friend. He is being unduly modest, because in large part it is due to pressure from him that the Government have introduced such an effective and incisive Bill in a timely fashion. I agree that that gives us considerable confidence about what will happen on this other, even wider ranging matter.

Caroline Lucas: I am pleased to see the change on animal sentience, but to correct the hon. Member for Richmond Park (Zac Goldsmith), the debate a few weeks ago was about whether we needed new legislation to provide for animal sentience when we left the EU. The Minister stood at the Dispatch Box and said that we did not need new legislation as it was already covered by existing UK domestic legislation. So I am pleased to see a screeching U-turn, but let us not pretend that it was not a screeching U-turn.

Sir Oliver Letwin: I have steadfastly resisted for 21 years engaging in meaningless partisan debate, and I am not going to abandon a career’s worth of effort in that direction to answer that point. Animal sentience is built into English law in various ways already, but the new Bill will vastly strengthen the position compared with what it is today under European law. That is a huge advance for our nation, one that many people on both sides of the House can be happy with. As my hon. Friend the Member for Richmond Park was pointing out, there is an exact parallel with what we and the Government are seeking to do in relation to environmental regulation. I really believe that if we could lay aside both the inevitable divisions about Brexit itself and the inevitable play of party politics, and simply focus on what is going to do the best thing for our environment, we would see that the programme we have before us is a huge advance and one we should gratefully welcome.

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure to serve under your chairmanship, Mrs Laing, and to follow the right hon. Member for West Dorset (Sir Oliver Letwin). I rise to speak to new clauses 63 and 1, amendments 32 and 25, which stand in my name and those of my right hon. and hon. Friends, and amendments 342, 333, 350, 334 and 33 to 41.

For the purposes of clarity, I intend to break my remarks down into three parts. I will first speak to those new clauses and amendments that relate to the purpose, scope and limits of clause 7. I will then turn to those that relate specifically to the clause 7 power to transfer functions from EU entities and agencies to UK competent authorities. I will finish by turning to new clauses and amendments that relate to the Government’s proposals about how Parliament will scrutinise and, where necessary, approve secondary legislation made under the powers provided for by not only clause 7, but clauses 8, 9 and 17.

I turn first to the purpose, scope and limits of clause 7. As I said when winding up for the Opposition in the debate on Second Reading, the delegated powers conferred on Ministers under clause 7, and clauses 8, 9 and 17, are extraordinary in their constitutional potency and scope. They are, to put it plainly, objectionable and their flaws must be addressed before Third Reading. As such, when it comes to the correcting powers provided for by clause 7, what we are debating is not whether there is a need to place limits on these powers—that, I hope, is beyond serious dispute. What is at issue today, and what I intend to cover in the first part of my remarks, is what limits should be placed on these powers and why.

Just as the Opposition accept that the Brexit process requires legislation to disentangle the UK from the European Union’s legal structures and to ensure that we have a functioning statute book on the day we leave, we also understand, in light of the legislative reality that must be confronted between now and exit day, that no Government could carry out this task by primary legislation
alone. We therefore accept that relatively wide delegated powers to amend existing EU law and to legislate for new arrangements following Brexit where necessary are, and will be, an inevitable feature of the Bill. Given how much EU and EU-related law has been implemented through primary legislation, we also recognise that the Bill will have to contain Henry VIII clauses. We appreciate that there is a difficult balance to be struck between the urgency required to provide legal continuity and certainty after exit day and the equally important need for safeguards to ensure we maintain the constitutional balance of powers between the legislature and the Executive.

We also believe, however, that to the extent that relatively wide delegated powers are necessary, they should not be granted casually and where they are granted they should be limited, wherever possible, and practical. That is particularly important given how remarkable the correcting powers provided under clause 7 are in their potency and scope. On their potency, it is important to recognise that the Henry VIII powers contained in clause 7 are of the most expansive type. As has already been noted by my hon. Friend the Member for Nottingham East (Mr Leslie), clause 7(4) makes it clear that the power granted by subsection (1) can be used to enact regulations that make any provision that could be made by an Act of Parliament, and clauses 8(2) and 9(2) make equivalent provision in respect of the powers conferred by both those clauses.

These are extraordinary powers, for if it is possible for regulations made under clause 7(1) to make any provision that could be made by an Act of Parliament, that must extend logically to amending or repealing any kind of law, including provisions in other Acts, in the context of wide-ranging purpose of the clause: to remedy any deficiencies that arise in retained EU law. Furthermore, paragraph 1(2)(8) of schedule 7 explicitly confirms that the powers in clause 7 can be used to create powers “to legislate”. As the powers can be used to do anything that could be done by Act of Parliament by means of subsection (4), the Bill itself can be used to create further Henry VIII powers. As such, if this Bill is passed unamended, we face the prospect of Ministers—perhaps not this Minister or Ministers in this Government—having the ability to use the Henry VIII powers in this Bill to confer further such powers upon themselves or other UK institutions; we are talking about delegated legislation piled on top of delegated legislation. That is an outcome that no Member of this House should regard as an acceptable prospect, but it is possible using the powers conferred under clause 7, as drafted.

First, as my hon. Friend the Member for Nottingham East has mentioned, subsection (1) states that the Minister may make

“such provision as the Minister considers appropriate”

to address a deficiency in retained EU law arising from withdrawal. I listened carefully to the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), last week when he defended this wording as it related to schedule 2, on the grounds that to replace “appropriate” with “necessary” or “essential” would be unduly restrictive, could be interpreted by a court to mean logically essential and would therefore limit the discretion Ministers need in cases where two or more choices on how to correct retained EU law are available. But Ministers must accept that the subjectivity inherent in the choice of the word “appropriate” remains a concern across this House and they need to further elaborate, not only on why its use would not render the power in clause 7 open-ended, but on why the Government chose to use the phrase “where necessary” in their White Paper on the Bill, published in March—this is at paragraph 3.7. We need to know why that has changed and why Ministers now believe that “appropriate” and not “necessary” is the right language to use in the Bill.

Chris Bryant: We might think that the most extreme legislation that would be on the statute book allowed for emergency powers. The Civil Contingencies Act 2004 makes it absolutely clear that, when Henry VIII powers are to be used, the Minister must explain why they are important, why they are necessary and that they have met an appropriate level of proper jurisdiction beforehand, but none of that is available in the Bill. Is it not therefore important that we have measures such as amendment 17, which adds to the clause?

Matthew Pennycook: Absolutely. My hon. Friend spoke powerfully about this matter on Second Reading, and he is right in saying that the scope of the powers in this Bill is not narrow, as some Conservative Members have argued; these powers are extraordinarily wide and unprecedented in the post-war period. I struggle to find other examples of Acts that have drawn their powers this wide.

Secondly, and perhaps more concerning, clause 7(1) will allow Ministers to make such regulations as they consider appropriate for the purpose of preventing, remedying or mitigating

“(a) any failure of retained EU law to operate effectively, or
(b) any other deficiency in retained EU law”

arising from exit. What is meant by the entirely subjective phrase “operate effectively” is left entirely open, a point rightly highlighted by amendment 15, which stands in the name of the right hon. and learned Member for Beaconsfield (Mr Grieve) and others. What is meant by deficiencies is more precisely defined, but clause 7(2) still only provides a non-exhaustive set of examples of what is considered to fall within this category. As such, it leaves Ministers with considerable latitude in determining when retained EU law contains a deficiency. The explanatory notes to the Bill seek to reassure us that the power could not be used by a Minister just because he or she considered the law in question to be flawed prior to exit. Today’s Minister will no doubt repeat that it is not the Government’s intention to use this Bill to make
major policy changes or to establish new frameworks in the UK beyond those which are necessary to ensure we have a functioning statute book on exit day. But in the absence of a definitive criteria of what constitutes a deficiency, or, indeed, restrictions on how deficiencies might be addressed in the Bill, there is still scope for the Executive to enact substantive changes to policies in areas that were previously underpinned by EU law, whether by lowering permissible air quality levels or modifying crucial employment protections.

Stephen Doughty: I thank my hon. Friend for his excellent forensic examination of what is at fault in the Bill. Does he agree that there is deep suspicion and mistrust because we have heard speeches from Members who might seek to form the Government at some point—particularly the hon. Member for North East Somerset (Mr Rees-Mogg) and others—who have made it clear that they want a deregulated race-to-the-bottom economy and society? It is all very well to have assurances from the current team of Ministers, but what if others were in their place?

Matthew Pennycook: That is precisely our concern. We discussed that at length on day 2 in Committee, when we were talking about the need for enhanced protection for retained EU law because it will be stripped away from its underpinnings in EU law post-exit.

A further concern about the language in clause 7(1) is that, given how wide clauses 2, 3 and 4 are in respect of what will come under the umbrella of retained EU law, Acts of Parliament that are linked to EU law, such as the Equality Act 2010, will be susceptible to change by statutory instrument under the clause. That would be an entirely unacceptable situation. There are many different ways in which the constitutional potency and scope of the correcting powers provided under clause 7 can be circumscribed, and we support many of the amendments tabled to the clause that share that same basic underlying objective.

Amendments 32 and 25 are the means by which my right hon. and hon. Friends and I have attempted to limit those correcting powers. Amendment 32 would diminish the potency of the delegated powers in the clause by removing the ability to modify or amend the Act itself. I listened to what the Minister said about the schedules and how they dictate things, but I would argue that there seems to be a difference—if Members wish to direct their attention to it, this is on pages 39 and 43 of the Bill—between the process that applies to clause 7 and that which applies to clause 9, with respect to whether a vote in the House would be required for Ministers to amend the Act itself. Perhaps the Minister will elaborate further on that in his response.

Amendment 25 would reduce the scope of the powers by constraining their capacity to reduce rights and protections, while amendments 350 and 334 would buttress amendment 25 by putting specific limits on the powers in question by requiring Ministers to pay full regard to the animal welfare standards enshrined in article 13 of the treaty on the functioning of the European Union and to guarantee that the air quality standards and protections that are currently underpinned by EU law are maintained in practice following our departure.

Given how widely drawn the powers in clause 7 are, coupled with their potency and scope and the inherent subjectivity of the language in subsection (1) in key respects, ministerial assent acts as a gateway to govern and have a cosy chat, as we have had on other days, are not good enough in this instance. The powers entail a significant transfer of legislative competence from the legislature to the Executive and open up the real possibility of substantive changes being made in policy areas that previously were underpinned by EU law.

Restrictions on the powers must be placed in the Bill, whether through amendment 32 or 25, or some other combination of amendments. I look forward to hearing from the Minister not only that the Government now accept as much but what they intend to do about it.

On the new clauses and amendments that relate specifically to the clause 7 power to transfer functions from EU entities and agencies to UK competent authorities, Ministers have been at pains to point out throughout this process that many of the corrections to retained EU law made under the correcting power in clause 7 will be mechanistic, textual or technical in nature. That will undoubtedly be the case, but many others will not be. As other Members have noted, these powers do not allow for not only the creation of new UK public authorities using the affirmative procedure but the transfer of EU regulatory functions to existing UK institutions using the negative procedure. However, in neither case does the clause 7 power as drafted ensure that retained EU law will be made operable in ways that replicate and maintain, in so far as is practical, all the existing powers and functions exercisable by EU entities. As a result, the clause does not guarantee that the powers and functions of entities such as the EU Commission or other EU agencies will continue to operate with equivalent scope, purpose and effect after exit day.

Amendment 342 would address the problem by making it clear in the Bill that regulations to which subsection (5) applies must, again in so far as is practical, ensure that the standards, rights and protections currently maintained by EU institutions, or other public authorities anywhere in the UK, continue to exist in practice after exit day and that the UK competent authorities that are overhauled or created for that purpose have the resources, expertise and independence required to carry out their task effectively. That they do so is crucial not only for legal certainty and continuity and to ensure continued confidence in UK products and services, but as a guarantor of stability and redress for citizens and civic bodies in key areas in which there is a clear risk that Brexit will leave a governance gap.

The need for such an amendment is particularly important when it comes to the environment. I take the point made by the right hon. Member for West Dorset that we discussed this matter in Committee at length on other days. Of course, it relates intimately to the environmental principles, although they are outside what is covered by clause 7. We have tabled new clause 63 to require the Government to establish new domestic governance arrangements, following consultation, for environmental standards and protections and, crucially, to ensure that the new arrangements provide robust enforcement mechanisms when environmental requirements and standards are not met.

The Government’s thinking about this policy area has clearly moved on from their early insistence that existing regulatory bodies, parliamentary scrutiny and
the use of judicial review alone would be sufficient to provide oversight of Government and public body conduct. The pledge by the Secretary of State for Environment, Food and Rural Affairs to create a new environmental watchdog and to consult early in the new year on its scope, powers and functions is welcome, but as things stand we have no clear indication of the watchdog’s scope, powers and functions; no clarity on whether the Government are seeking agreement with the devolved Administrations with a view to implementing similar measures in their jurisdictions; and no sense of whether or not the watchdog will be able to levy credible sanctions or provide for effective enforcement of breaches.

Sir Oliver Letwin: Before the hon. Gentleman moves on, I think what he says about the devolved authorities is incorrect. As I understand it, the Secretary of State made it perfectly clear that, if possible, he would like the devolved Administrations to come along with the process and share in the institutional framework. Of course, that is not a decision he can make; it is up to the devolved Administrations.

Matthew Pennycook: I am happy to take that on board. I learn more about Government environmental policy from the right hon. Gentleman than I do from his Front-Bench colleagues, so I happily stand corrected.

Mary Creagh: What the Secretary of State announced to the Environmental Audit Committee on 1 November was the beginnings of an idea. During that evidence session, the one new environmental body morphed into four potential environmental bodies, which have yet to morph into a consultation, which has yet to be published. At the moment, we are chasing chimeras—I do not know whether I have pronounced that correctly.

[Interruption.] I thank the genius of the group, my hon. Friend the Member for Rhondda (Chris Bryant), for helping me with my Greek pronunciation. What I have described stands in stark contrast to the hop, skip and jump on the animal sentience legislation that has been rushed out before Christmas—the triple jump on animal welfare legislation. The issues relating to devolution are further complicated by the promise to the Republic of Ireland on full regulatory alignment on agriculture, water and waste, which is now going to continue regardless.

Matthew Pennycook: My hon. Friend makes a series of good points. I do not take the Government’s commitment in this policy area lightly and I do not take issue with it. What is at issue is the scope and powers of the watchdog and the timing. I share the concerns expressed by my hon. Friend and by the hon. Member for Brighton, Pavilion (Caroline Lucas) about whether the new watchdog will be up and running in time and whether it will have the powers necessary to carry out the same functions as the institutions and agencies that currently exist.

New clause 63 would ensure that robust new domestic governance arrangements for environmental standards and protections were in place before exit day. It would also ensure that the body tasked with filling the governance gap was established by primary legislation before that date and that its scope, powers, functions and institutional design were shaped by public consultation.

James Heappey (Wells) (Con): Before the hon. Gentleman moves on, I am interested to understand whether the purpose of new clause 63 is a UK-wide set of policies that would apply in Scotland and Wales, which would therefore remove a competency on the application of environmental law from the Scottish Government to Westminster.

Matthew Pennycook: The scope of new clause 63 is for the environmental watchdog in England, as we have already said. There would have to be agreement between the devolved Administrations and the UK Government about whether they choose to take the same approach.

Mary Creagh: One point that my Committee has specifically made on the devolution settlement is that business does not want to deal with four regulators setting up four different sets of rules and regulations on waste, on water and on chemicals. It wants one set of regulations to deal with, and it has made it consistently clear that the set of rules that it would like to continue to abide by is that set by the European Union.

2.30 pm

Matthew Pennycook: I absolutely agree. The devolved Administrations, as my hon. Friend has reminded me, agree that they want to take a UK-wide approach to this issue, but it would have to be an agreement.

Let me turn now to those new clauses and amendments that relate to the Government’s proposals about how Parliament will scrutinise and, where necessary, approve secondary legislation made under the powers set out in schedule 7(6). It is clear that the vast majority of hon. Members and the Government have accepted that the House’s current procedures for scrutinising negative and affirmative instruments are not acceptable. The hundreds of SIs that will flow from clauses 7 to 9 and 17 need something different. It is encouraging that Ministers have listened and have made it very clear that they intend to accept the amendments in the name of the hon. Member for Broxbourne (Mr Walker) and other members of the Procedure Committee. We welcome those amendments and the establishment, as our new clause 1 proposes, of a parliamentary Committee to sift or triage regulations, and we support their incorporation in the Bill. Frankly, it is better than nothing, but it is the minimum of what might be expected, and we do not believe that they go far enough.

Amendments 397 and 398 propose that every SI made only via the negative procedure will be sent to the new Commons committee for consideration, with the committee determining within a 10-day window which ones would be required to be made under the affirmative procedure. That is an improvement on the arrangements proposed in this Bill as it stands, because it provides for discretion beyond the very narrow category of regulations attracting the affirmative procedure currently set out in schedule 7, and it will ensure that Ministers will not have unfettered discretion to decide whether the affirmative or negative procedure should apply in cases where an exercise of powers does not fall within one of the categories set out in the Bill.

Ministers must justify why the new committee will not be tasked with looking at SIs made under the affirmative procedure, or with examining the justification for using the SI in question to remedy a particular deficiency in EU law. Importantly, they must justify why, in urgent cases, which I know is a phrase that is undefined, Ministers can simply bypass the committee.
Lots of these matters will be dealt with under Standing Orders, but it is right that we press for some clarity today. I hope that the Minister will provide further clarification on the composition of the new committee, in particular whether, as proposed in our new clause 1, the chair will be elected by the whole House and will be, and will be seen to be, independent of the Government. Ministers must further explain why they do not believe that the new committee should have the powers to recommend revisions to individual SIs.

Amendments 397 and 398—here I stand to be corrected by the hon. Member for Broxbourne or others on the Committee—make no such provision for revision. In this respect, they differ in a crucial aspect from the proposals set out in the Procedure Committee’s interim report of 6 November, which, while not providing for a formal mechanism for revising secondary legislation, did suggest a process by which a request could be made to Ministers to revoke and remake any particular SI underpinned by the scrutiny reserve. Without provision for this House to request, in certain limited cases, that a particular SI be revised, hon. Members will face a Hobson’s choice—take it or leave it with regard to regulations that may entail highly significant policy choices and have potentially serious or far-reaching implications, with “leave it” in these circumstances meaning a hole in the statute book.

Our amendments 33 to 41 make it clear that any new sifting committee that is established must be given the means not only to determine the level of parliamentary scrutiny that each SI is accorded in proportion to their significance and policy implications, but to make recommendations as to how particular SIs might be improved by revision—if necessary if only by means of the committee in question recommending that an instrument either be withdrawn and re-laid in a more acceptable form or, if a negative, be revoked and remade.

I wish to touch on one last issue: when it comes to the effective scrutiny of secondary legislation, it is crucial, as my hon. Friend pointed out today and on Second Reading, the Government have consistently refused in recent years to honour that convention, just as they no longer honour the convention that Opposition day motions are voted on. We have a very recent example that illustrates how this Government have used delegated powers not just to avoid parliamentary scrutiny, but to legislate in open defiance of the will of the House in relation to the matter of tuition fees. The original Act in question with regard to that matter allowed any statutory instrument raising the tuition fee limit to be annulled by either House, and assurances were given by Ministers in both the previous Labour Government and the coalition Government that any such SI would be taken on the Floor of the House.

By contrast, this Government prevented any vote whatever on the matter, and then refused to accept the vote of the House against the regulations. When they tabled the regulations the day before the 2016 Christmas recess, the Opposition prayed against them on the first sitting day this year, but despite the conventions of the House, the Government dragged their feet for months until eventually conceding the point and scheduling a debate on 18 April. Then Parliament was dissolved for the election.

After the election, the Government stalled and it was left to my hon. Friend the Member for Ashton-under-Lyne (Angela Rayner) to secure parliamentary time using Standing Order No. 24. Eventually, we had to provide Opposition time on an Opposition motion to revoke the regulations, which the House agreed, only for the Government to refuse to accept the result, after telling Government Members to boycott the vote. Therefore, when Ministers say that Parliament still has a meaningful say on delegated legislation, there is a catch—and it is a Catch-22. They can refuse time for a vote within the 40 days, then say that it is too late for any vote to count once the deadline has passed.

This Bill includes powers that not only open up the very real possibility of substantive changes being made to policies in areas that were previously underpinned by EU law, but to amend primary legislation. If the Government are willing to ignore so flagrantly the conventions of this House when it comes to an issue as controversial and as important as university tuition fees, why on earth should this House assume that those conventions will be honoured when it comes to Brexit legislation?

Stephen Doughty: My hon. Friend has made an absolutely essential point. Fundamentally, does he agree that if this process is to be about taking back control, it must be about Parliament and the representatives of the people taking back control, not a Government, and certainly not a minority Government, taking back excessive powers?

Matthew Pennycook: I could not agree more with my hon. Friend. That is why strengthened scrutiny procedures for approving secondary legislation made under this Bill are so important, and it is also why long-standing conventions must be honoured, so that in the rare cases where the Committee might recommend an SI be subject to the negative procedure but the Opposition disagrees, there is a chance to bring the matter before Committee.

John Redwood: This debate is very important. As someone who wants this Parliament to take back control on behalf of the sovereign British people who voted in that way in the referendum, I can see that there is an irony in this debate. We hear that a number of Opposition Members are very worried that Ministers will have too much power as a result of this legislation, but by the very act of our having this debate, and in due course the votes, on how we should proceed, I think that we are demonstrating that, indeed, Parliament is taking back control. The purpose of these debates today and tomorrow and the subsequent votes will be for Parliament to set a very clear framework within which Ministers will have to operate.

We are, after all, debating how we translate a very large burden of existing European law into good United Kingdom law in order to ensure continuity and no change at the point when we exit the European Union.
This is a task that unites people of all political persuasions, whether they were in favour of Leave or remain, around the need for legal certainty. We all see the need to guarantee that all that good European law under which we currently live will still be there and effective after we have left.

We also agree something else: some of us do want to change some of those laws. I want to change the fishing law very substantially, because we could have a much better system for fishing in this country if we designed one for ourselves. We will probably need to amend our trade and customs laws, because as we become an advocate for and an architect of wider free trade agreements around the world, that is clearly going to necessitate changes, which we think will be positive. I think we all agree that where we want to change policy—to amend and improve—we should do so through primary legislation. As I understand it, Ministers have agreed with that. I am sure that this House is quite up to the task of guaranteeing that Ministers will indeed have to proceed in that way, so that we know that when they wish to change—amend, improve or even repeal—policy, they will need to come through the full process of asking for permission through primary legislation.

Today we are talking about the adjustments, many of which are technical, that need to be made to ensure the continuity of European law when it passes from European jurisdiction to the jurisdiction of the United Kingdom Parliament and courts. Ministers will obviously play up the fact that they think most of these matters will be very technical, such as taking out the fact that the UK is a member of the European Union when we exit and rewriting the legislation to point out that we are no longer a member of the European Union, or decreasing the number of members states by one from the current number if they are referred to in the regulation. More difficult will be the substitution of a UK-based body for a European body to ensure proper enforcement. Many of us see that as largely technical, although there may be wider issues. This Parliament is now properly debating how much scrutiny that kind of thing would require.

We have three possible models to ensure parliamentary sovereignty over any of these processes. The weakest is the negative resolution procedure, whereby Ministers will have to make a proposal for technical changes to the law, and Parliament will have to object and force a vote if it wishes to. The middle model is the affirmative resolution statutory instrument, whereby Parliament will have a debate and a vote; Ministers would make a proposal and we would have a vote. In some cases, we might even conclude that we need primary legislation, as it appears we are deciding with the issue of animal welfare. In that case, we wish not only to transfer the European law but to ensure that it is better in British law, so that will need primary legislation.

Today we are debating how to determine which of those processes are appropriate for each of the different matters that arise. A lot of items will definitely be in the technical area of rather minor changes just to ensure that things work smoothly, which is what I thought the Government were trying to capture in clause 7. We have heard from Opposition Members who think that the clause goes too far and will allow the Government to elide matters from the category of technical changes to the category where there are more substantial changes going on, and still leave us with the negative resolution procedure. I am not as worried as some Opposition Members. The power under the clause is a two-year power only, so it is clearly related to the translation and transition period, which I find reassuring. There are also clear restrictions in clause 7(6) on Ministers changing taxes, inventing criminal offences and all those kinds of things, because they would obviously require primary legislation. We need to continue our debate on whether those two lists—the list of permissive powers and the list of restrictions—are the right lists.

Chris Bryant: I have been listening very carefully to the right hon. Gentleman. He is resting on the word “technical”, which he has used repeatedly, but that is not what the Bill says. If the Government had come forward with something saying that they will only be able to use secondary legislation in technical changes, we might have been interested in looking at it. But that is not what it says; it is a widely drawn list. The right hon. Gentleman may well have perfect confidence in the Under-Secretary of State for Exiting the European Union, the hon. Member for Chipping Wycombe. Sorry, he is the hon. Member for Wycombe (Mr Baker).—[Laughter.] Well, the constituency used to be Chipping Wycombe. The right hon. Member for Wokingham (John Redwood) might have confidence in this particular Minister, but it may one day be another Minister. I suspect that the right hon. Gentleman thinks that the Leader of the Opposition is a Marxist revolutionary in a Venezuelan style. Well, he might yet be a Minister who will be making precisely these decisions, and that is why we should always legislate with caution.

John Redwood: I am intrigued to hear that characterisation of the hon. Gentleman’s leader; it is not a phrase that I have ever used in this House. I find that very interesting, but I do not want to take the conversation into that party political realm.

We are trying to explore the proper constraints and controls to put on Ministers through this primary legislation, which will drive our democratic processes for this transfer of law. I look forward to hearing the Minister’s response because I want reassurances—of the kind I think he will be able to give me—that this power is well meant and is designed to prevent Parliament from being clogged up with literally hundreds of rather minor drafting changes. Such minor changes are simple consequences of going from being a member to being a non-member that we do not need to worry about too much, so we need somebody to do them for us. The Bill says that Ministers are going to do it for us. Various Members are a bit sceptical about that for some surprising and interesting reasons, such as that we have just heard. There is also a suggestion, which has a lot to recommend it, that there be a sifting mechanism so that Parliament is involved in the process and can say to Ministers, “We do think this matter is a bit more than technical, so we cannot have the negative resolution procedure. This has to be a proper debate and a proper vote in order to preserve parliamentary process.”

2.45 pm

Mary Creagh: On that point, does the right hon. Gentleman think that the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill, which was published today, is a technical measure or something that merits scrutiny on the Floor of the House—and, ditto, the new
environmental body that has been proposed by the Secretary of State for Environment, Food and Rural Affairs?

**John Redwood**: As I understand it, that decision has been made for me. I have not yet had the advantage of reading the draft Bill, so I cannot give the hon. Lady my personal view, but the Government’s view is that it is primary legislation. They think that even though that Bill is reaffirming practices in European law, because the Government think that it is going a bit further than European law, they have quite properly said, “We must make this primary legislation.” The example makes my case rather well that the Government are being cautious because they are trying to reaffirm and go a bit further than European law, probably in a direction that most people in the House would be entirely comfortable with. But the House will have the benefit of going through the full processes of primary legislation. I hope that there will be other examples like that, where Ministers recognise that there could be changes of substance that will warrant either primary legislation or a statutory instrument.

I do not want to take up too much time because many people wish to speak, but I would like to pick up on something that the Labour Front-Bench spokesman, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), started to mention and which I found very interesting. He drew our attention to the way in which we handle statutory instruments in the House in general. There are occasions when it is a weakness of our procedures that we cannot amend a statutory instrument, and we need to think about this for the future. This issue does not arise just from the transfer of European law; it goes to the fundamental business of how we generally exercise control and ensure that legislation works.

I remember being on a statutory instrument Committee under the previous Labour Government for an SI to regularise a series of payments to councils because the Government had been a bit late in giving themselves the legislative permission to make the payments—there was a surprise. I realised as soon as I read it that somebody had put in the statutory instrument the full amounts of money involved, and someone else had come along and put, “£millions” across the top of the table, so we were actually invited to vote six extra noughts on every figure going to the councils.

I am a generous man, but I thought that that was a bit excessive because it meant that the sums were probably bigger than the GNP of the country. If not, they were certainly approaching the GNP of the country in a rather alarming way. I was regarded as a bit of a nuisance for pointing this out because there was absolutely no way of correcting the figures. The Committee just had to sit and enact the statutory instrument as it was, even though it was clearly laughable, giving far too much cover for payments and not acting as a proper control. That is a minor example, but it shows that there are occasions when Ministers make mistakes and when it would be quite helpful if there were some kind of correcting procedure.

**Tom Tugendhat** (Tonbridge and Malling) (Con): My right hon. Friend is making an important point because he is exposing the very fact that, despite the fine occupant of the Front Bench today, one cannot be 100% certain of the quality of the procedure that is being carried out from the ministerial office. This House is fundamentally the custodian of the public purse and the taxpayers’ money, and we must be absolutely certain that no cheques are blank and signed and left on Government desks.

**John Redwood**: I am glad we agree about that. I am trying to make a helpful suggestion for the future on this issue and a wider issue to which we need to return at some point. We need a system that establishes parliamentary control—as I have explained, all the methods we are discussing today are parliamentary control of one form or another—but we may need to think about how we improve processes for the future when that control is a statutory instrument.

**Mr Grieve**: My right hon. Friend is making some important points. If I may say, I have signed up to the amendments tabled by the Procedure Committee because they are a reasonable compromise, but they are most deficient in the absence of a revision mechanism to ask a Minister to reconsider. My right hon. Friend may agree that, even at this stage, those on the Treasury Bench could go away, reconsider the issue and bring a further amendment forward on Report to deal with it.

**John Redwood**: That may be hanging a bit too much on this piece of legislation. I think this is a wider issue, which Parliament may need to consider, so I was not going that far in my recommendation. However, Ministers would be well advised, if by any chance they did make a mistake in a draft instrument, not to do what the previous Government did and just drive it through, but to accept that they needed to withdraw it and to come back with a corrected version, which would make for better order.

The Bill as drafted, with the amendments to provide a process to make the task of parliamentary scrutiny manageable, is a perfectly sensible package, and I look forward to hearing sensible promises from Ministers on the Front Bench, who I am sure will want to exercise these powers diligently and democratically.

**Tommy Sheppard** (Edinburgh East) (SNP): I rise to speak to amendments 264, 222, 73, 234, 239, 240, 268, 269 and 272, in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), and amendment 233, in the name of my hon. Friend the Member for Airdrie and Shotts (Neil Gray). I will also speak in general terms to amendments 206, 268, 271, 274, 216, 265, 207, 208, 205, 267, 270 and 273, in the names of my hon. Friends, which are grouped for debate today, but which will be voted on tomorrow. May I also say that I hope the hon. Member for Cardiff South and Penarth (Stephen Doughty) will push his amendment 158? It was debated earlier in Committee, but it is very germane to this debate. [Interruption.] I read that list out because I could not possibly memorise it.

As I said on Second Reading, we are in a dilemma of our own making. We are discussing the possibility that all these powers should be given to Ministers simply because we have not adequately prepared for the process of leaving the European Union. It is three months now since Second Reading, and we do not appear to have
gone one step forward in terms of knowing what the effects of that process will be on the body of legislation that already exists in the United Kingdom.

Anna Soubry: It is really quite important to understand that this is the process of leaving the European Union, and it has nothing to do with being unprepared in any way. It was always known—well, in as much as we ever knew anything about Brexit—that this was the sort of thing we would have to do to convey this huge body of EU law into domestic British law, and, on that, we are all agreed.

Tommy Sheppard: The right hon. Lady has much greater faith in the Government’s intentions than I perhaps do. What I am trying to suggest—I thought she might possibly agree with me—is that, by this stage in the process, we ought to have some definition of which Acts of Parliament will require amendment, because there are anomalies in them with regard to the body of EU retained law, and we ought to have narrowed down the number of areas in which we have to give Ministers the power to use their discretion and to bring forward changes through delegated legislation to our existing legislation. The fact that we have not narrowed that down and that we are still talking about giving Ministers quite sweeping and general powers is quite alarming, and I only hope that, as we go to the next stage of this process, we will get more clarity. Ministers’ defence is basically to say, “Trust us to rectify these anomalies and to get things right,” but Opposition Members are saying, “Well, we would be better able to trust you if we were able to get a reassurance that you are not going to use these powers in certain areas.” Yet, Ministers are resisting every attempt to qualify and limit the exercise of these powers.

Tom Brake: I would like the hon. Gentleman to cast his mind back to before 23 June last year. Can he recall prominent leave campaigners suggesting at any stage during that campaign that there would, in fact, be this very large power grab and that taking back control during that campaign that there would, in fact, be this very large power grab and that taking back control of the Executive. In as much as power is going anywhere, it is given that control would be taken back by the people. In Parliament?

Tommy Sheppard: No, the implication was clearly given that control would be taken back by the people. In fact, it seems that control is being taken back by the Executive. In as much as power is going anywhere, it is not coming into this Chamber, certainly at the moment.

Joanna Cherry (Edinburgh South West) (SNP): I was struck by the rather sweeping statement by the right hon. Member for West Dorset (Sir Oliver Letwin), in reference to clause 7, that we apparently all know what “appropriate” means and that the courts will know what “appropriate” means. Does my hon. Friend, like me, look forward to hearing from the Minister what “appropriate” means, and does he, like me, agree with such distinguished lawyers as those at the Law Society of Scotland and JUSTICE that “appropriate” gives far too wide a discretion to the Government?

Tommy Sheppard: I do indeed, and I will come on to that in just one moment.

Helen Goodman: I just want to back up the hon. Gentleman’s request for more information from the Government. In our report, the Procedure Committee called on the Government to publish “as soon as possible...an outline schedule for the laying of instruments before the House.”

The hon. Gentleman is absolutely right: we still do not know what the Government have in mind.

Tommy Sheppard: If we had some more of that detail, we would be a little more reassured, and we would not be able to attribute anything other than good intentions to the Government in this process. However, that is not the situation we are in at the moment.

Words are extremely important in this process, because words and meaning have to be shared for us to move forward. If we look at what happened last Friday, we can see a clear example of how one set of words can mean two entirely different things to two different people. It looked as if the Prime Minister—I am sure she genuinely believed this—was signing an agreement on behalf of this country with the 27 other member states of the European Union. She described it as a series of commitments that were being made by this country at this interim stage in the process. Within 24 hours, however, we had the spectacle of one of her closest advisers turning round and taking to the public airwaves to say that these were not commitments at all, but merely a statement of intent. He was sternly reprimanded and corrected the following day, but that does show that, unless we are very careful and precise about the words we use, there is scope for ambiguity and, therefore, misunderstanding.

The first word we should be very careful about is “deficiency”, which appears throughout the Bill, and which is the subject of several of the amendments I am talking to. The word “deficiency”, as it appears in the Bill, need not necessarily mean the absence of something; the EU retained law being brought over could also be deficient if it contains something that prevents the Government of the day from doing what they want to do. I do not want to engage in hyperbole or to give dramatic, unreasonable examples, and I am sure that, for the vast bulk of things, we would all expect to have primary legislation to make policy change, but this issue does open up the scope for making significant policy changes without reference to this Parliament or to primary legislation.

We have already had mention of the working time directive—the 48-hour limit on weekly work. I am not suggesting that the Government would necessarily want to use these powers to overturn completely that and to substitute 48 with 72. However, a Minister in the future—in the period of transition—might well find that the 48 hours is overly prescriptive in a mandatory sense, and might choose to make it more of an advisory notion, rather than something that is absolute and that can be challenged. With the stroke of a pen—overnight—the rights at work of millions of people in this country could simply be eroded. If the Minister is saying that that is not the intention and that it will never happen, he should support amendment 75 in the Lobby tonight, which will make sure that will not happen, because it will exempt workers’ rights from the scope of the legislation.

Tim Farron (Waterford and Lonsdale) (LD): The hon. Gentleman is making some excellent points, and I would like to back him up on them. Would it be worth reflecting on the fact that, rightly or wrongly, being in the European Union means that we make some colossal policy assumptions?
[Tim Farron]

On environmental matters, one of those assumptions is that it is right that we invest public money in farming to make sure that we protect our countryside. However, we also, without ever having a debate in the House about it, assume that it is right to, effectively, subsidise food in this country. We may now be in a position where we are about to accept that assumption or to move away from it, with colossal consequences for the whole of our society.

Tommy Sheppard: The hon. Gentleman makes a very good point that is a further illustration of the dilemma that is now facing us.

3 pm

I want to give another example that is minor but of some significance. At the moment, European regulations provide for people to get compensation if their flights are delayed. That includes short delays, whereas in most parts of the world insurance is provided only if a flight is delayed for more than 24 hours. Let us suppose that after exit day the Government were lobbied by airlines, airports or whoever to say that they wanted to restrict the scope of that legislation because it was not compatible with policy in this country. It would then be very simple for the Government to make a qualification of 24 hours’ delay before compensation could be paid through any scheme that they brought in. That is a simple thing that does not sound dramatic, but it will affect thousands of people every year out of the many millions who make these journeys.

Mr Baker rose—

Tommy Sheppard: I will give way in a moment, but I want to give a third example, which the Minister may also wish to talk about, regarding the common agricultural policy. At the moment, Scottish farmers are waiting on £160 million of refund payments under the CAP because of the way that it was changed in recent years. The way in which those payments are to be distributed is currently the subject of EU regulations, but what if the Government felt that that was somehow unfair and they wanted to change it? Then, without reference to primary legislation and or to Parliament, they could do so, and the material amount of money that farmers would get would be different from what they expect now. That is just a simple illustration of how these policies could change. I now happily give way to the Minister if he still wants to intervene.

Mr Baker: Could the hon. Gentleman revisit each of the examples he has given and explain why he thinks that they would be deficiencies arising from our withdrawal from the EU, because having listened carefully to him, I do not think that, as my hon. and learned Friend the Solicitor General is saying, any of them could be classed as deficiencies arising from our withdrawal?

Tommy Sheppard: I do not think that they are deficiencies—that is not my point. My point is that a Minister or a future Minister might regard them as deficiencies, and therefore might change the law in this way.

Dan Carden (Liverpool, Walton) (Lab): The hon. Gentleman has talked about the importance of language in this debate. Should we not all be worried by the actions of this Government over the latest rise in tuition fees, where they refused a vote in this House and ignored an Opposition day debate? The actions of this Government should worry us all when we look ahead to these future arrangements.

Tommy Sheppard: Indeed so. There is always the danger that some of the policies that Government may wish to get through, and would run aground were they to try to introduce them through primary legislation, may be sneaked through the back door in a salami-style way. We do not know. The point is that we are being invited to give Ministers the power whereby these things could happen.

Mary Creagh: I understand and sympathise with the hon. Gentleman’s point on deficiencies. Does he agree that over the weekend we have seen varying interpretations of the meaning of full regulatory alignment, which seems to mean all sorts of different things to different people as the Cabinet tries to have its fudge and eat it?

Tommy Sheppard: Indeed. While I am tempted to digress into a debate on what happened with the phase 1 agreement and regulatory alignment, I think I had better stick to the subject in hand.

With regard to defining “deficiencies” properly, amendment 264 calls on the Government to provide reassurance by bringing forward clear definitions of what they might mean by “deficiencies”. If we had that, we might be better able to consider whether to give Ministers these powers.

Sir Oliver Letwin: I do not know whether it would be possible to find definitions that would help. However, the hon. Gentleman seems unwilling to accept, or certainly has not alluded to, the fact that secondary instruments, as opposed to primary legislation, are justiciable. Our courts are quite used to concepts like deficiency and appropriateness. Is that not what we are relying on—the action of the courts?

Tommy Sheppard: I accept that these things may be challenged, but I am trying to argue for a democratic process whereby it is the elected representatives of the people who debate and choose the policy direction in various areas.

Joanna Cherry: Is the point not really that, as has been pointed out by JUSTICE and the Law Society of Scotland, the term “appropriate” is so wide that it gives the courts a breadth of discretion that they themselves have told us that they do not want?

Tommy Sheppard: Indeed. That takes me nicely to my next point, which concerns the word “appropriate”.

Sir Oliver Letwin rose—

Tommy Sheppard: Can I make a little progress? I do not usually say that, but I am barely halfway through at the moment.

The word “appropriate” is one of those words that is so open-ended and ambiguous that it could literally mean all things to all people. That is why I am a big fan of amendment 2, in the name of the right hon. and
learned Member for Beaconsfield (Mr Grieve), which attempts to give some definition to what we mean by “appropriate”. I was not quite sure what he was implying about substituting the word “necessary”. That is a much more agreeable term, because “appropriate” is subjective: what is appropriate for one person may not be appropriate for the other, but what is necessary has to be evidenced by reasons. If something were to be appealed and come to court, it would be much easier to question necessity than appropriateness. These amendments would also be useful.

Let me now talk about the aspects relating to devolution—again, without getting into the phase 1 agreement. Clearly, the whole matter of how powers are exercised by Ministers, whether those powers are residual or broad-brush, has a critical impact on the devolved Administrations. I hope that the Committee will support amendment 161, which requires Ministers to get the consent of devolved Administrations when they are making secondary legislation on matters that affect them. I hope that that sort of qualification will be uncontroversial, but I dare say that it will not be.

Perhaps the most important amendment is 158 in the name of the hon. Member for Cardiff South and Penarth. It simply says that the Scotland Act 1998 and the Government of Wales Act 2006 should be exempt from the set of powers that we are giving to UK Ministers to bring forward secondary legislation. The Government already accept that the Northern Ireland Act 1998 has been exempted, so Ministers need to explain why they would exempt one devolved legislature and not the others. How can it be justified in one place and not in the others? Surely it is a simple matter of common sense to say that this provision should confer on UK Ministers an exercise of power in relation to the matters that this Parliament is responsible for, not in relation to those that other Parliaments are responsible for.

I want briefly to mention human rights. I appreciate that the Secretary of State has tabled an amendment, now to be part of what we are discussing, in which he refers to examining the equalities implications for any particular piece of legislation. However, we can do more than that. I want to know why the amendment says that we should exempt the Equality Act 2010 and the Equality Act 2006 from the powers being given to Ministers. If the Government do not accept that, there is always the danger of people implying from their actions that they may wish to do something that would constrain or overrule some of the safeties and securities in those Acts.

Let me talk about the experience that this place has in making secondary legislation. This will not be so important, I suppose, if we end up with a tiny number of residual matters that need to be considered in this way, but if that is not the case—if, because of a lack of legislative time, the Government try to put an awful lot of matters through secondary legislation—then we will be very ill-equipped to deal with that.

Like many Members, I have sat on Delegated Legislation Committees. They are effectively a rubber stamp; we hope that the officials and civil servants who draw up the regulations have worked them out, double-checked them and made sure of them, because we rarely get the opportunity to get into a debate. I well remember a recent Delegated Legislation Committee to which I turned up determined to get involved in a discussion of what the regulations were about, to the dismay of other Members. They were dismayed not by the content of what I said, but by the fact that I said it and made the meeting last 30 mins rather than three, so they missed their subsequent appointments.

That is how Delegated Legislation Committees work at the minute. People regard them as a rubber stamp and something of a joke. If we did not have faith in our civil service and those who prepare the regulations, we would be in a bad way indeed, and that cannot continue. I accept that the amendments tabled by the Procedure Committee are an attempt to overcome many of those deficiencies, but I think that they are baby steps. Of course they are worth taking, but they are minor changes to our procedures. If we try to load on to the existing procedures a vast array of secondary legislation, those procedures will not be fit for purpose and we will end up making bad and ridiculous legislation.

The debate has been about Henry VIII powers. I hope that those who argue for such powers do not go the way of the architect of the previous Henry VIII powers, Thomas Cromwell, and end up in the Tower or dead. I am sure that they will not, but I caution them, when they are considering how much power to give to Ministers—how much power to transfer from the legislature to the Executive—to take a minimalist rather than a maximalist perspective. If they do not, those of us who argue that this is a major power grab by the Executive from the legislature will be entirely justified in doing so.

I urge Ministers to tell us this in their summing up: if they reject every single amendment that is designed to constrain their area of operation—to define the manner in which they might exercise judgment on such matters—what on earth are they going to do instead to reassure this House? We need to know that we are not giving them carte blanche to go forward and do what they want without reference to the democratically elected representatives of the people in this country, for whom control was meant to have been taken back.

Tim Loughton (East Worthing and Shoreham) (Con): I am grateful for the opportunity to speak. I will do so perhaps rather more briefly and concisely than many others have done, because I know that lots of people want to contribute to this debate.

Up to now, I have sought not to encumber the House and the Government with lots of amendments to an already extensive and comprehensive Bill. I have certainly sought not to bind the Government’s hands in the very difficult process of exiting the EU in the months and years to come—particularly in the complex and important negotiations, which received a substantial boost last Friday. No hon. Member should be in any doubt that there is a serious and growing prospect of our agreeing to a mutually beneficial conclusion to the Brexit negotiations. Why would anybody in this House not want that to happen?

There is, however, an aspect of the Bill that merits a new clause. I am speaking primarily to new clause 53, which is in my name and that of other right hon. and hon. Members from all parts of the House. The new clause is designed simply to perpetuate an existing
arrangement in family reunion rules. We should take great pride in our involvement in that arrangement. Many of us are concerned that if it does not continue, vulnerable children who are fleeing conflict in the middle east, in particular—this House has heard much about them in the last few years, and is familiar with the situation—could be detained in places of danger. We are doing much to help such children, and we need to do more.

I have seen at first hand the benefits of the Dublin arrangements. My right hon. Friend the Member for Loughborough (Nicky Morgan) and I went to Athens as the guests of UNICEF earlier in the year to visit the refugee projects. I am aware that many other hon. Members have been to Greece, Italy and Calais to see the results of getting it wrong further up the line. The situation in Italy, in particular, is rather more extreme than that in Greece. In Greece, we saw UNICEF and other aid agencies working with a Government under great pressure, and doing a pretty impressive job. Some 30,000 refugees arrived in Greece in 2016, but the number of arrivals has since fallen to a more manageable level. That—not least the almost 3,000 unaccompanied children among those 30,000 refugees—still represents a serious challenge, however.

3.15 pm

I pay tribute to the aid agencies for working within the existing rules in very difficult circumstances and doing their very best. They have been helped, quite rightly, by a lot of aid money from this country, and any doubters of the benefit of our aid budget should go and see at first hand what we are achieving. We were particularly impressed by the work of the British Council, which brings together unaccompanied child refugees from a number of different backgrounds, languages, cultures and countries and gives them a meaningful education. That gives them the hope and aspiration that they will be able to carry on a normal life at some stage.

With winter upon us, the situation in Greece is far from satisfactory. There are almost 2,000 unaccompanied children on waiting lists just for accommodation shelters in Greece. The conditions on the islands, where many who have come across the Aegean end up, are far from satisfactory, and it still takes far too long to get those children to places of safety, permanence and some degree of stability. That is why my right hon. Friend and I have tabled this new clause, which I am glad to see has been supported by many other hon. Members. My right hon. Friend and I disagree on much about the process of Brexit, although I hope that the number has been supported by many other hon. Members. 

We met many articulate, well-educated teenagers, some of whom had lost their parents and were looking to go to other countries in Europe—primarily Sweden and Germany—where they had the last vestiges of family connection. Quite often, those connections were with siblings, or uncles and aunts. For those young people, it was the only available bit of stability and continuity with their previous existence in places such as Syria.

Tim Farron: I commend the hon. Gentleman for all the remarks that he has just made. I, too, have visited many camps and spoken to unaccompanied child refugees. Does he agree that the case he is making serves as a reminder that our acting honourably and decently, as a country and a continent, does not constitute a pull factor—we are simply responding to the push factor of the appalling circumstances from which those people are fleeing?

Tim Loughton: The hon. Gentleman’s interest in this subject, like that of most others in the House, is exceedingly well founded, but I do not want to confuse the Dublin scheme with other schemes, about which we have had debates in this country.

This approach is aimed at—Government policy is also, quite rightly, aimed at—trying to keep children who have lost their parents or become separated from them in places of danger. Where possible, such places should be close to their places of origin, from where they may, if possible, be repatriated to countries such as Syria. They can be housed in communities who speak the same language and have similar cultures, which will provide some degree of continuity in their otherwise traumatic, ruptured existence. When that is not possible and there are family members in other European countries, the children can be given stability with them.

I do not want to get into the schemes, such as those set up in the past by other countries, that I am afraid have acted as a magnet for children who, at the hands of people traffickers and others, have taken to boats in very dangerous circumstances. The policy of this Government has been the absolutely right one of trying to keep such children out of the hands of those who want to profit from human misery and take advantage of their desperate circumstances.

Stella Creasy (Walthamstow) (Lab/Co-op): It may disturb the hon. Gentleman to know that I have signed his new clause, and I agree very much with him and the right hon. Member for Loughborough (Nicky Morgan) on this issue. This weekend, I was in Calais, where a 10-year-old is sleeping rough because we do not have the systems in place under the legislation to be able to assess his right to be in the UK. Does the hon. Gentleman agree that what is so important about the amendments to protect the Dublin process is not just its principles, but its practice and what happens if and when we leave the European Union?
Tim Loughton: I am not alarmed by the fact that the hon. Lady has signed my new clause 53; I am flattered and encouraged. I would expect nothing else from the hon. Lady, who has taken an interest in this area. However, Calais is a sign of failure; it should not be happening. We should be dealing with those children closer to home, or leapfrogging Calais altogether and placing them in places of safety in the United Kingdom, Sweden or France itself. The issue is baffling to me—I have spoken about it many times. If what is happening in Calais was happening in the United Kingdom, our children's services would be placing those children in a place of safety, not allowing them to remain at liberty and be exposed to people traffickers, sex traffickers and all sorts of other criminals who would harm them.

I want to get back to what my new clause attempts to do. As we leave the European Union and therefore Dublin III, the UK’s different—in this case, slightly more restrictive—immigration rules will provide the only means by which refugee children can be legally reunited with their families. As the UK looks to improve our own laws through the European Union (Withdrawal) Bill and to replicate the provisions ensuring that children stranded in Europe can be brought to join asylum-seeking family members in the UK, it is imperative that it should broaden the scope of the definition of “family” in our own British immigration rules so that these are in line with the current European ones. That will allow children to be reunited with close family members, wherever they are. Hence the importance of continuity and of perpetuating the existing situation, which works well; it could work better, but the principle is certainly absolutely right.

The UK’s immigration rules can apply to children anywhere in the world, and they therefore provide a safe and legal route for children, avoiding the need for them to embark on perilous journeys to Europe, which have been discussed. We need to build on this very positive aspect of the rules. The UK should amend its immigration rules on refugee family reunion to allow extended family members who have refugee or humanitarian status—adult siblings, grandparents, aunts and uncles, as I have mentioned—to sponsor children in their family to join them in the UK when it is in the child’s best interests to do so. That point about the child’s best interests must be absolutely paramount, as it is the basis of all our child welfare legislation in this country. After years of conflict, many of these children have been orphaned or do not know where their parents are, but they may have grandparents, aunts and uncles, or adult brothers and sisters in the UK, who can care for them.

If these changes were made to the UK immigration rules, that would enable children to be transferred from their region of origin and reunited in a regular, managed and safe way. Refugee family reunion transfers would all be processed by UK embassies or consulates, meaning that we could take back control of this process and ensure it works at a speed—it needs to be quicker than it is now—that is in the best interests of the children.

Without the changes, children will continue to be vulnerable in being forced to take dangerous journeys and put themselves at risk. The whole thrust of our asylum policy on looking after these vulnerable children has been to keep them away from such harm. Last year, some 700 unaccompanied refugee children were united with their families using the European system, which is on top of all the other schemes to which the UK currently subscribes.

I hope that my new clause is a helpful probing amendment. I am grateful to the Minister for Immigration, who has met my right hon. Friend the Member for Loughborough and me to discuss this issue. He is sympathetic to what we are trying to achieve. I acknowledge that the timing of the new clause might be better in a forthcoming immigration Bill, but it is useful to put it on the record now to get a comment from Ministers about the Government’s intentions at the appropriate time and perhaps with more appropriate wording; the word “appropriate” continues to appear.

My new clause is intended to build on the good work that the UK Government have done for so many thousands of child refugees so far. That good work has resulted from the huge investment—now of over £2.3 billion on Syrian refugees alone—aimed at frustrating the people traffickers and others who would harm these very vulnerable children. Such a change would show that the United Kingdom intends to continue, after Brexit, to be a leading force for humanitarian good outside the EU on the basis of British principles, British attitudes to the welfare of the child and British generosity in looking after, as we have done for so many years, those most in need. This system works, and we must make sure that it continues to work after Brexit.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I rise to speak briefly to amendments 48, 49 and 52 in my name. They have cross-party support, including from other Select Committee Chairs, because they are about safeguarding the role of Parliament and preventing the concentration of power in the hands of the Executive.

Before I talk in detail about those amendments, I want to support new clause 53 and the words of my Home Affairs Committee colleague, the hon. Member for East Worthing and Shoreham (Tim Loughton). He is right that we need to continue with our historical obligations towards refugees and with the principle of family reunion, ensuring that child refugees are not separated from their family and do not lose their rights to be reunited with family members who can care for them, especially when families have been separated by persecution and conflict. He is also right that this is about preventing the people traffickers, the exploitation and the modern slavery that can cause such harm and blight so many lives.

Our Committee has often found evidence that leads us to want the Dublin III process to work faster and more effectively, not for the principles behind it to be ripped up and thrown away. I therefore welcome the fact that, as the hon. Gentleman has said, Ministers have shown an interest in supporting the continuation of these historical obligations. I hope that that will be addressed if not in this Bill, then in either an immigration Bill or in the withdrawal agreement Bill in due course.

The amendments I have tabled to clause 7 address the concern, raised by so many of us, that Parliament is being asked to hand over considerable powers to the Executive without the safeguards that should exist of powers in the hands of the Executive—a concentration not seen since the days of the infamous Tudor monarch—goes against the very reason why all of us were elected...
to this place: the legislature has an historic obligation to place checks on the power of the Executive, in order to prevent concentrations and abuses of power, in relation to Brexit or to anything else. It is an obligation that each of us takes on when we swear the oath at the Dispatch Box.

3.30 pm

I welcome the restrictions and new processes that the Procedure Committee has proposed, but I do not think that they go far enough to address the potential concentrations of power in clause 7. It would still be up to Ministers to decide whether to accept the Committee’s advice on whether to use the affirmative or negative procedure. Either way, the clause, as drafted, still allows Ministers to use secondary legislation for an immensely wide range of amendments to primary legislation, and in a way that is not restricted to what is needed for the Brexit process. The clause allows Ministers to use delegated legislation wherever they believe that to be appropriate, giving them huge powers of discretion to decide what they think any failure of retained EU law to operate effectively means, or to decide what constitutes a deficiency in retained EU law.

Instead, amendment 49 would introduce a necessity test. It states that powers should be used only when they are needed “to adapt the body of EU law to fit the UK’s domestic legal framework.”

Such a “necessity clause” was recommended by the Lords Constitution Committee and the Lords Delegated Powers and Regulatory Reform Committee. I cannot see what the objection would be to including such a clause in the Bill. Ministers have said that the purpose of the clause 7 powers is to do what is needed, so why not make that clear in the Bill? “Necessary” is a much higher legal threshold. As the Bill is currently worded, Ministers will simply have to demonstrate, if faced with a legal challenge to their use of these powers, that they took a reasonable view that something was appropriate. With a necessity clause in place, they would have to satisfy the courts that the regulation was in fact required to address the deficiency in question.

When we are talking about giving away Parliament’s powers to the Executive, and such far-reaching powers, surely there should be a higher test of the circumstances in which they can be used, rather than just when Ministers think it is appropriate. Surely we should do that only when it is really needed. We always hand over power to the Executive when we give powers to make secondary legislation, but in clause 7 we are also giving Ministers huge scope to decide how and when those powers should be used.

Amendment 48 sets out another way to tighten the scope of delegated powers. It would put in place the same safeguards currently set out in the Legislative and Regulatory Reform Act 2006. It would require any changes to be proportionate and it would require Ministers not to remove any necessary protections or rights and freedoms. It is similar to amendment 2, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve). It reflects the fact that Parliament has previously given the Executive powers to make secondary legislation, but in the 2006 Act we also put in place a whole series of safeguards. Not even to put those safeguards in the Bill seems extraordinary. Those are the safeguards that Parliament has previously agreed in order to prevent abuse, and I think that they, as a minimum, should be used for this Bill.

Amendment 52 would provide further protection for equalities legislation. There is no justification for reducing the level of legal protection against discrimination afforded by the Equality Act 2010, and the amendment would simply make that clear in law. The Equality Act is the culmination of decades of domestic protection for equalities, and I see no reason to amend, repeal or revoke any bit of it as a consequence of Brexit. The Government have instead put forward amendment 391, but it is insufficient, frankly, because all it would do is require Ministers to make statements that they have had regard to equalities legislation, and if they do not make a statement then another Minister has to make a statement as to why. Why not simply prevent the Government from using clause 7 to repeal, change or reduce the provisions in the Equality Act?

Amendment 52 would have the same effect as amendment 25, tabled by those on the Opposition Front Bench. If they press their amendment to a vote, I will not press mine, but I believe that there should be a vote this evening on the issues of necessity and restricting the powers in clause 7. If other Members, such as the right hon. and learned Member for Beaconsfield, do not intend to press any of their amendments on a necessity clause to a vote, then I would like to press my amendment 49.

In conclusion, this is simply about Parliament standing up for itself and ensuring that it does its job: scrutinising the Executive and ensuring that when we give them powers—of course, we do need to do so in the proper circumstances—we ensure that we put the right safeguards in place, the right checks and balances, as we have an historic obligation to do. It simply means that we do not believe that this should be done through a concentration of powers, and we think that these powers should be used only when they are needed.

Mr Grieve: It is a pleasure to follow the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). I draw the Committee’s attention to my new clause 82 and amendments 15, 1, 388, 5, 2, 389, 16, 13, 3, 4 and 12. I apologise to the Committee for so burdening the amendment paper this afternoon, but that simply reflects the importance of clause 7 and the fact that, while there are many important aspects to the Bill, clause 7 and the powers that the Government intend to take in order to deal with deficiencies arising from the UK’s withdrawal are so controversial.

I remember a long time ago, when I was newly elected to this place, listening to a debate in which an Opposition Back Bener, also newly elected, asked why we have Second Reading debates at all, because, in view of the size of the Government majority, they were bound to be a foregone conclusion. She suggested, as I recollect, that in the circumstances Second Reading should be merely formal and that we should move straight on to the Committee stage. The issue before us today touches directly on what was said then, because it is not only a question of parliamentary sovereignty that is at stake, and the extent to which we want to hand over power to the Executive; it is also a question of whether we want...
to maintain the rule of law by good governance. This House, not without good reason, has over time evolved processes and procedures that present the Government with hurdles when it comes to the enactment of primary legislation. We take Bills through Second Reading, Committee, Report and Third Reading precisely because we, and our forebears in this place, have come to understand that that is the way, by a process of debate through which we moderate each other’s ideas, we are likely to achieve the most sensible outcome. Indeed, we have been doing that consistently. I praise the Government for the time they have given us to do precisely that on the Bill.

However, that is the very reason why we should be so cautious when the Government ask us to change the rulebook, for what are undoubtedly primary legislative changes, to give them the power to bring about all those changes by statutory instrument. It may be that statutory instruments can be debated—although in many cases, as we know, they are not—but the fact remains that the process of debate, particularly if it touches on matters of importance, is likely to be incomplete and unsatisfactory. My right hon. Friend the Member for Wokingham (John Redwood) so tellingly made the point about the deficiencies—if I may hijack that word—in their own proposals.

That is why I have found clause 7 particularly difficult in the context of being able to support the Government. There are two ways in which the challenges of clause 7 can be met. The first is to improve the scrutiny process by which the House goes about its business. The second, as has been suggested by the numerous amendments I shall come back to in a moment, is to try to restrict the scope of the powers the Government have taken, or at the very least to get the Government during the course of the passage of the Bill to justify each and every one of them.

On the scrutiny process, the Government have moved. I tabled amendment 3, which appears on the selection list for debate this afternoon, because I went to the Hansard Society, as I am sure other hon. Members did, and got its assistance in looking at ways in which our scrutiny processes might be improved. Amendment 3 and the consequential amendments derived from it came from that exercise. I have to say to the Minister—I again endorse my right hon. Friend the Member for Wokingham; I am sorry he is not in his place to hear my eulogy of him—that we very badly need a total reform of the rulebook, for what are undoubtedly primary legislative changes by which the House goes about its business. The second, as has been suggested by the numerous amendments I shall come back to in a moment, is to try to restrict the scope of the powers the Government have taken, or at the very least to get the Government during the course of the passage of the Bill to justify each and every one of them.

3.45 pm

It may well turn out that some of the many technical amendments that are going to clutter us up can be disposed of more effectively and with greater confidence from this House that the job is being properly scrutinised. On that confidence will depend whether Ministers are summoned to this House to answer urgent questions. Just imagine what would happen were a Minister to refuse to follow the advice of the committee. I simply make this point gently to my hon. Friend the Member for Wycombe (Mr Baker)—he is the Member for Chepping Wycombe as well as High Wycombe, as we both know, so the hon. Member for Rhondda (Chris Bryant) was not quite so wrong earlier to refer to him in that way. [HON. MEMBERS: “Chipping?”] Chipping Wycombe.

I do not wish to see my hon. Friend the Minister dragged to the Dispatch Box to answer in such a situation and, ultimately, I think that as the statutory instruments go through we will see growing confidence in the process. That will help the Government; it will help the House; and it will help the country to get through this enormous, colossal mountain of SIs.

Mr Jenkin: May I take it therefore that my right hon. and learned Friend is offering his services on this committee?

Mr Grieve: I am already the Chairman of another Committee of Parliament, and I think it might be undesirable to burden me with extra work. Indeed, there are plenty of other people in this House who are capable of doing this work. Obviously, if somebody wanted to ask me, I would give it consideration, but I am always conscious of being rather too thinly spread as it is, so I do not put myself forward.

Tom Brake: Can the right hon. and learned Gentleman set out how he thinks the process of scrutiny will be improved for outside organisations? Many of them feel that they are excluded from this process.

Mr Grieve: Such organisations can be summoned before the new Select Committee. They can come along and provide input to the committee on anything that has been tabled; that has been my understanding of
how it would work and, indeed, my hon. Friend the Member for Brxbourne, sitting to my right, has just confirmed that. There is a mechanism here. Obviously, to come back to the point I made earlier, this depends on the quality of the committee and shows why it will be so important. It also comes back to the Procedure Committee and how it works. For all those reasons, I think that this is a workable arrangement.

Vicky Ford (Chelmsford) (Con): On the quality of the committee and the scrutiny process, the committee will be scrutinising changes to detailed pieces of European legislation. In my experience, in other countries’ Parliaments, an expert committee often does the scrutiny. So financial experts would consider a piece of finance legislation; environmental legislation would be considered by environment experts; and a judicial piece of legislation might be considered by those involved with their justice committee. Does he agree that it would be sensible to include Members with expertise in the underlying legislation, as well as in British legal practice, on the committee?

Mr Grieve: That would be a very sensible course of action. As I say, the burden is on the Government to show some common sense and inventiveness in how they approach this. My understanding is also that, as was mentioned earlier, the committee will not have a Government majority—

Mary Creagh: Eight and eight.

Mr Grieve: Indeed. To that extent, it will, as I understand it, have sufficient flexibility and will, I hope, also be able to command enough confidence. These are difficult issues, but, as I say, I am mindful of the fact that my right hon. and hon. Friends on the Treasury Bench, having been asked to consider this, have gone and done it in a conciliatory and sensible spirit. For that reason—we were talking earlier about trust—this is one matter on which I have trust in the way that they have responded and that this will be sufficient for the work we have to do.

In the longer term, this issue will not go away, and I feel strongly that this House ought to be thinking about how it can assert itself again to take a better system of scrutiny than that which we have at the moment. Heaven knows, I have sat through enough of these Committees and how it works. For all those reasons, I think that this is a workable arrangement.

I turn now to the other way this matter can be looked at: by trying to constrain the powers the Government are taking. Of course, the vast majority of the amendments I have tabled along with my right hon. and hon. Friends concern constraining those powers. For example, amendment 2, which has been mentioned, would use a process first introduced in 2006 in seeking to constrain the powers set out by applying the concept of reasonableness and proportionality. Another example is my amendment 1, which would leave out the words “(but are not limited to)”, and so limit the deficiencies to the list of powers and functions set out in clause 7(2).

The Government have here an enormous menu of options by which the powers in clause 7, and indeed elsewhere in the Bill, can be constrained. I do not want to repeat some of the things we have said in earlier sittings of this Committee. The question for me is: how will the Government respond? There is a legitimate argument from the Government, which I have heard and listened to, that they ought to go away and consider the variety of amendments—mine are not the only ones; a great range of amendments have been tabled from across the House, and each, in my judgment, is valid. The Government have to come up with a response on how they can constrain the powers set out. At the moment, my opinion is that these powers are far too stark, far too great and not necessary. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin), to whom I also always listen very carefully on these matters, approaches this matter from a slightly different angle, so I was interested to hear him say that he thought the powers were excessive and unnecessary—I hope that I do not paraphrase him wrongly.

In those circumstances, the Government have to think again. I do not want to be particularly prescriptive, because it seems to me that there are a range of ways in which this could be done. I want to hear from Ministers this afternoon broadly how they will respond to the amendments and give some thought to coming back on Report with a constraint on the powers set out. There are probably two ways this can be done—indeed, we could do both. The first is to accept some of the amendments. On my amendment 1, for example, I continue to be bemused that, in view of the extensive nature of subsection (2)(a) to (g), it is in fact necessary to provide a further power. I think that there are excessive jitters within Departments. Somebody ought to have the courage to say, “Find me some examples that fall outside the scope,” and if they can, they should add those to the list and take out the unlimited nature of the powers at the top of the clause.

I accept, picking up something that was said earlier in Committee, that the word “deficiency” provides some constraint. I take the view that if an attempt were made to extend the use of the powers outside of correcting a deficiency, it could be challenged in court, but we do not want to end up with court challenges. I say to Ministers that that would be the worst possible place to end up in January 2019—the clock ticking and people claiming the Government have used excessive powers. That would contribute to chaos rather than certainty, so the issue needs to be addressed.

The second issue, which has been highlighted by some of the other Members who have spoken, is whether the Government can sensibly identify areas of particular concern to the House, such as children’s rights, environmental law or equality rights, that can be safely cordon off—or, in the case of children’s rights, specifically inserted—to reassure the House that these powers will not be used for a purpose other than that which was intended. That seems to me to be the challenge.
For those reasons, I am going to listen very carefully. I want to avoid putting any of my numerous amendments to the vote, but that will depend first on the answer that I receive from the Dispatch Box this afternoon and secondly on whether the answer is sufficiently clear and shows a willingness by the Government overall—we have debated this on previous days—to go away and consider the matter properly, and then come back with a sensible proposal on Report. I should be happy to wait until then, because that is exactly what the process of legislation is about—waiting to see what the Government come up with—but I put them on notice that if what they come up with is inadequate, the debate on Report will allow us to re-table amendments, or table them in a slightly different form. If necessary, we will vote on them, and I will vote to ensure that the powers are not as they currently appear. That is the challenge to the Government, and I expect a response. Provided that I receive that response, I will sit on my numerous amendments this afternoon.

Let me say one more thing, about a matter that has not been much touched on. My new clause 82 deals with tertiary powers. This is a little bit technical, but I do not like tertiary powers. They are, of course, powers that ultimately do not come to an end if they were to disappear from the Bill, otherwise. As a result of the Government’s approach, I have suggested some possible reasons, but I should like to see them, and I will vote to ensure that the powers are not as they currently appear. That is the challenge to the Government, and I expect a response. Provided that I receive that response, I will sit on my numerous amendments this afternoon.

Mr Geoffrey Cox: [Torridge and West Devon] (Con): As ever, I am considering what my right hon. and learned Member for Beaconsfield (Mr Grieve) is saying with enormous care. Much of it has enormous force and makes a great deal of sense. However, if his objective in amendment 2, which inserts proportionality and reasonable tests, is to avoid resort to the courts, I should point out that the insertion of a clause of that kind is more likely to encourage resort to the courts than to deter it.

Mr Grieve: My hon. and learned Friend is right. Of course it is true that, although such measures have a history of being introduced into legislation, amendment 2 raises the risk of legal challenge, because ultimately these issues can usually only be resolved in courts.

Mr Cox: More often.

Mr Grieve: Such measures may act as a constraint, but once Ministers have taken the plunge, there will not be much that we can do. That is precisely why there is a menu of options. I personally would prefer Ministers to do a proper exercise of asking themselves whether they really need individual powers in their current extensive form. That would be the easier course, and it would provide much greater certainty and avoid the lawyers, although it might do my hon. and learned Friend out of a brief fee or two, but lawyers on the whole ought not to benefit from defective legislation in so far as possible. I am grateful to the House for listening, and I look forward to hearing the response of my hon. Friend the Minister.

4 pm

Mary Creagh: It is a pleasure to follow the right hon. and learned Member for Beaconsfield (Mr Grieve). If he is concerned about tertiary legislation, I invite him to co-sign my amendment 291, which will be taken on day 8 of our consideration of this Bill, and which would require all tertiary legislation made under powers under these regulations to be subject to parliamentary control. That would go some way towards addressing some of the concerns he and I have about tertiary legislation.

I rise to speak to new clause 62 and amendment 138, tabled in my name. This Bill poses a severe risk that environmental legislation on exit day becomes zombie legislation, no longer updated or enforced, and vulnerable to being watered down or dropped entirely. Amendment 138 seeks to prevent environmental protections from being watered down, and new clause 62 would require the Government to come up with a solution to the governance gap.

That is important because 80% of the UK’s environmental protections come from EU law. This Bill will have to deal with swathes of environmental law, and we do not want it tampered or fiddled about with in any way if we leave. Those laws have brought us a very long way since the 1970s when we were seen as the dirty man of Europe, but they are neither self-executing nor self-enforcing. They set air quality targets, climate change targets and water quality standards, and the rules and regulations affect almost every aspect of our waste management industry. It was interesting that the Prime Minister said yesterday that waste, water, food and agriculture would all be subject to continued regulatory alignment; we wait to see what that means in practice. Those laws mean we bathe on cleaner beaches, drive more fuel-efficient cars and can hold the Government to account on air pollution.

We are part of a global gold standard in chemicals regulation, and the chemicals and pharmaceuticals industry yesterday wrote to the Environment Secretary stating in terms that it wishes to stay in the registration, evaluation and authorisation of chemicals regulation. On a previous day’s consideration of this Bill, the Minister of State, Ministry of Justice, told me in response to my concerns on REACH that it is directly applicable in UK law, but he fundamentally misunderstands what REACH does. It creates a body—the European Chemicals Agency—which regulates, evaluates, authorises and enforces that law. We do not have such a body in UK law, so although that directive may be directly applicable and be valid in UK law, there is no body to carry out its functions. As we go through this Bill we are going to find that that is the case. There may be a body that the Minister thinks he can dump those functions on through a duplication of legislation, but that is not a perfect or elegant solution. Today, we are a world leader in environmental standards, and, crucially, we are able to hold this Government to account. That certainly focuses Ministers’ minds when there is the threat of infringement or infraction proceedings.
[Mary Creagh]

Leaving the EU means we lose those governance, enforcement and accountability mechanisms, and new clause 62 requires the Government to ensure that environmental law is enforced after exit day. That is why my Committee called for a new environmental protection Act. The Government have said that that will not be necessary, so since they have refused to introduce such an Act, amendment 138 aims to preserve retained EU environmental law. Much of this environmental law will need technical corrections, and the unpicking of 40 years of legal ties to EU institutions and agencies is the biggest administrative and constitutional task that this country has faced since world war two.

Stephen Kinnock (Aberavon) (Lab): Is my hon. Friend aware of the fact that at least half of the approximately 42 EU agencies that exist offer no provision for the participation of third countries? Could she perhaps ask Members on the other Benches how the Government can possibly build the necessary capacity when we are unable to participate in those agencies?

Mary Creagh: My hon. Friend raises an excellent point, which has also been raised by the European Chemicals Agency. Those registrations, which will have cost our businesses £250 million, will fall on exit day. I know that that particular agency does allow third countries to participate, but when I tabled a parliamentary question to various Departments about the work they had done to prepare to duplicate the work of those regulatory agencies, I got a series of flannel-type replies that essentially said, “We don’t know how much it is going to cost, we don’t know what the system is going to be and we haven’t really started the work.” That is simply not good enough. Businesses and citizens deserve certainty. We are going to need between 800 and 1,000 statutory instruments before exit day to correct retained law. In a letter to the Environment, Food and Rural Affairs Committee in September, the Environment Secretary said that there were 850 pieces of legislation relating to his Department that would no longer work after exit day unless they were corrected. That is an absolutely huge body of law.

Clause 7, as we have heard, gives Ministers powers to make regulations that they believe are appropriate—again, I dispute what “appropriate” might be—to “prevent, remedy or mitigate…any failure of EU retained law to operate effectively”—again, how do we know what the full scope of this clause will cover? This is a huge amount of law—“or…any other deficiency in retained EU law”—where this arises from exit. The Bill’s explanatory notes contain a worrying and rather brazen example of what this means. They use the example of the UK having to obtain an opinion from the EU Commission, stating: “In this instance the power to correct the law would allow the Government to amend UK domestic legislation to either replace the reference to the Commission with a UK body”—should the Government decide to have one—“or remove this requirement completely.”

Once we start to see the removal of reporting and enforcement requirements, we get to the heart of the Bill, which is that Brexit is a deregulators’ charter. This is about taking rights away and about ensuring that environmental and social rights are lost to our citizens. I do not want to see Ministers making those sweeping changes with no scrutiny in this place.

In part 1 of schedule 7, paragraph 3(2) waives the affirmative procedure for regulations where the Minister is of the opinion that “by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.” That basically says that the Government will not consult this House if the matter is urgent. They have said that they will accept the amendments tabled by the Procedure Committee Chair, the hon. Member for Broxbourne (Mr Walker), but those provisions could be waived if a Minister was of the opinion that the regulations were urgent. The Government want to pass 800 to 1,000 statutory instruments, 850 of which are in the environment sphere. Can anyone tell me which of those regulations will not be urgent, given that they need to be passed before exit day?

Mr Baker: May I reassure the hon. Lady that it is the made affirmative procedure that is available for urgent instruments, so the instrument would have to be laid before both Houses.

Mary Creagh: But that would still be the negative procedure—

Mr Baker: No, it is set out in the schedule. It is the made affirmative procedure, which means that once the instrument has been made, it must be laid for a resolution of both Houses.

Mary Creagh: I thank the Minister for that clarification.

What could possibly be watered down? The Environmental Audit Committee asked the Transport Secretary for a guarantee that air quality standards would not be watered down after Brexit, but he refused to give us that guarantee, saying that he found it “hard to believe that any Minister is going to stand before this House and argue for a reduction in air quality standards.” He is right. No Minister will have to stand before this House and argue for that, because the Bill does away with that requirement. We saw the Secretary of State for Exiting the European Union’s mask slip once before during his statement to this House on the White Paper, when he said:

“This is about reversing—well, not reversing but amending—and dealing with 40 years’ accumulated policy and law.”—[Official Report, 2 February 2017; Vol. 620, c. 1220.]

That was a Freudian slip that I return to time and again. We have also seen that from the Environment Secretary. Paeans have been heaped on his head, but in April, between his visiting Donald Trump in January and his rehabilitation to the Cabinet, he railed against the habitats directive, which he now somehow wants to protect from himself. He talked about homes in his constituency being governed by the habitats directive and how onerous it was for developers to have to offset their projects with green spaces. There is obviously more joy in heaven over one sinner who repents, but he was a deregulator before his damascene conversion. He is now deeply penitent, spending his day listening to the experts, and has since acknowledged that the environment needs to be protected from “the unscrupulous, unprincipled, or careless”.

I wonder which of his colleagues he had in mind and who may yet succeed him at DEFRA.
How might Ministers go about watering down EU standards? The 2008 classification, labelling and packaging regulation or CLP regulation—CLP means something quite different in Labour terminology—is an example of direct EU legislation under clause 3, which will become retained EU law under clause 6. The CLP regulation aligns the EU’s system of classifying, labelling and packaging chemical substances. It enables chemical products to be traded in the European single market while protecting workers, consumers and the environment.

It is why drain cleaners—the sulphuric acid that has been used in the terrible acid attacks—and paint strippers bear the red diamond hazard signs, with which we are all familiar. The regulation will need to be corrected after exit day, but the corrections proposed in the Government’s delegated powers memorandum show how the CLP regulation would be dramatically watered down.

The draft statutory instrument proposes to omit article 46 of the CLP regulation. Article 46 obliges the Government to enforce the safety standards in the regulation and to report on how well those standards are being enforced. In that draft SI, the Government say that because the Commission does not exist, they do not need to report to the Commission, and because they do not need to report, they do not need to enforce. This is a granular and detailed amendment, but that is the sort of thing that the proposed sifting committee will have to consider with an electron microscope to get to the heart of every single deficiency, some of which—with the best will in the world—will not appear until there is a legal challenge. We do not want the labelling and packaging of dangerous chemicals not to be enforced and not reported to any body. Some hon. Members may not be as sceptical as I am about Ministers’ intentions, but none of us can predict the future. We have had three Environment Secretaries in as many years.

Amendment 138 would protect retained EU environmental law, requiring Ministers to certify that they are satisfied that regulations made under clause 7 will not remove or reduce any environmental protection provided by retained EU law. That certification—similar to that created by the Human Rights Act—would be justiciable, meaning that it can be challenged in a court of law. An individual or group could apply for a judicial review if they felt that regulations made under clause 7 had removed or reduced environmental protection. That would not delay leaving the EU, but it would provide a vital check on the powers in clause 7, and it protects the protections.

4.15 pm

The hon. Member for Broxbourne and I discussed yesterday how the new committee could do what I call the magic ping—alerting Select Committee Chairs to particular instances. That is one way of doing it. Alerting other Select Committee Chairs is another way, but of course that excludes Members of Parliament who may have an interest in a particular matter—a constituency, historical or professional interest—and we need to think about how those alerts go out and how they work across the House so that people who are interested and have something material to contribute do not suddenly wake up and find that a measure was passed two or three weeks ago and no one really understood what it meant. It is a modest change, and I look forward to working with the hon. Gentleman to make sure that that happens.

I want to look at how EU institutions monitor, enforce and update environmental standards. Member states are usually required to provide the Commission with reports. The Commission is a kind of environmental watchdog. It has bitten; it has used its teeth. In February this year it issued a final written warning to the UK to comply with the EU air quality directive. The UK’s response—the latest air quality plan—was published in April, and we await the Commission’s verdict on it.

The process ends with compliance or referral to the European Court of Justice, which can issue fines. We have heard how crucial that mechanism has been in securing environmental improvements. The threat of fines has certainly enabled DEFRA to punch above its weight in arguments with the Treasury. My Committee has heard how the Treasury has often ridden roughshod over DEFRA. In the autumn statement 2015 it cancelled the £1 billion carbon capture and storage competition. It scrapped the zero carbon standard for new homes. It failed to set a tax regime that would drive up recycling rates. However, if an environmental policy is linked to an EU obligation, with the threat of fines, that policy can often get through and escape the dead hand of the Treasury. After exit day this constitutional backstop for the environment will fall, and there is nothing in the Bill to replace it. Environmental law will be vulnerable to being watered down or quietly dropped at the stroke of a Minister’s pen.

How will the Government introduce new policies to tackle air pollution? How will the chemicals sector be regulated after exit day? It is not good enough to cross our fingers and say, as the Secretary of State said to me three short months ago, that we are going to regulate it “better.” We need a new environmental protection Act, which my Committee called for nearly a year ago, to monitor, enforce and update environmental standards. Conservative Members will say that since his return to the Cabinet the Environment Secretary has told us how that will be done. On 1 November he told my Committee that we would have no governance gap because there would be this new “Commission-like body”. During that Committee session that body metamorphosed into four bodies, one for each of the devolved nations. How on earth is that going to give regulatory certainty to businesses working across borders? How will this new body ensure compliance? Will it be able to fine Governments? Will it be independent of Government? Will it inherit the reporting obligations of the EU Commission? Who will it be accountable to? Who will determine its budget? Will it be underpinned by statute? Will it be ready before exit day? Since 1 November those questions have not been answered, although we have seen a speedy U-turn on animal sentience. I would like to see a very speedy U-turn, before Report, giving clarity on what the new environmental body will do and how it will be funded.

It would require significant constitutional innovation to create a UK domestic agency that was a clone of the EU Commission to perform these tasks. It is a necessary but not sufficient step, because it ignores the policy-making role that the European Commission and Parliament play in this vital area. The Environment Agency and the
Health and Safety Executive, which have been posited as regulators in this area, cannot be the regulator, the police officer, the judge and the policy maker in this area. New clause 62 would therefore require this new agency to report to Parliament on progress on meeting targets in retained EU environmental law, and to publish reports on whether the Government are meeting or missing those targets, and make recommendations for extra action. Obviously, we are limited in what can be put in a new clause, and I want the Government to go much further in developing their ideas on this.

In conclusion, we have worked together with our European partners for 40 years to develop world-leading environmental standards, and we must not reverse that progress. We cannot simply cut and paste them, and we must make sure that we do not have zombie legislation. Those laws need to be kept alive and given power and teeth by being backed up with sanctions. We did not Those laws need to be kept alive and given power and teeth by being backed up with sanctions. We did not vote to transfer power from Parliament to Ministers, and I urge the Government to accept my amendment.

Several hon. Members rose—

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. I just ask Members to bear in mind that a lot of colleagues wish to speak and the Minister will be coming in at some point.

Mr Charles Walker (Broxbourne) (Con): I certainly will bear that in mind, Dame Rosie, and thank you for calling me.

I rise to speak to my amendments 392 to 398. I am not going to read out each one for the benefit of colleagues, because all colleagues can read. The amendments have been covered by various colleagues, from both sides of the House, so I shall stick to discussing the broad principles, but I will of course be happy to answer any questions or criticisms that colleagues may have.

First, may I thank the Procedure Committee for its hard work in producing the report published on 6 November? It is worth pointing out to colleagues how well Select Committees perform in this place. We are obsessed—or all too often we give the impression that we are obsessed—with partisan politics. Of course when people tune in on Wednesday at midday, that is what they see in this place. Our report was agreed unanimously by 15 Members of Parliament, six of whom are Government Members and nine of whom are Opposition Members. It is important to get that on the record. Also important is the fact that we did not let the pursuit of perfection get in the way of sensible compromise.

I can understand that a number of colleagues here today are somewhat disappointed, or remain dissatisfied, with what the Government have brought forward, but, as we have heard from Opposition Front Benchers, Opposition Back Benchers, Government Front Benchers and Government Back Benchers, including my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), there is broad acceptance that these amendments are a very positive step forward. As Chair of the Committee, I of course endorse that view.

Let us not underestimate the powers that the sifting committee will have. A Select Committee is like water: it gets in everywhere and all too often into places where it is not welcome. So I am certain that with a good and strong chairman who is respected by both sides of the House, a committee comprising experts—committed parliamentarians—will do the right thing by this place.

Chris Bryant: The thing is that the hon. Gentleman’s Committee is chaired by a man who is respected by both sides of the House and much loved by many people in all parts of this House, yet his Committee has regularly produced reports that have been completely and utterly ignored by the Government. That is the problem: he is still asking us to trust the Government in the end.

Mr Walker: I count the hon. Gentleman a great friend, and say to him that yes, all too often I have come to this place in a state of high dudgeon, deeply depressed by the performance of my Government’s Front-Bench team, but on this occasion I assure him that the Government have accepted amendments and tabled draft Standing Orders, which are available today for all colleagues to read, so progress has been made. I also remind the hon. Gentleman that the report had the support of every member of the Procedure Committee.

The hon. Member for Nottingham East (Mr Leslie) expressed concern about what teeth the sifting committee would have. It is absolutely right that, as he identified, the committee would not be able to insist that the Government change a negative statutory instrument into an affirmative one, because if it could, the committee could just turn around and say, “Right, we want every single SI to be affirmative, and that’s the end of it. Be on your way and we’ll see you in a couple of years’ time.” I do not think that would be sensible.

The political cost to my Front-Bench colleagues of going against a sifting committee recommendation would be significant. The committee will have to give a reason why it is in disagreement, the Minister will be summoned to explain his or her Department’s position, and it will be flagged up on the Order Paper if a particular SI has not been agreed between the sifting committee and the Government. That will result in a significant political cost, because what we do most effectively of all in this place is to generate political cost. When a Government fail, or even, indeed, when an Opposition fail, there is a cost to their credibility and reputation. It is important to highlight that.

Dr Sarah Wollaston (Totnes) (Con): I congratulate my hon. Friend and the Procedure Committee, and I really welcome its proposals. Does he think that this idea should be extended to all statutory instruments?

Mr Walker: My hon. Friend tempts me so much. It is not my intention today to spook the Government, but I think the sifting committee will probably be so successful that the Government and the House will want to embrace it for all negative SIs going forward.

I listened to the concerns expressed by the hon. Member for Edinburgh East (Tommy Sheppard) about the performance of Delegated Legislation Committees. I share those concerns, but a Minister turns up at those Committees, and it is often we Members of Parliament who fail to hold that Minister to account. Indeed, the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker) is on the Front Bench, and I remember
discussing this issue with him in the 1922 committee when he was but a humble foot soldier, like me. I remember a blog he posted early in his tenure in this place, in 2010, in which he expressed dismay at the lackadaisical approach of scrutiny in Delegated Legislation Committees. Again, that is not the Government’s fault; it is our fault as Members of Parliament. What is so refreshing about these eight days of scrutiny of the Bill on the Floor of the House is that right hon. and hon. Members of Parliament from both sides of the House and from all sides of the argument are turning up and holding the Government to account. It is our duty to do that in every Committee of the House.

I said I would be brief, and I think I have been. I hope I have covered most of the relevant concerns, but there is one further concern to which I would like the Government to respond. Several speakers have rightly identified that the Bill will result in up to 800 or 1,000 SIs—it could be more; it could be a little less. The Government have reassured us that the Cabinet’s Parliamentary Business and Legislation Committee will look at the workload to manage an effective flow without peaks and troughs. That is a useful reassurance, but the Government need to go further. There needs to be a system, which was identified by the hon. Member for Wakefield (Mary Creagh), where the House can have sight and pre-warning of what is coming. That might be difficult to achieve, but I hear what she is saying and think that it is a sensible suggestion. On that note, and accepting that all colleagues here have read the Select Committee report and the Government response, and are adequately familiar with the amendments, I shall sit down and not detain this wonderful place further.

4.30 pm

Tom Brake: It is a pleasure to follow the hon. Member for Broxbourne (Mr Walker). He has set out a system, which will be tested the first time the Government refuse a recommendation from the Committee. Then we will see whether the system works in practice.

There are many, many amendments, cross-party in nature, which I will be supporting if they are pressed to a vote today, including amendments from the right hon. and learned Member for Beaconsfield (Mr Grieve), the hon. Member for Nottingham East (Mr Leslie), who opened this debate, the hon. Member for East Worthing and Shoreham (Tim Loughton), and many others whom I do not have time to mention. That underlines the cross-party nature of this whole matter.

There are a number of amendments in my name—a disparate group, ranging from EU citizens and the single market to EU agencies and their UK successors, and equality and human rights legislation. I shall focus principally on the single market and the equality and human rights legislation.

Amendment 124 is on the single market. Members here will know that I am very much after red meat when it comes to the single market: I think that the UK should stay in the single market permanently. However, in case Members here are reluctant to support the amendment, I wish to point out that that is not what it actually brings about. It is quite specific in ensuring that the Government cannot use regulation-making powers in a way that would lead the UK to diverge from the single market. On that basis, I hope that Members on both sides of the House will not see it as seeking to lock us into the single market permanently, which of course is what I would like to do; it is slightly less wide-ranging than that.

Angela Smith: May I take it from what the right hon. Gentleman has said that he is arguing that we should indeed be keeping all options on the table, including the single market, and that nothing is agreed until everything is agreed?

Tom Brake: Absolutely. Many Members on both sides of the House know that one of the most damaging things that the Government did from the outset was to rule out membership of the single market and the customs union—particularly the customs union. We can see what problems that has caused in relation to Ireland and Northern Ireland. Even now, that can has simply been kicked down the road. The issue has not been resolved in any shape or form.

It is probably fair to say that people, including Members in this House, now have a much clearer understanding of exactly what the single market is. I know that there are Members, particularly on the Government Benches, who claim that, during the course of the EU referendum campaign, people had a very clear idea of what the single market was and what the customs union was; they did not want to be in them. Frankly, I do not believe that to be true. It may be that some of those Members had in their constituencies a trade specialist or an economist who knew precisely what the single market and the customs union were, but I am afraid that, broadly speaking, there was not a great degree of awareness of what they constituted—I am talking about the fact that the single market ensures that UK companies can trade with the other 27 EU countries without any restrictions and without facing arbitrary barriers. That is why it is essential that people support this amendment.

I hope that, in the longer term, the Government will see sense and realise that it is in the UK’s economic interests to stay in the single market and the customs union. I know that my amendment has cross-party support, but I hope that I will also get support from the Labour Front-Bench team, because that will reinforce a vote. The right hon. Gentleman was not quite fair in his description of our Front-Bench team after the transition. The right hon. Gentleman was certainly in respect of the understanding of it, if not
necessarily the direct input. I hope that Labour may be able to take things one step further: to make staying in the single market and the customs union not an option but the party’s actual policy. As I said in an earlier intervention, staying in the single market was in the 2015 Conservative manifesto, which also mentioned the benefits of doing so.

I turn to amendments 363 and 364, and a number of other related amendments, which are on equality and human rights law. The amendments are needed to prevent changes to fundamental rights being made without full parliamentary scrutiny. The Bill permits Ministers to amend laws, including Acts of Parliament, by delegated legislation. The Government have said that the powers will not be used for significant policy changes and that current protections for equality rights and workers’ rights will be maintained. I welcome those commitments, but in order to protect fundamental rights, it is essential that they are guaranteed by reflecting them in the extent of the delegated powers in the Bill.

Many other Members have quoted the House of Lords Delegated Powers and Regulatory Reform Committee, so I will not. That Committee has expressed strong concerns about the Government’s approach, as has the House of Lords Constitution Committee, which it might be worth quoting. It believes:

“The executive powers conferred by the Bill are unprecedented and extraordinary and raise fundamental constitutional questions about the separation of powers between Parliament and Government.”

That point has been repeated by many Members during these days of debate.

I welcome the fact that the Bill already prevents the use of delegated powers to amend the Human Rights Act 1998, which, of course, recognises the importance of the rights it protects. However, if the Bill does that for the Human Rights Act, I do not quite understand why it does not protect the rights in other Acts. The Equality Act 2006 and the Equality Act 2010 must also be protected, as must the Employment Rights Act 1996 and secondary legislation such as the Working Time Regulations 1998, which were mentioned in an earlier contribution. My amendments would protect the rights in such legislation. I am unlikely to press them to a vote, but the Labour party’s amendments 25 to 27 are similar. In fact, they could be improved by providing equivalent protection to the Equality Act 2006.

In the first day in Committee, the Government made a commitment to table amendment 391, which they have done. I welcome that, but I would like the Minister to clarify one point. I think it was the Minister of State, Ministry of Justice, the hon. Member for Esher and Walton (Dominic Raab), who said that the Government would ensure that they would address “the presentation of any Brexit-related primary or secondary legislation”—[Official Report, 21 November 2017; Vol. 631, c. 904.]

But as far as I read it, the amendment refers only to secondary legislation. I am not sure whether that means that there will be further amendments, that the Minister misspoke originally or that we are to expect more. Perhaps the Minister will pick up on that point when he responds.

I have a couple more minutes, in which I will refer briefly to EU citizens’ rights. Now, I hope that people are not under the impression that, in moving on to phase 2 of the negotiations, EU citizens in the UK or UK citizens in the EU are happy with where we are at; clearly, they are not. Some 3 million EU citizens in the UK still have significant concerns around the time limits being placed on certain protections. They are also concerned about the all too frequent errors that occur in the Home Office—something with which we are all too familiar—which they anticipate leading to a large number of problems with the proposed changes regarding their status. Nor are UK citizens in the EU any happier with the outcome, and they are as critical of the EU as they are of the UK Government in terms of the speed with which they have moved on. However, as has been said in the debate, given that nothing is agreed until everything has been agreed, those issues can still be pursued.

The final point I want to make relates to amendment 121. If I had had time, I would have read out the list of 21 organisations, although by the sounds of it, given the earlier intervention on this issue, I have missed about 19 organisations, because there are more than 40. However, I would have liked to ask Members present, in a moment of truth and honesty, whether any of them had anticipated that all the organisations on the list would be affected by our leaving the European Union—if, indeed, we do leave, because nothing is certain on that front. I suspect that not a single Member here would have claimed, if they had answered honestly, that they knew of each and every one of those organisations.

We are going to have to go through a costly process of creating our own organisations, with heavy costs attached to that. The purpose of the amendment is simply to ensure that the Government are not able to create these new agencies, or to give substantial new powers to existing agencies, by way of delegated legislation, because that is the sort of thing that needs to be done through Parliament and through primary legislation.

Thank you, Dame Rosie. I think I have kept within your time limit. I would just like to reinforce the point that I will be pressing amendment 124 to a vote, and I hope I will receive support from both sides of the House for it.

Anna Soubry: It is a pleasure to follow the right hon. Member for Carshalton and Wallington (Tom Brake), and I will indeed support his amendment 124 when he presses it to a vote. It is, effectively, about the benefits of the single market and making sure that, as much as we can, we retain our membership of it, especially after we have left the European Union.

I rise to support all the amendments I have signed, which are mainly those that have been drafted by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I also rise to support the amendments tabled by my hon. Friend the Member for Broxbourne (Mr Walker), and I congratulate him and his Committee on coming up with their proposals. I also thank him for reassuring some of us who were concerned that this creature that was created, quite properly, to address the concerns that many right hon. and hon. Members identified on Second Reading might not have any teeth. However, he explained that the effect of sanctioning a Minister, as he quite properly identified it, has political consequences that do the job. On that basis, I am content with the proposed new committee. Obviously, I have concerns, but I am delighted that the Government have accepted the relevant amendments.
If it is pushed to a vote, I will also vote for amendment 49. I thought that the speech by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) was admirable. In fact, her amendment is hardly revolutionary; it is an entirely proper amendment to this important piece of legislation and this clause. It uses the word “necessary”, and I think that that was the word used in the original White Paper. I will therefore be supporting the amendment.

I pay tribute to my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) for his probing amendment. If I had got round to it—I have signed so many amendments—I would have signed his, for what that is worth. In looking at his speech in particular, and at so many of the other speeches we have heard today, it is really important to understand what people like and do not like about this place and, indeed, about politicians. The public actually like it when we agree across parties; people mistake that. I am not saying that the public do not enjoy some of the spectacle of Prime Minister’s questions—there is nothing wrong with a good hearty debate and row on points that will forever divide us; they identify our political beliefs and parties. However, on those occasions when we agree, the British public absolutely like it.

4.45 pm

The big mistake that the Government have made—I really hope that they will now look deeply into this—is to assume that the normal rules apply in relation to this Bill and all matters to do with Brexit. This is a unique Bill and this is a unique situation. Never before have we had a referendum that has so divided the British people. These are things that we have to understand and say. It was a very close result. Only 52% of those who voted voted for us to leave the European Union, and 48% of those who voted voted for us to remain. If that result had been reversed, I think we all know what would have happened. The people in the 48% would not have packed up their toys and said, “Fair do’s, everybody, I’m off now. I won’t carry on banging on about Europe because the matter has been settled and I accept the result.” We can be absolutely sure that with that difference of 48/52, they would have pursued a lifetime’s habit and kept banging on because of the narrowness of the vote.

Jess Phillips (Birmingham, Yardley) (Lab): May I introduce you to Bill Cash?

Anna Soubry: I did not hear what the hon. Lady said. I am sure that Hansard did, so I will move swiftly on.

I say to those on the Treasury Bench, and anybody else who might be listening to this speech, that the profound difference between those people and people like me—right hon. and hon. Members on both sides of the House, right across these green Benches—is that we have accepted the result, although it may break our hearts to do so. That is quite a dramatic statement, but many people are genuinely upset that we are going to leave the European Union. Nevertheless, they have accepted the result even though it goes against everything that they have ever believed in. They have not only accepted the result, but then voted to trigger article 50. One of the things that saddens me as much as it saddens me that we are going leave the European Union—probably more so—is the inability of the people who supported and voted for the leave campaign to understand and respect those of us who were remainers, who voted to trigger article 50, and now genuinely say that we are here to help deliver this result to get the best deal that we can as a country, putting our country before our own views and before our party political allegiances.

It may be that some leavers, especially some people in Government or formerly in Government, cannot accept that because unfortunately—I am going to have to say this—they judge people like me by their own standards. For people to say that by tabling an amendment one is somehow trying to thwart or stop Brexit is, frankly, gravely offensive. That level of insult—because it is an insult—has got to stop. People have to accept that there is a genuine desire certainly among people on the Government Benches, and on the Opposition Benches, to try to come together to heal the divide and get the best deal for our country.

Angela Smith: Does the right hon. Lady accept, too, that a significant proportion of the voters who voted leave would agree with her that the hijacking of the leave argument by a small minority is damaging the debate?

Anna Soubry: I very much agree with the hon. Lady. It is not right and it is not fair. It also, as she rightly identified, does not reflect leave voters. We have got ourselves into a ludicrous situation whereby a very small number of people in this place, in this Government, and indeed in the country at large, suddenly seem to be running the show. That is not right, because they do not reflect leave voters, who, overwhelmingly, are pragmatic, sensible people who unite with the overwhelming majority of people who voted remain and who, frankly, want us all to get together, move on, get the best deal, and get on with Brexit.

That, I think, is where the British people are. I think they are also uneasy, worried and rather queasy because of all the things that we have spoken about in this place. They now realise, as I think my hon. Friend the Member for East Worthing and Shoreham said, that it is very difficult, this Brexit. It is indeed difficult to deliver it, and many people thought from the rhetoric of the leave campaign that it would be oh, so easy. Indeed, others—such as the Secretary of State, who is beautifully arriving in the Chamber—believed that a trade deal would be done in but a day and a half.

I am being pragmatic, so I am not going to make any more such points; I am going to try to move the discussion on. But I urge all members of Her Majesty’s Government, especially those in the most important positions, to please reach out to the remainers—now often called former remainers—who made up the 48%. I urge those Government members not to tar us with the paintbrush that they may have used for many years, but to try to build a consensus. That means that the Government need to give a little bit more than they have given so far.

The reason why I support the single market, the customs union and the positive benefits of immigration is not that I am some treacherous mutineer. My hon. Friend the Member for East Worthing and Shoreham is hardly some sort of Brexit ostrich, but he is an excellent example of someone who quite properly tables a probing new clause because he is doing his job as a Member of Parliament. That is why amendments have been tabled.
by all manner of people, and they have been supported in a cross-party manner to a degree that apparently has not been seen for a very long time. That is commendable.

I am no rebel, because like many of my former Back-Bench colleagues who now sit on the Front Bench, I made it very clear to the good people of Broxtowe that I was standing as a Conservative but I did not endorse my party’s manifesto in relation to the single market and the customs union. Sitting on the Front Bench today are hon. Members who, in the past, stood quite properly in their constituencies as Conservatives while making it very clear that they did not support our party’s policy on the European Union and would campaign for us to withdraw. I make no criticism of that. I say, “Thank goodness,” because that is what we want in a good, healthy democracy. But it is ironic, is it not, that the Secretary of State has rebelled, I think, some 30 times on European matters?

The Secretary of State for Exiting the European Union (Mr David Davis): More.

Anna Soubry: He says, “More.” I do not criticise him for doing so. I bet he has never been called a Brexit mutineer—well, he would not have been called a Brexit mutineer, but I am as sure as anything that he has not been abused in the same way as other people who have had the temerity to table an amendment and see it through. The Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker) rebelled, I think, some 30 times between 2010 and 2015. He and the Secretary of State will understand how important it is for us, having made our case clear to our electorate, to be true to the principles on which we stood and got elected. When we come here, if we do nothing else, we must surely uphold those principles—our mandate—by tabling amendments and voting for them.

If the Government are genuine about getting a good deal and healing the great divide—I very much hope that Ministers understand the damage that is still being caused to our country and the importance of healing the divide—they must reach out tomorrow, if not today, to try to reach out and get Ministers to understand the damage that is still being caused to our country. It is why I have made those amendments. I think it is why others have made those amendments. It is why we voted for them. I ask Ministers to understand that there must be action. We must not let this opportunity pass.

The Secretary of State for Exiting the European Union (Mr David Davis): The hon. Lady speaks of our having a common future. She is a definer, and she says things in an extreme way. I agree with her on this. We are in the same boat, and we must get a good deal. I hope the House will agree with me.

Mary Creagh: Does my hon. Friend think that the fact that we are disproportionately represented in that way reflects the UK’s status as both a transit point and a destination for people trafficking? It would be abhorrent if the process of leaving the EU afforded less protection to such survivors.

Jess Phillips: Absolutely. I cannot give with any real certainty the exact reason why Britain uses the orders more than anywhere else, except for the fact that—I can definitely say this—our human trafficking rates are much higher compared with other European countries. The issue that worries me is that British Governments have so far failed to guarantee that such survivors of violence will enjoy the same legal protections post-Brexit as they do now.

Amendment 385 would at least retain one aspect of this protection. In February 2016, history was made in the Hammersmith specialist domestic abuse court, when the first European protection order was issued in England and Wales. This enabled the survivor to move to Sweden, enjoying protection in both the UK and Sweden. In the same year, another survivor was issued an EPO, allowing her to move to Slovakia safely. The UK has also recognised a number of EPOs issued by other EU member states in 2015 and 2016, meaning that these survivors were protected on entry to the UK. According to data provided by the European parliamentary research service, Britain makes disproportionate use of the framework, accounting for almost half of all orders granted in 2015 and 2016.

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For example, in 2010, up to 900 schoolgirls across Birmingham were at risk of FGM. One in five children in Birmingham will have experienced or seen domestic violence before they reach adulthood, and at least 300 forced marriages take place in the west midlands every year.

5 pm

New clause 77 would ensure that the Government must report to Parliament on how much progress they have secured on all forms of co-operation with the EU to tackle violence against women and girls. It also speaks to the issue of funding for specialist services that support victims of violence and domestic abuse, and research into ending violence against women and girls. Post Brexit, UK-based services will no longer be eligible for several generous pots of money currently provided by the EU. For some organisations, such as the Iranian Women’s Rights Organisation, that could mean a drop of up to 40% in their funding. Without a replacement, those organisations simply will not survive. My new clause would require the Government to make an assessment of just how much money UK organisations stand to lose post Brexit and how they are planning to replace it.

Given that amendment 385 and new clause 77 are endorsed not only by 21 Labour MPs, but by Members from almost every party, including the Conservatives, will the Minister please tell the Committee whether the Government will accept the principle of the amendments?

Mr Baker: I rise to speak to clause 7 and to amendment 391, tabled by my right hon. Friend the Secretary of State, which puts the Government’s commitment to transparency into the Bill by requiring that the explanatory memoranda relating to each statutory instrument must include a number of specific statements. I would like to put it on the record that the Government will support the amendments tabled by my hon. Friend. Friend the Member for Broxbourne (Mr Walker) on behalf of the Procedure Committee—I will be happy to move them formally if the Chair does not call them for separate decisions. I see from my speaking notes that I am due to speak to approximately 134 amendments, so I apologise in advance if I deal with any of them superficially.

The Government do not propose delegated powers lightly; we do so only when we are confident that secondary legislation is the most appropriate way to address an issue. This House is right to guard jealously its rights and privileges. It is for the purpose of taking back control to this Parliament that millions of people voted to leave the European Union. We want to limit any powers that we are seeking, in so far as we can, while ensuring that they can meet the imperative of delivering a working statute book on exit day.

The power in clause 7 is essential to achieve continuity and stability in the law. The day the UK leaves the EU is drawing ever nearer. If we simply stop at converting and preserving retained EU law, the day after exit the UK statute book will contain many thousands of inaccuracies, holes and provisions that are not appropriate. That would have real-world consequences, leaving errors in the laws that businesses and individuals, sometimes unknowingly, rely on every day. I am grateful that the general premise that we need to take these steps has been accepted by Members on both sides of the Committee and on the Labour Front Bench.

The power in clause 7 is intrinsically limited. As I and other Ministers, including the Secretary of State, have said from this Dispatch Box, it is not a power for Ministers to change law simply because they did not like it before we left the EU. Clause 7(1) is clear that Ministers may only do what is “appropriate to prevent, remedy or mitigate— (a) any failure of retained EU law to operate effectively, or (b) any other deficiency in retained EU law, arising from the withdrawal of the United Kingdom from the EU.”

If an issue does not arise from our withdrawal from the EU, Ministers may not amend the law using the powers in the clause.

Clause 7 is required to address failures to operate and deficiencies where the law does not operate effectively—for example, with reciprocal arrangements between the UK and the EU that have not formed part of any new agreement. Subsection (2) illustrates what these deficiencies might be. The clause is also subject to a number of direct limitations: it sunsets two years after exit day; and, as listed in subsection (6), it cannot impose or increase taxation, make retrospective provision, create certain types of criminal offence, implement the withdrawal agreement, amend the Human Rights Act 1998 or amend some sections of the Northern Ireland Act 1998.

Sir Oliver Letwin: Will the Minister clarify from the Dispatch Box that Opposition Members’ assertions that it would be possible under the provisions for the Government to introduce secondary instruments that changed the safeguards in the Bill are misplaced because no court would allow that to happen under the provisions of appropriateness and deficiencies?

Mr Baker: I am very grateful to my right hon. Friend. I will come on to the specific differences between clause 7 and clause 9 in relation to the power to amend the Act, but I will say now that the Act itself cannot be amended under clause 7. I will come on to develop that point later.

Clause 7(5) lists some possible uses of the power. These could range from fairly mechanistic changes to correct inaccurate references, to more substantial changes to transfer important functions and services from EU institutions to UK equivalents. Both types of change are important to keep the law functioning appropriately. At this stage, we do not know for certain what corrections might need to be made. The negotiations continue and there is a large volume of law to correct in a short space of time.

Mr Leslie: Will the Minister give way?

Mr Baker: If I may, I will explain my approach to interventions, which I should have mentioned at the beginning of my speech. My speech has about 24 sections to address the 130 amendments that have been tabled. With respect to the hon. Gentleman, I would like to finish speaking on clause 7 stand part before I come on to his amendment. If he will allow me, I will give way to him then.

Secondary legislation made under this power is subject to entirely normal parliamentary procedures. I will come on to talk more about how we ensure sufficient scrutiny of secondary legislation when I speak to the amendments. The Government have always been clear that we will
[Mr Baker] 

listen to the concerns of Parliament during the passage of the Bill and reflect on its concerns. We are committed to ensuring that Parliament has the right opportunities to scrutinise the Bill and its powers, so I am glad to have the opportunity to address concerns that have motivated many Members to table amendments to the scrutiny provisions in the Bill, alongside the debate on the powers themselves.

We should, however, all be in no doubt that without this power vital functions could not be carried out because they would not be provided for in our law. The UK could have obligations to the EU still existing in statute that would not reflect the reality of our new relationship. There would be confusing errors and gaps in our law. I say again that we do not take lightly the creation of delegated powers, but neither do we take lightly the imperative to deliver a stable, orderly exit that maximises certainty for the UK. Clause 7 is essential to achieving that task.

New clause 18, tabled by the hon. Member for Nottingham East (Mr Leslie), calls for an independent report into the constitutional implication of the powers in clause 7. There have already been a number of such reports and this is likely to continue. For example, the report he suggests sounds similar to the excellent and thoughtful report published recently by the Exiting the European Union Committee. A requirement for one more report after Royal Assent would, it seems to me, add little to the Bill and the definition of its powers. I reassure the House that the Government have listened to Members and to the Committees that have reported on the Bill.

I will turn a little later to amendments 392 to 398, tabled by my hon. Friend the Member for Broxbourne, but I am glad to report that the Government said yesterday that we would accept the amendments to enhance scrutiny of the powers through a sifting committee. Taken together with Government amendment 391 on the content of explanatory memoranda, we believe the amendments deliver more than the sum of their parts, so the House can be assured of the effective scrutiny of the powers in the Bill. I hope that reassures the hon. Member for Nottingham East, but I will give way if he still wishes to intervene.

Mr Leslie: The Minister mentioned clause 7(5) in relation to the regulatory powers to replace, modify or abolish public service functions. He will know that one of my amendments would delete the Government’s ability to abolish functions by those orders. I wonder whether he could give us examples of public service functions or regulatory activities currently undertaken that the Government may wish to abolish.

Mr Baker: I will come back to that later, but I can tell the hon. Gentleman for a start that the translation functions of the European Union and various institutions will no longer be required.

I come now to amendment 1, from my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). It has the support of all sides of the Committee including, I do not mind telling him, from me, in spirit. The Secretary of State has asked me to put on record that he, too, is sympathetic to the idea of narrowing the Ministers’ discretion. My right hon. and learned Friend seeks to restrict the power of Ministers to make regulations to amend retained EU law to cases where the EU law is deficient only in the way set out in the Bill.

We have listened carefully to my right hon. and learned Friend, my hon. Friend the Member for Weston-super-Mare (John Penrose) and others, and the specific proposal in amendment 1 and amendment 56, tabled by the hon. Member for Nottingham East, is to convert the illustrative list of potential deficiencies in the law in clause 7(2) to an exhaustive list. As my right hon. and learned Friend knows, we do not think that it is possible to do that at this stage.

We know that there will be thousands of deficiencies across our statute book and it is impossible at this stage definitively to list all the different kinds of deficiencies that might arise on exit day. To attempt to do so risks requiring significant volumes of further primary legislation on issues that will not warrant taking up parliamentary time. The specifics of the deficiencies will inevitably vary between cases and it will therefore not be possible to provide a definition that accompanies them all, as amendments 264 and 265, tabled by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), also seek to do. An exhaustive list would risk omitting important deficiencies, so rendering the powers in clause 7 unable to rectify the statute book. To require primary legislation in such circumstances would undermine the purpose of the Bill and the usual justifications for secondary legislation, such as technical detail, readability and, crucially, the management of time.

We cannot risk undermining the laws on which businesses and individuals rely every day. Our goals are to exit the EU with certainty, continuity and control. However, I listened extremely carefully to the speech made by my right hon. and learned Friend the Member for Beaconsfield, my constituency neighbour, and to his appeal for us to work with him and others to continue to reflect on this point with an eye on Report. We heard a very informative intervention on this point from my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox). My right hon. and learned Friend will know that we are wrestling with the susceptibility of what we do to judicial review, which might undermine the certainty that we are trying to deliver.

Mr Grieve: I understand that, and I realise that I am setting a bit of a challenge. Of course, amendment 1 is only one way to deal with this. Interestingly, amendment 1 is the least justiciable route because of its clarity. Other amendments, such as amendment 2, do raise the issue of justiciability. One way or the other—I put this challenge to my hon. Friend—the Government will have to come back with something that tempers the starkness of these powers. I leave it to my hon. Friend’s discretion, which is precisely why I have not tried to fetter him over this.

Mr Baker: I am grateful to my right hon. and learned Friend for that intervention.

Mr Cox: I wonder whether my hon. Friend might be attracted by this idea. At the moment, as drafted, the clause gives an inclusive, non-exhaustive list of examples,
but I wonder whether the principle of ejusdem generis might not assist us if it were slightly redrafted. One could draft it so that any extensions beyond the inclusive list had to be of the same kind or species as those that were listed. That might give some comfort, if they have to be of a similar character to those enumerated in the Bill.

**Mr Baker:** I am extremely grateful to my hon. and learned Friend, and I would be happy to meet him, our legal team and my right hon. and learned Friend the Member for Beaconsfield to take their suggestions on board. I am keen to address this, and I know that the Secretary of State is keen to do so, but I am not in a position today to have tabled or accepted an amendment. I ask them to bear with me and have further meetings with us and our legal teams to try to find a way through.

**John Penrose (Weston-super-Mare) (Con):** The Minister is being very generous and carefully considered in his responses. May I just check what he has said? Is he saying that he intends, if he can, to bring forward an amendment, perhaps on Report, to fix this, after these conversations have taken place, given the sympathy he says both he and the Secretary of State have for the amendments, or is he unable to give that promise to the Committee?

5.15 pm

**Mr Baker:** I will be very straightforward with my hon. Friend: we are keen to move on this issue, but, as several hon. and learned Friends have acknowledged, it is a tricky issue, so we will need to reflect further on how a movement might take place. The Attorney General, who is in his place, and the other Law Officers are well aware of this issue, but we are conscious of the imperative of being able to deal with deficiencies in the statute book, as well as of the advice of hon. and learned Friends.

**Mr Grieve:** I am sure that the Minister will deal with this on some of the other amendments, but the other limb of this is whether certain categories of retained EU law need special protection. All that, I suggest, needs to be looked at as a whole. I am convinced that if the Government do that, they will probably be able to come up with the right solution, and one that commands the confidence of the House.

**Mr Baker:** I will come to that a little later, but I hope that my right hon. and learned Friend will allow me to move forward.

**Sir Edward Leigh (Gainsborough) (Con):** Will my hon. Friend allow me to intervene?

**Mr Baker:** I will give way once, but then I will make some progress, because I am 15 minutes in already.

**Sir Edward Leigh:** My hon. Friend has taken several interventions. Some of us have loyally supported Ministers throughout this process, and we want him to be robust, keep his lead in his pencil, deliver the Bill and ensure that none of our laws are left in limbo. I encourage him to the last.

**Mr Baker:** I am extremely grateful to my hon. Friend for his robust support, and I shall certainly watch out for my lead.

Our approach is to provide for the greatest possible scrutiny and transparency of the statutory instruments as they come forward. We began that process of providing transparency in the delegated powers memorandum accompanying the Bill, and in recent days we have published further information on how clause 7 would be used, including yesterday two draft SIs in the key area of workers’ rights, but there is more we can do to provide for scrutiny and transparency, which brings me to amendments 391 and 392 to 398, which will come before the Committee for a vote tomorrow.

I am pleased to repeat that the Government intend tomorrow to accept amendments 392 to 398, tabled by my hon. Friend the Member for Broxbourne, who is not here, but who nevertheless is a great champion of Parliament against the Executive, as he has demonstrated on multiple occasions. The Procedure Committee, which he chairs, agreed the amendments unanimously. I pay particular tribute to the Delegated Powers and Regulatory Reform Committee, whose report informed the Committee’s work, I understand. If his amendments are not moved separately, the Government will be happy to move them formally at the appropriate moment.

The amendments will establish a sifting committee in the House to look at instruments made under the power in clause 7 and two other key powers in clauses 8 and 9. I draw the Committee’s attention to the draft Standing Orders that my right hon. Friend the Leader of the House has published to establish a new Select Committee to consider the negative instruments in the way that my hon. Friend the Member for Broxbourne proposes. The amendments draw on the expertise of the Procedure Committee, and the Government believe that they offer a solution that will give transparency to the House over the Government’s choice of procedure and ensure that the House can recommend that any negative instrument under clauses 7 to 9 instead be debated and voted upon as an affirmative instrument.

The Government have also tabled amendment 391, which will place our commitments to transparency in the Bill and require that explanatory memorandums relating to each statutory instrument include a number of specific statements. The amendments are aimed at improving the scrutiny and transparency of the SIs that are to come. If the House accepts them, they will together be more than the sum of their parts. The combination of the proposals of the Committee and the Government will mean that any deficiency the Government identify in retained EU law will be transparent to the House. In the light of this information, or any other concerns, the House will have a mechanism to propose a negative instrument for the increased scrutiny provided by a debate and a vote in the House.

I particularly noted what my right hon. Friend the Member for Broxtowe (Anna Soubry) said about the political costs of not complying with the Committee’s recommendation. She nods; I am grateful. I am confident that, given that this proposal is in harmony with the way in which other Select Committees work in relation to the Government, it will provide an adequate means of holding Ministers to account on the choice of procedure.

**Mary Creagh:** In the absence of the hon. Member for Broxbourne (Mr Walker), whose proposal this is, does the Minister envisage introducing the enhanced sift
procedure—the mechanism for informing other Select Committees or Members with a particular interest in a subject—on Report?

Mr Baker: The hon. Lady has put her point on the record, but what we are doing is accepting the amendments tabled by my hon. Friend the Member for Broxbourne. I also draw her attention to the Standing Orders.

A number of Members have referred to the general need for a reform of the scrutiny of statutory instruments. I spent a very informative weekend reading the Hansard Society’s book “The Devil is in the Detail”, which I recommend to any Member who wishes to be fully apprised of the case for the reform of delegated legislation, but I must add that this is not the moment for a complete reform of secondary legislation. What we need to do is accept the amendments from the Procedure Committee, and to move forward.

Vicky Ford: Will my hon. Friend give way?

Mr Baker: I hope that my hon. Friend will forgive me if I do not. I am very conscious that I am only 20 minutes into my speech.

Vicky Ford: May I ask my hon. Friend to give way on this point?

Mr Baker: I will do so just the once.

Vicky Ford: May I make a very brief observation about the sifting committee and the expertise? In my experience, the scrutiny of detailed European legislation is sometimes best performed by people with expertise in it. That is why the House of Lords EU Committee has sub-committees on financial affairs, external affairs, energy and environment, justice, home affairs and so forth. Would my hon. Friend at least consider using a sub-committee of that kind, given that it might enable him to complete the sifting process more quickly?

Mr Baker: I think that my hon. Friend has made a strong case for her membership of the sifting committee. I hope that, if the Whips Office has heard her appeal, she will become a member in due course and will enjoy it very much indeed.

Let me now deal with amendment 2. Conditions similar to those in the amendment, tabled by my right hon. and learned Friend the Member for Beaconsfield, are proposed by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) in amendment 48. Again, we have significant sympathy with the intention behind the amendments. However, they would introduce new terms into the law and invite substantial litigation, with consequent uncertainty about the meaning of the law as we exit the EU.

Mr Grieve: Will my hon. Friend give way?

Mr Baker: May I just finish making my case? I must point out to my right hon. and learned Friend that I can speak for two or three hours if I take all the interventions, or I can press on.

I hope to give the Committee some reassurance. Any provision made under clause 7 must be an appropriate means of correcting a deficiency in retained EU law arising from withdrawal. It is a strong test, and it represents a significant limit on the provisions made under clause 7. The limit can ultimately be guarded by the courts, although I note what my right hon. and learned Friend said about that. However, the right place in which to determine which changes in the law are appropriate is Parliament, which is why I hope Members will accept that their concerns have been addressed by the provisions that we have made for greater scrutiny and transparency in the case of each statutory instrument.

Mr Grieve: I have noted my hon. Friend’s comments, and I appreciate them, but may I take him back for a moment? All these issues are linked. I acknowledge the contribution from my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), but let me return to the discussion of amendment 1. One possibility might be that the list could only be added to by a statutory instrument. After all, given the extensive powers in the Bill, it would present a double lock. If the Government wanted a new power, or area of power, they could secure it through an SI anyway, because of the extent of the power that we are giving to them. The Minister might like to consider that point.

Mr Baker: I shall return to the clause 7 versus clause 9 argument a little later.

Amendments 3 and 4 were also tabled by my right hon. and learned Friend. The Government agree with his goal of ensuring that instruments under the Bill are accompanied by all the information that the House, the public and, indeed, the sifting committee need in order to understand what they can do and why. We also agree that more can be done to ensure that the House has the proper opportunities to scrutinise the instruments. As I have said, the Government have therefore accepted the amendments tabled by my hon. Friend the Member for Broxbourne, and we will also table amendments to address long-standing concerns about information. The Government believe that the proposed committee represents an option that balances our concerns about the ability to plan and the limited time available before exit day with some Members’ well-stated and long-standing concerns about the efficacy of the scrutiny of negative SIs in this House. Those amendments will address the unique challenge posed by the secondary legislation under this Bill, ensuring that the Government’s reasoning on procedure is transparent to the House and that the House can recommend that any negative instrument should instead be an affirmative one.

Beyond all that, the Government have tabled amendment 391 which will require that explanatory memorandums are alongside each SI and include a number of specific statements aimed at ensuring the transparency of SIs that are to come, and act as an aid to this House, providing more effective scrutiny. These statements will explain, for instruments made under the main powers in this Bill, what any relevant EU law did before exit day, what is being changed, and why the Minister considers that this is no more than is appropriate. They will also contain information regarding the impact of the instrument on equalities legislation. The wording of our amendment and that of my hon. Friend the
Member for Broxbourne differs from that proposed by my right hon. and learned Friend the Member for Beaconsfield, but, as he has said, he has put his name to it and I am pleased that we are therefore able to move forward.

I turn now to the issue of what is necessary and amendments 49, 65, 205 to 208, 216 and new clause 24. Amendments 49 and 65 bring us to the important debate about whether the power in clause 7 should allow necessary corrections or appropriate corrections. “Necessary” is a very strict test, which we would expect to be interpreted by a court as logically essential. Where two or more choices as to how to correct EU law are available to Ministers, arguably neither would be logically essential because there would be an alternative. Ministers therefore need to choose the most appropriate course. If two UK agencies, such as the Bank of England or the Financial Conduct Authority, could arguably carry out a particular function, the Government must propose which would be the more appropriate choice. Also, if the UK and the EU do not agree to retain an existing reciprocal arrangement and the EU therefore ceases to fulfil its side of the obligations, the UK could decide it is not appropriate for the UK to provide one-sided entitlements to the EU27; it might not be legally necessary for the UK to stop upholding one side of the obligation, but it might not be appropriate for us to continue if the EU is not doing so.

Yvette Cooper: It is my understanding that the Minister is saying that courts that were told that Ministers had two options, both of which might be necessary solutions to a particular problem, would therefore say that neither passed the necessity test because Ministers had chosen between the two of them. That sounds utterly ludicrous as a way in which the courts would make a decision. Will the Minister elaborate by providing a case law example of a situation where the courts have been given such a necessity test and have decided to rip up all necessary options on the basis that there were too many necessary choices?

Mr Baker: I will see whether, before I sit down, my memory can be jogged on an example of case law, but I am only a humble aerospace and software engineer and I do not mind saying to the right hon. Lady that I have sometimes observed that we dance on the head of a pin over particular words. In order to protect the law and the public purse, I think the Law Officers would require to the right hon. Lady is that “appropriate” will follow the plain English definition, which she will find in various places, but what I want to do is move on.

I want to set out why it is important that the test of appropriateness extends to the use of the power in clauses 8 and 17, to which the right hon. Member for Ross, Skye and Lochaber has tabled amendments 205, 207, 208 and 216. For example, leaving the EU, the customs union and the single market may alter the way in which the UK complies with its international legal obligations in relation to taxation, and there will not always be a clear single choice about how to comply with those obligations. Clause 8 will give Ministers the flexibility, as necessary, to make those changes. Using the word “necessary” would risk constraining the use of the power to the extent that where it is appropriate for the UK to adjust our domestic legislation to ensure compliance with international obligations but where there are multiple ways to do so, we might not be able to ensure compliance with our important obligations under international law, thereby undermining the core intention of clause 8.

John Penrose: I will endeavour not to try my hon. Friend’s patience too much; he is being very generous. I want to clarify one point. I think that his previous response on the difference between “necessary” and “appropriate” will have suggested to the plain non-lawyerly listener that he was accepting the principle that there should be no greater powers than are necessary to ensure that EU law is ported across correctly, and that the only argument he is making is that there might then be a legal interpretational problem when he has more than one choice. Will he at least confirm that he does not wish to bring in, for himself or for any other Ministers, powers that are higher than “necessary” as a basic principle, and that he will therefore try to find words that will give him that minimum level of—

The Temporary Chair (Mr Gary Streeter): Order. This is a rather long intervention, and the Minister has made it clear that he does not wish to take too many more interventions as he is seeking to make progress.

Mr Baker: I am grateful to my hon. Friend the Member for Weston-super-Mare for putting his own clarification into my remarks.

The Government wish to take the minimum powers necessary—the minimum powers required—to do the job before us, which is to deliver a working statute book by exit day. We do not intend to make any major changes of policy beyond those that are appropriate to deliver a working statute book, where the law after exit day is substantially the same as the law before exit day, so that individuals and businesses can rely on it. The issue surrounding the definitions of “necessary” and “appropriate” is a technical and legal one, rather than a general issue of intent, and I stand by what we have said. We understand that “necessary” would be interpreted as logically essential and could land us with the problem that I have illustrated, with Ministers facing a number of choices about how to proceed. So if I may, I will leave that issue there.

The use of the word “equivalent” in new clause 24 is just as problematic. Returning to the example of a reciprocal arrangement that no longer exists, if we were
with the support of this House and entirely appropriately in line with our agreements with the EU—to end the obligations that were placed on the UK in law, this new clause could lead to a court taking the view that that would not be keeping the equivalent scope, purpose and effect of the law in relation to how the law stood before exit. This would undermine the Bill’s core objective of maintaining a functioning statute book once we leave the EU. I therefore urge right hon. and hon. Members not to press their proposed amendments, and the hon. Member for Brighton, Pavilion (Caroline Lucas) to withdraw her new clause.

I now want to address new clauses 1, 6 and 26, and amendments 33, 35, 36, 38, 39, 41, 68, 129 and 130, tabled by the Leader of the Opposition and others. These would all change the scrutiny process for secondary legislation made under the Bill. We have heard some fine speeches from distinguished parliamentarians, and it is clear that a great deal of thought has gone into the amendments and the arguments supporting them. First, let me be clear that we are committed to appropriate parliamentary scrutiny throughout the whole process of our withdrawal from the EU—Members will know that we make statements, Committee appearances and so on—and, as my right hon. Friend the Prime Minister has already made clear, Parliament will have a vote on the contents of the withdrawal agreement. Crucially, where we are seeking not to replicate current arrangements but to take substantially new approaches, there will be separate pieces of primary legislation for Parliament to work through, as we are beginning to see with the legislation that is being introduced.

However, we must be mindful of the large volume of statutory instruments necessary and the limited time available to work through them if we are to provide certainty and stability on exit. We are working to the timetable of the article 50 process, and there is over 40 years of EU law to consider and correct to ensure that our statute book functions properly on our exit from the EU. According to EUR-Lex—the EU’s legal database—more than 12,000 EU regulations and over 6,000 EU directives are currently in force across the EU. If the majority of statutory instruments do not complete the parliamentary process before we leave the EU, there will be significant gaps in domestic law, which could raise real problems with real consequences. Our law currently gives powers to EU regulators across a wide range of areas that affect people’s lives, from aviation safety to the environment, and we therefore have a duty to act.

New clauses 1 and 26 and amendments 33, 35, 36, 38, 39, 41, 68, 129 and 130 would all give a parliamentary committee or either House of Parliament the role of deciding the scrutiny procedure that each statutory instrument must follow. We are sympathetic to the intention behind the amendments, which is why we made our announcement in relation to the Procedure Committee’s recommendations. All that is in harmony with the existing arrangements for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee in the House of Lords.

Amendments 34, 37 and 40, tabled by the Leader of the Opposition, would apply the affirmative procedure to a statutory instrument of sufficient policy interest, which is ambiguous and does not involve a practical, clear trigger for the affirmative procedure. Ultimately, it would end up being for the courts to decide what is “of sufficient policy interest”, creating legal uncertainty, which is contrary to the Bill’s central aim. I hope that Opposition Members will agree that that has been superseded by our commitment to the sifting committee.

Amendment 22, tabled by the hon. Member for Rhondda (Chris Bryant), would introduce a means for the Leader of the Opposition or a certain number of MPs to trigger an automatic debate on an SI made under the negative procedure. Again, I hope that the hon. Gentleman will accept that that has been superseded by the sifting committee.

I will now address several amendments relating to the important matter of environmental protection, on which this Government have a proud record. Amendments 96, 97, 98, 138, 333 and 334 and new clauses 27, 62 and 63 were tabled by the Leader of the Opposition and others. We agree with the intentions behind the amendments and new clauses and understand hon. Members’ concerns, but it is essential that the clause 7 power exists as drafted in the Bill. Its purpose is to make changes, often of a technical nature, to deal with deficiencies in retained EU law. While simple in nature, it is essential to ensuring that legislation that protects the environment and rights remains consistent and continues to function effectively once we leave the EU.

Turning to new clauses 27, 62 and 63, the UK has always had a strong legal framework for environmental protections, and that will continue. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs has recognised the risk of the governance gap, which has been explained, and that is why he announced on 12 November our intention to consult on a new independent and statutory body to advise and challenge the Government, and potentially other public bodies, on the environment, stepping in when needed to hold bodies to account and to enforce standards. We will consult on the specific scope and powers of the new body early next year. We understand the intention behind the new clauses, but they would create problems for our framework of environmental governance, about which we have made announcements.

New clause 27 would go further than the existing governance mechanisms for environmental protections set out in EU and UK law. For example, it would require the Government to give powers to this new independent body or bodies to set standards or targets and to co-ordinate action on the environment. Within the current EU mechanism, the exercise of those powers, such as legislating to set standards, would typically involve the Council of the European Union and the European Parliament; it does not normally rest solely with an independent body or bodies. Legislating for new standards and targets should be a matter for our Parliament in future.

New clause 62 would prejudice the consultation’s outcome and would necessarily limit the possible remit of a new body by requiring that it be established by regulations under clause 7. This power for functions currently exercised by EU institutions could be replicated by being given to UK bodies to exercise. Therefore, for example, significant domestic changes to the law post EU exit or new areas of the environment would fall outside its remit.
While we support the intention behind amendments 97, 98, 99, 101, 103, 104 and new clauses 62 and 63, they give no definition of what an environmental protection is or precisely how one might know that such protections were being weakened or narrowed. We believe that the hon. Members would be preparing the starting gun for a vast quantity of litigation so we cannot accept the amendments to clause 7, 8 or 9 or the new clauses.

Allow me to reiterate, Mr Streeter. Clause 7 powers are temporary powers limited in scope. Restricting the use of those powers further, as many of the amendments seek to do, would threaten rights and protections established in domestic and EU law, which we will be retaining. This is contrary to what I believe is the intention behind many of the amendments, so restricting the power as proposed would be counterproductive and we cannot accept the amendments.

Amendments 25, 26, 27, 52, 109, 111, 115, 266, 268, 267, 222, 363 to 373 and new clause 76, plus those amendments consequential on them, deal with the protection of rights in relation to the power in clause 7 or parallel restrictions in clauses 8 and 9. The UK has a long tradition of ensuring that our rights and liberties are protected domestically and of fulfilling our international human rights obligations. The decision to leave the EU does not change that. I reiterate the Government’s firm commitment to protecting rights throughout the EU exit process. As we have debated previously, the Bill ensures that, so far as possible, the laws we have immediately before exit day will continue to apply. As part of this approach, clause 4 will continue to make available any rights and so on which currently flow into domestic law through section 2(1) of the European Communities Act 1972 within the overall scheme of the Bill.

Moreover, the clause 7 power is already restricted so that it cannot amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it. The restrictions sought by amendments 25, 109, 363 and 364 are therefore not necessary. I am aware that amendments 365, 26, 366 and 367 would place the same restrictions on the powers in clause 8. The clause 8 power is already restricted so that it cannot amend, repeal or revoke the Human Rights 1998 or any subordinate legislation made under it. The restrictions sought by amendments 365 to 367 are therefore not necessary.

**Tom Brake:** The Government have rightly excluded the Human Rights Act. I just want to understand why the Equality Act 2010 has not also been excluded.

**Mr Baker:** I will come on to the Equality Act within a page.

Amendments 52, 266, 267, 268, 370, 371 and 372 have been tabled by the right hon. Members for Normanton, Pontefract and Castleford, for Ross, Skye and Lochaber and for Carshalton and Wallington (Tom Brake). They would prevent any changes to the Equality Act. As part of the Government’s clear commitment to maintaining equalities protections throughout the process of EU exit, we have tabled amendment 391, which will ensure that the amendments that will be made to equalities legislation under this and certain other powers in the Bill are transparent, and provide confirmation that the Minister has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act.

Indeed, hon. Members may not be aware that the Government have already published a document on our website setting out the changes that we intend to make to the Equality Act, making it clear that they are limited to technical adjustments that are designed to ensure that the protections established in the Act continue to operate after exit.

Let me just run through them for the right hon. Gentleman. They include: references to the European Parliament; references to future EU obligations, including new EU obligations implemented under the European Communities Act 1972; references to EU law as a generic term and harmonisation measures; references to specific EU directives which are set out in the paper; and, finally, references to the UK as part of the European economic area. So I commend that paper to right hon. and hon. Members who are interested and/or concerned about it. With that in mind, as changes are necessary, as set out in the paper, I urge right hon. and hon. Members not to press their amendments.

**5.45 pm**

Amendment 222, which seeks to conserve consumers’ rights and protections, also fails to supply a definition of what those might be or how this might be measured. It would open up the corrections, which will ensure crucial protections continue to operate, to an increased risk of litigation. However, let me reassure hon. Members that clause 7(1) is clear: Ministers may only do what is “appropriate to prevent, remedy or mitigate—

(a) any failure of retained EU law to operate effectively, or

(b) any other deficiency in retained EU law, arising from the withdrawal”,

As I have said before, if an issue does not arise from our withdrawal from the EU, Ministers may not amend the law using the powers in clause 7.

I come to amendments 12 and 13, tabled by my right hon. and learned Friend the Member for Beaconsfield. Although the Government are sympathetic to his desire to ensure that certain conditions are met before clause 8 and 9 powers are used, we cannot support the amendments. The structure of the conditions set out by him introduce a number of tests into the Bill that we believe are not, at this point, adequately defined and are too subjective. They could therefore risk frustrating the Government’s ability to ensure our international obligations are complied with, create uncertainty about the law and provoke a significant body of litigation.

On amendment 13, the Government do not believe that a series of statutory restrictions placed on the power in clause 9 are necessary. Exercise of the clause 9 power will be subject to the usual public law principles designed to ensure that the Executive act reasonably, in good faith and for proper purposes.

Amending the power so that regulations made under it could not, for example, make provisions of constitutional significance or remove any necessary protection, would be vague and opaque. It would also generate considerable uncertainty and, potentially, unnecessary litigation, given the lack of definition and clarity as to what these terms mean in practice. Again, clause 9 needs to be both clear and flexible to enable us to implement the withdrawal agreement or those elements of it needed prior to exit day which it would not be possible to include in the withdrawal agreement and implementation
Bill by virtue of the time available. I therefore urge my right hon. and learned Friend not to press his amendments to a vote.

Mr Grieve: I can understand the Minister’s point on timing, but the reality is that the terms of amendment 13 are ones with which the Government must be very familiar, as they appear in lots of other legislation. So I find this slightly difficult to follow.

Mr Baker: I am grateful to my right hon. and learned Friend for putting me right on that point, but I shall now have to press on rather than explore it. [Interruption.] I am not in a position to answer it, but I will see whether my memory can be jogged.

I turn to the issue of children’s rights, where I am grateful that I have the opportunity to discuss amendment 332 and new clause 53, which stands in the name of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton). I congratulate him on the powerful speech he made, reminding the House of its obligations. His new clause has received broad support across the House, including from my right hon. friend for Loughborough (Nicky Morgan), the right hon. and learned Member for Camberwell and Peckham (Ms Harman) and the hon. Member for North Down (Lady Hermon), among others. This new clause and amendment 332, tabled by the hon. Member for Walthamstow (Stella Creasy), give me the opportunity to clarify our position on child refugee family reunion and asylum seekers.

The Government’s commitment to children’s rights and the United Nations convention on the rights of the child is and will remain unwavering. Our ability to support and safeguard children’s rights will not be affected by the UK’s withdrawal from the EU. Domestically, the rights and best interests of a child are already protected through the Children Act 1989 and the Adoption and Children Act 2002, in addition to other legislative measures across the UK. Existing laws and commitments already safeguard children’s rights.

The Government support the principle of family unity and we have in place a comprehensive framework so that families can be reunited safely. The Dublin regulation itself is not and has not been a family reunification route. It confers no right to remain in the UK on family grounds and there is no provision for children to apply for family reunification under it. Crucially, the Dublin regulation creates a two-way process that requires the co-operation of 31 other countries. We cannot declare that we are going to preserve its terms when we need the co-operation of other countries to make it work.

We understand our moral responsibility to those in need of international protection, and that will not change as we leave the European Union. We value co-operation with our European partners on asylum and we want that co-operation to continue, but the way to ensure that is through the negotiations, not by making changes to the Bill before we have been able to make progress on this matter. I am grateful to my hon. Friend the Member for East Worthing and Shoreham and those who support his new clause but, as he said, changes are required in immigration rules. I am grateful to him for his stating the probing nature of the new clause. I ask him to work with Ministers, whom I think he said he has now met, to deliver the right changes to the immigration rules.

Tim Loughton: I am grateful for the Minister’s clarification, and I do hope that we can make some progress in, say, an immigration Bill. Nevertheless, will he explain to me why it requires the co-operation and agreement of 31 other countries for the UK to be able to say that we will take genuine unaccompanied asylum-seeking children with relatives who are legitimately in this country but who happen not to be their parents?

Mr Baker: My hon. Friend makes his case with particular force. I am sorry to have to tell him that I am not in a position to accept his new clause on that basis. I ask him to work with his colleagues in the Government on the immigration Bill that will contain the measures that he and the rest of us wish to see to ensure that we meet our humanitarian obligations.

Stella Creasy rose—

Mr Baker: I will give way to the hon. Lady once.

Stella Creasy: The Minister’s colleagues gave a statement on 1 November 2016 that made the commitment to take children from Europe, and it is those children whose rights under the Dublin regulation would be taken away. Can he understand the concern about the fact that he has just announced that the requirement to work with 31 other countries would supersede that? Will he give a cast-iron guarantee that the commitment made in that statement on 1 November 2016 to take children from Europe and to do our fair share for refugee children will be honoured in full?

Mr Baker: These are matters for my right hon. Friend the Home Secretary and the Bills for which her Department is responsible. I hope the hon. Lady will forgive me and understand that it is with the Home Office that these matters need to be taken forward. This Bill is about how we leave the European Union with certainty, continuity and control in our statute book.

Amendments 15 and 16 are on the power to deal with deficiency—

Mr Kenneth Clarke rose—

Mr Baker: I just say to my right hon. and learned Friend that I am 51 minutes into my speech and I am only halfway through it. I would prefer to press forwards.

Mr Clarke: I understand my hon. Friend’s difficulties. He is responding to new clauses and amendments on an amazingly wide range of topics that keep going into other departmental areas, but it is quite useless if the winding-up speech consists of the Minister saying in a series of statements that he is in no position to answer the questions. If there is an important Home Office question, as there is with the issue of child refugees, it would be normal for a Home Office Minister to be in attendance and to rise in some suitable way to answer the debate. My hon. Friend is reading very competently his carefully prepared brief, which concludes at every stage by saying, “I hope that the amendment will be withdrawn.”

Mr Baker: I am grateful for my right hon. and learned Friend’s intervention, which has disappointed me neither in the sympathy that he expressed for my predicament nor in the sting in its tail. The Bill is the responsibility of
the Department for Exiting the European Union, with
the collaboration of other Ministers who are assisting in
its passage. He is absolutely right that it covers a wide
range of issues. I believe that I have given an answer on
the particular point raised.

On two points of technical legal detail, I have asked
for my memory to be jogged in the course of the debate,
and I very much hope that I will be able to give an
answer before I sit down. My right hon. and learned
Friend will understand that I am not, like him, a learned
Member of this House; I am a humble aerospace and
software engineer. It is necessary for me to go through
the clauses of the Bill that relate to parliamentary
scrutiny and do not require technical legal expertise.

Wera Hobhouse (Bath) (LD) rose—

Mr Baker: I will not give way, because I need to make
progress and to keep my remarks to some form of limit.

Amendments 15 and 16, tabled by my right hon. and
learned Friend the Member for Beaconsfield, seek to
narrow the categories of deficiencies arising from our
withdrawal from the EU. The removal of clause 7(8), as
amendment 16 proposes, would restrict our ability to
keep the law functioning as it does now. Subsection (8)
is about deficiencies arising not only from withdrawal,
but from how the Bill works. For example, the Bill does
not preserve directives themselves, as we have already
debated, but instead preserves the UK law, which
implements them. In some instances, there are provisions
directives, giving powers or placing restrictions on
Government or on EU institutions or agencies, which it
would not have made sense to transpose in UK law, but
which then need to be incorporated in order for the law
to continue to function as it did before exit. For example,
the Commission currently holds a power to restrict the
disclosure of confidential information in the financial
services sector, which is referenced by UK implementation
of the capital requirements directive 2013, but which
will need to be transferred to the UK. We might also
want to transfer powers that the Commission currently
has to define what counts as hazardous waste, which is
currently in the waste framework directive.

Subsection (8) allows the clause 7 power to correct
deficiencies that arise from that withdrawal together
with the operation of the Bill. For example, it might be
appropriate to lift a relevant part of a directive and
insert it into UK law in order to keep the law functioning
as close as possible to how it does presently.

Mr Grieve: If I may say to the Minister, he has
actually provided a totally coherent and helpful answer,
which dealt with a probing amendment that I tabled.
I am most grateful to him for it.

Mr Baker: Well, I am extremely grateful to my right
hon. and learned Friend, who I am very happy to see
does remain my friend, as well as my constituency
neighbour. I cannot tell him how happy I am to discover
that that is the case.

Earlier, my right hon. and learned Friend asked me
why Government could not accept additional protections
required in amendment 13, given that that appears
in other legislation. A similar test does appear in the
Legislative and Regulatory Reform Act 2006, but the
powers in that Act are rarely used, in part because of its
complicated requirements. Moreover, the detail of that
Act and its powers justify such a test as it is about
deregulation. We consider that the existing restrictions
in clause 9 are the right ones.

I move forward to amendments 131, 269 to 271, and
359 on restriction of the powers relating to EU citizens’
rights. Since those amendments were tabled, we have
secured much-needed agreement on citizens’ rights through
our negotiations. I hope Members will be glad that we
have now made sufficient progress, subject to the European
Council meeting, and that we will be able to move forwards.

The final agreement with the European Union on
citizens’ rights is still subject to our negotiations with
the EU. However, of course, we expect to give effect to
those in the withdrawal agreement and implementation
Bill. The House will therefore have both a meaningful
vote on the agreement and on its debates on the primary
legislation necessary to implement it. I therefore invite
hon. Members to withdraw their amendments.

Robert Neill (Bromley and Chislehurst) (Con): On
amendment 359, we seek clarity on the current wording
in relation to deficiency by means of a loss of reciprocity.
We want to clarify that the Government do not intend
to use it in a broad sense—in theory, it could be used in
a very wide sense. In fact, it is intended to be narrow, so
that major changes to policy, such as citizens’ rights to
work or to come to this country, will be effected by
primary regulation, not by regulation under clause 7.

Mr Baker: I understand my hon. Friend’s point. Just
to reassure him: it is our firm intention to carry through
the agreement, which he can read in the joint report of
the negotiators, into legislation so that citizens can rely
on it in the United Kingdom through that withdrawal
agreement and implementation Bill, which I hope we
can put before the House in due course.

Amendments 31, 32 and 57 seek to remove so-called
Henry VIII powers. I can confirm that amendment 32 is
not necessary because the power in clause 7 cannot be
used to amend the Act itself. It would be outside the
scope of the power—ultra vires. Neither can the power
in clause 8 be used for this purpose. Let me be clear:
only the power in clause 9 states that it can amend the
Bill. None of the other powers in the Bill make that
statement. As I said earlier in an intervention, in the event
that the use of a clause 9 power is proposed to amend
the Act, it would be subject to the affirmative procedure.

6 pm

Amendments 57 and 110, meanwhile, would unnecessarily
and seriously limit our ability to make corrections. Whether
the deficiency is in primary or secondary legislation, it is
not a meaningful indication of the type of change that
needs to be made or the significance of the change. To
be ready for exit day, a large number of fairly straightforward
changes will need to be made to primary legislation in
exactly the same way as they might be made to secondary
legislation. For example, section 21(1) of the Public
Passenger Vehicles Act 1981 makes reference to “in another
member State”. Section 21(3)(b) says,

“of the other member State”,

and paragraph 7(c) of schedule 3 says, “by another
member State”. The power therefore needs to be broad
enough to allow for corrections to be made to both
primary and secondary legislation. We are more concerned
with the category of changes that must be made than where they are required. Textual and technical changes must be made in primary legislation if we are to have a functioning statute book on exit day. That is why we are allowing this secondary legislation to amend primary legislation.

The Bill, like almost all others, contains a long list of definitions that could conceivably require updating in the future. To do so pursuant to some future Act by a statutory instrument would be to exercise a so-called Henry VIII power. However, let us consider a hypothetical scenario. A statutory instrument made under the Health and Safety at Work etc. Act 1974 will contain key elements of the UK’s occupational safety regime in secondary legislation. That could be amended by statutory instrument. Now, we do not propose to do such a thing. I am just trying to indicate that although that would be a case of amending secondary legislation through secondary legislation—not a Henry VIII power—it would have profoundly important effects. The point I am making is that, although the argument about Henry VIII powers is rhetorically powerful, we are most concerned about the category of change that needs to be made and not, first and foremost, where it needs to be made. I am pleased that we have been able to accept the sifting committee amendments and bring forward the commitments to the information in the explanatory memorandum so that the Committee can be comfortable with the powers that we are using. It is the Government’s position that it is the substance of the change that matters.

Amendments 5, 61, 88, 104, 108, 121, 342 and new clause 37 would all impose some restriction on the clause 7 power concerning public bodies. If we want to provide certainty for citizens and business, it is important that we are able to ensure that all important functions currently carried out at an EU level can be carried out at a UK level in time for exit day. Amendments 121 and 108 would hamper this by preventing the power from being used to create new public bodies. We envisage using the power in this way only very rarely because an existing UK body should be able to take on the function in most instances. In addition, any use of the power to create new bodies would be subject to the affirmative procedure, so both Houses would need to approve the Government’s proposal. The provisions sought by amendment 104 to make any new public bodies temporary would simply defer uncertainty for later and cause unnecessary disruption.

The Government agree that we should ensure that no important functions are lost as we leave the EU, as amendments 5, 61 and 342 and new clause 37 seek to do. However, that is precisely why we need the clause 7 power. There might be a small number of functions that do not make any sense outside the EU—for example, the functions of the Translation Centre for the Bodies of the European Union, or the authority of the European political parties and European political foundations. Those functions could be removed only if, outside the EU, they were somehow deficient, and not simply because, as a matter of policy, Government disliked them. The power could not be used to remove functions relating to rights and protections—the concerns of amendment 342 and new clause 37—but unless they were deficient outside the EU, and removing functions entirely was an appropriate response. All of that would, of course, be laid out in the accompanying explanatory memorandum.

The normal requirements in relation to producing impact assessments will apply, as appropriate, where we replace, abolish and modify functions, as sought by amendment 88. In addition, we have already committed to producing an explanatory memorandum with each instrument. I hope I have satisfied the concerns of right hon. and hon. Members in regard to those amendments.

Let me move on to the power to sub-delegate legislative functions. I thank my right hon. and learned Friend the Member for Beaconsfield, and I should pay tribute to him at this point, because it is appropriate to say that his contribution to this Bill will long be remembered in history for its substance and quality and for keeping me on my feet on matters I had never dared to think I would trespass on.

As I have already stated during the debate, ensuring that all important functions currently carried out at EU level can be carried out in an appropriate way in the UK in time for exit day is a vital part of providing certainty for businesses and individuals. We recognise that the transfer of legislative functions to public authorities and the creation of new such powers may concern many Members. Again, it is not something that anyone should take lightly. However, conferring powers on public authorities to make legislation is not a novel approach in the UK. While my right hon. and learned Friend has used the courts and tribunals as one example of where this currently happens, there are other important areas where it already happens, and where it will be necessary to transfer EU legislative functions to UK bodies.

Conferring powers on public authorities to allow them to make provisions of a legislative character or other legislation can be an appropriate course of action, particularly where there is a need for specialised, technical rules to be developed, introduced and maintained by a body that has the necessary dedicated resource and expertise. There are good examples of where Parliament has already provided for this approach in the UK. Our financial regulators, the Prudential Regulation Authority and the Financial Conduct Authority, have been given the responsibility by Parliament of developing and making the detailed rules needed to ensure that financial services firms are stable and well managed and meet the needs of consumers. Of course, those regulators can exercise their rule-making powers only according to the policy set by Parliament.

Mr Grieve: My hon. Friend touches on an important issue. Might it not be the case that any such power done by regulation ought to be done by affirmative resolution? I just suggest that that might be the solution to dealing with tertiary powers, because of their unusual nature. In view of the list he has given us, it seems to me that, in all likelihood, these things would be done by affirmative resolution, but that is something the Government might like to consider between now and Report.

Mr Baker: I just draw my right hon. and learned Friend’s attention to paragraph 1(2)(c) of part 1 of schedule 7, which would require that the affirmative procedure be used if a provision “provides for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom”.

So instruments of a legislative character coming across would trigger the affirmative...
Mr Grieve: I take it, therefore, that that covers all the points my hon. Friend has just raised at the Dispatch Box.

Mr Baker: There are also some matters in relation to fees and charges, which we discussed earlier in the debate. What I would say to my right hon. and learned Friend is that, where he has doubts, we have agreed to the sifting committee, and if he is concerned, I hope he will consider membership of that committee so that he can play his part in seeing through this set of measures.

Mr Charles Walker: May I apologise, as Chair of the Procedure Committee, for arriving late to my hon. Friend’s speech? I thought I had missed all of his speech, then I realised I had missed half of it, but it now seems that I have only missed a third of it. However, I do apologise for arriving late, and I hope he accepts that apology at face value.

Mr Baker: I am extremely grateful to my hon. Friend. Let me return to my notes in order that I might give the Committee an accurate presentation of these measures. Where this type of specialist legislative function exists at EU level, we will need to ensure that the responsibility is transferred to the appropriate UK body so that the UK has a fully functioning regulatory regime in time for day one of EU exit. This might be the case where, for example, it is more appropriate for the Health and Safety Executive in the UK to update lists of regulated chemicals than the Secretary of State, or where it would make sense for the Prudential Regulation Authority to take on responsibility for updating monthly the detailed methodology that insurance firms must use to prudently assess their liabilities. Both these legislative functions are currently carried out at EU level and will need to be taken on by the appropriate UK regulator after exit.

To reply to the point made by my right hon. and learned Friend the Member for Beaconsfield, any SIs made under clause 7 that transfer a legislative function or create or amend any power to legislate will be subject to the affirmative procedure. This is provided for in schedule 7. Therefore, Parliament will be able to debate any transfer of powers and consider the proposed scope of such powers and the scrutiny proposed for their future exercise, which will be set out in any instrument conveying that power. Recognising that some of the existing EU regulation that will be incorporated into UK law will be of a specialised and technical nature, clause 7 allows the power to fix deficiencies to be sub-delegated to the UK body that is best placed to perform the task. EU binding technical standards—the detailed technical rules developed by EU regulators for financial services—are a good example of where we might sub-delegate the clause 7 power. These standards, which run to almost 10,000 pages, do not make policy choices but fill out the detail of how firms need to comply with requirements set in higher legislation. The PRA and the FCA have played a leading role in the EU to develop these standards, and so they already have the necessary resource and expertise to review and correct these standards so that they operate effectively in the UK from day one of exit. I appreciate the concerns of my right hon. and learned Friend and the hon. Member for Nottingham East, but I hope I have demonstrated why we cannot accept these amendments.

Amendments 17, 360 and new clause 35 require additional information. As I have said, we have tabled amendment 391, which will require the explanatory memorandums alongside each statutory instrument to include a number of specific statements aimed at ensuring the transparency of the SIs that are to come into effect as an aid to the most effective scrutiny that this House can provide.

I would like to take a particularly special moment to reassure my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), in whose name amendment 360 is tabled, that we have laid in the Library draft SIs that will help everyone to understand the sorts of changes that we might need to make under clause 7. I would like to reassure him that the Treasury has been engaging with the financial services industry extensively since the EU referendum on the range of issues affecting the sector as we withdraw from the EU. That engagement continues and it includes regular official and ministerial discussion with industry and trade associations and bodies such as the International Regulatory and Strategy Group. That includes discussions on our approach to the domestication of EU financial services regulation through this Bill. That will continue and grow throughout 2018. The Treasury is also working closely with the Bank of England and the FCA to ensure the UK’s smooth and orderly withdrawal from the European Union.

By supporting a close working partnership between industry, regulators and Government, the Government will ensure that their approach to domesticating EU financial services regulation is well understood and based on input from stakeholders. Consistent with the objectives of this Bill, the approach in financial services is to provide certainty and continuity for firms after exit with the UK maintaining high regulatory standards. Financial services is one of the areas where a bold and ambitious free trade agreement could be sought. We are ambitious for that deal and we would do nothing in clause 7 to undermine it.

Robert Neill: I am grateful to the Minister for devoting that portion of his speech to the detail on financial services. That is important for the City, as he knows, and the proposal to publish draft statutory instruments is a well-tested and welcome route.

Mr Baker: I thank my hon. Friend.

6.15 pm

Vicky Ford: I have a quick question about financial services legislation and deficiencies. I want to get it clear in my head, as a non-lawyer, that deficiencies would not cover material policy changes. For example, European banks, including British banks, currently do not have to hold any capital against sovereign debt issued by EU member states. Changing that could be considered to be dealing with a deficiency, because we will no longer be a member state, but it would be a policy change. Will the Minister confirm that that sort of amendment would be picked up and would go through the affirmative procedure?

Mr Baker: The first point to make relates to my hon. Friend’s last point. We have agreed to the sifting committee, which will be able to recommend—

Peter Dowd (Bootle) (Lab): It will be very busy.
Mr Baker: The committee will be busy, and that is why I am so grateful for the fact that several hon. Members—presumably including the hon. Gentleman—seem to be volunteering to do the important duty of serving on it, which no one should take lightly. I say to my hon. Friend that we have been extremely clear that any major change will come through primary legislation, but I cannot say that there will be no policy changes at all, however minor. The reality is that if a function comes back to the UK and we have to make a choice about whether it is allocated to the PRA or the FCA, that could be described as a policy choice.

I want to be clear with the Committee. I cannot say that there will be no policy changes whatever, but I can say that the Bill is about certainty, continuity and control. It is about making sure that the law works the day after we exit in substantially the same way as it worked the day before, from the point of view of those who are subjected to it. I can see that my hon. Friend brings great insight to the matter.

Matthew Pennycook: On a related point about the new sifting committee, will the Minister outline the Government’s view—this is partly a matter for Standing Orders—on how the chair of that committee would be appointed and whether Parliament could have a role in the election of the chair, rather than the post being appointed by the Government?

Mr Baker: The hon. Gentleman has been generous enough to say that he appreciates that that is a matter for Standing Orders. I am very sensitive to the role and powers of Parliament, which we have discussed throughout proceedings on the Bill. As a Minister, I really do not want to stand at the Dispatch Box and trespass—in this debate, of all places—on Parliament’s right to set its own Standing Orders.

Mr Charles Walker: We based the model on the European Scrutiny Committee, in which the Chairman is appointed.

Mr Baker: I am grateful to my hon. Friend. I move on to consent from the devolved Administrations. Amendments 73, 233, 239 and 240 were tabled by the right hon. Member for Ross, Skye and Lochaber and the hon. Members for Airdrie and Shotts (Neil Gray) and for North East Fife (Stephen Gethins). Taking the right hon. Gentleman’s amendments together, we are committed to continuing to respect the devolution settlement fully. We will work closely with the devolved Administrations as we develop fisheries and agricultural legislation, which will be brought through by separate Bills to deliver an approach that works for the whole United Kingdom.

At this point, I hope that the Committee will not mind if I refer to points raised in our previous debate on devolution. Amendments were tabled about a restriction on the power relating to national security. As my right hon. Friend the Prime Minister has said, we are proposing a bold new strategic agreement that provides a comprehensive framework for future security, law enforcement and criminal justice co-operation—a treaty between the UK and the EU—that would complement our existing extensive and mature bilateral relationships with our European friends to promote our common security. That is just one outworking of the Government’s commitment to national security.

I now turn—I think, finally—to amendment 385 and new clause 77. Amendment 385, tabled by the hon. Member for Birmingham, Yardley (Jess Phillips), seeks to replicate the protections in part 3 of the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 in relation to protected persons. As I understand it, the amendment seeks to provide that the relevant authorities in England and Wales would continue to recognise and act on the orders made under the EU directive by the remaining member states, whether or not they act on ours.

I congratulate the hon. Lady on her powerful speech, but we cannot accept the amendment at this time because our continued co-operation with other EU member states’ courts is a matter to be negotiated. The outcome of the negotiations is not yet certain, and it would therefore be premature to seek to replicate in our law one side of a reciprocal arrangement that may not continue. However, I am happy to make it clear that if the forthcoming negotiations produce an agreement to continue access to the regime established under the directive, or something like it, appropriate steps in legislation will be brought forward to implement it at that time. I therefore urge her not to press her amendment.

Jess Phillips: I hear what the Minister is saying and I take on board that this has to go through the new negotiations. What I am trying to do with the amendment is to ask Ministers to remember that this needs to go through the negotiations, because it was completely missing from the White Paper on the earlier negotiations.

Mr Baker: The hon. Lady’s point is well made and has been heard by me and my right hon. and hon. Friends, and I am grateful to her for making it.

The hon. Lady also tabled new clause 77. It may assist the Committee if I explain that the Government are taking forward a range of work to tackle violence against women and girls and that we are already required to lay annual reports before Parliament on the issue in the context of the Council of Europe convention on preventing and combating violence against women and domestic violence—the Istanbul convention.

The coalition signed the Istanbul convention in 2012 to demonstrate its strong commitment to tackling violence against women and girls, and this Government have made absolutely clear our commitment to ratifying it. The convention seeks to continue promoting international co-operation on this issue. Indeed, it is the first pan-European legally binding instrument that provides a comprehensive set of standards to prevent and combat violence against women.

The hon. Lady will know that we have engaged and will continue to engage with a range of international partners, including the EU, in our efforts to tackle this issue. For example, we recently participated in work with the Council of Europe—as Members will know, it includes both EU and non-EU member states—to develop a best practice guide on stopping forced marriage and female genital mutilation.

I know the hon. Lady desires ensuring that Parliament is updated on this issue. As she will be aware, on 1 November we laid the first report on progress towards ratification of the convention, as required by the Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017. The report,
which we are required to lay annually, sets out the action we are taking to tackle violence against women and girls and how we comply with the measures set out in the convention. In addition, once the UK has ratified it, we will be required to submit regular reports on compliance to the Council of Europe. As right hon. and hon. Members will appreciate, we want to avoid duplicating our existing reporting requirements in this area.

We are committed to doing all we can to address violence against women and girls both domestically and internationally. As the hon. Lady will be aware, our cross-Government strategy outlines our ambition that no victim of abuse is turned away from the support they need. It is underpinned by increased funding of £100 million, and a national statement of expectations sets out a clear blueprint for good local commissioning and service provision. I hope that I have reassured the hon. Lady that the Government have been, and will continue to be, committed to tackling violence against women and girls and to updating the House on our work in this area and that she will therefore not press her new clause.

Tom Brake: Will the Minister give way?

Mr Baker: Before I conclude my opening remarks, I will give way to the right hon. Gentleman.

Tom Brake: It is possible that I switched off, or perhaps nodded off, during the past hour and 20 minutes, but I do not think I heard the Minister refer to my amendment 124 on the single market, which I assume means that the Government are supporting me.

Mr Baker: The right hon. Gentleman enjoys a jest, but I hope that the Committee will understand that, as I set out at the beginning of my speech—I have now been on my feet for an hour and 20 minutes, compared with an indication that I would take an hour, so I needed to pare down my remarks—it is not the Government’s policy, as he knows, to remain in the single market and the customs union.

In the interests of allowing other hon. Members to contribute to the debate, I will conclude my remarks. We face an unprecedented legislative challenge to which the power in clause 7 is the only practical solution. The power is only a temporary solution to achieving our key objective: a functioning statute book in time for exit day. The Government believe that we have made significant concessions on the issue, both with the sifting committee and by putting into statute the requirement to include certain information in the explanatory memorandums. I hope that those concessions have tackled the concerns expressed throughout our consideration of these amendments. I am conscious of the commitment I gave to my right hon. and learned Friend the Member for Beaconsfield in relation to the scope of the powers, and I look forward to working with him. I will finish by thanking my hon. Friend the Member for Broxbourne for all that he has done, with the unanimous support of the Procedure Committee, to ensure that the House has the proposal for a sifting committee.

Helen Goodman: It is a great pleasure to follow the Minister, who presented a rather unbending policy posture this afternoon, but with his usual great good humour. On Second Reading I spoke mainly about the problem of the Henry VIII powers and the excessive use of delegated legislation in the Bill, and I feel justified, given the criticism outside the House that this was a power grab by Ministers.

When looking at clause 7, there are two big issues that we need to address: the scope and content of the delegated legislation, and the institutional architecture. I was therefore pleased to be a member of the Procedure Committee when it agreed to a report that acknowledged the problem and said that the House has a unique and unprecedented requirement and that we need special mechanisms to suit the task ahead. When I first told the hon. Member for Broxbourne (Mr Walker) last January that we should be looking into the Henry VIII powers, I think he was rather underwhelmed, but I think that now, on reflection, he is pleased that we did so. Only he could have secured a consensus between, for example, the hon. Members for Chichester (Gillian Keegan) and for Wellingborough (Mr Bone), the Scottish National party and me, which is a great credit to him. Our report sought a committee of the House to oversee all the delegated legislation.

I am happy to support amendments 393, 395, 396 and 397, which will put in the Bill the requirement for a sifting committee. I am even more pleased that the Government have accepted those amendments—the first changes they have accepted since publishing the proposals last summer. They will give the House a key role in overseeing the delegated legislation. As the Minister said, it is extremely important that Ministers will be required to produce explanatory memorandums. Without those, the committee would have a next to impossible task.

I think that the approach whereby the committee will give advice to Ministers so that statutory instruments can be upgraded from the negative to the affirmative resolution procedure is absolutely essential, because it means that the committee will be able to say that on some issues there must be a debate and a vote of the whole House, or that Ministers must provide an adequate explanation. I also think that the timetable that we have set out, of 10 days, is reasonable. However, I have some doubts about amendments 394 and 398, which would allow Ministers to step outside the process when they believe that the matter under consideration is urgent, because, as we all know, that could be abused by being stretched in a way that undermines the process.

I know that hon. Members, particularly those on the Opposition Benches, are somewhat doubtful about the efficacy of the amendments, but I pray in aid the Hansard Society’s assessment—I think it is the most neutral and impartial assessment one could look for—which agrees that the procedure has been strengthened. There is now a requirement to lay accompanying documents. The House will have more power, and the committee will be able to refer statutory instruments to further debate and upgrade the level of scrutiny.

I regret that the amendments do not reflect fully the report that the Procedure Committee published in November, which said that there should be a scrutiny reserve. That is what the European Scrutiny Committee has and I think that that would be better. It would also be better if Ministers followed the Committee’s recommendation to publish now a full list of the delegated legislation they expect to bring forward.

The amendments tabled by my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), who is on the Opposition Front Bench, would strengthen
the process significantly by ensuring that Parliament was able to decide rather than just be consulted. He referred to the terrible saga of tuition fees, where the House was ignored by the Government. That is not reassuring and Ministers must know that. Indeed, one wonders at Ministers who did that knowing that this proposed legislation would be brought forward with a great package of statutory instruments under the negative procedure. That seems to be an extraordinary bit of behaviour. My hon. Friend also tabled amendments that would enable raising the scrutiny level to super-affirmative. Perhaps Ministers should still consider that.

Hon. Members interested in the sifting committee’s terms of reference, make-up and membership will have another opportunity to debate them when the Standing Orders come forward. The Leader of the House put forward some Standing Orders, but they are amendable. If hon. Members wish to change them, it is open for them to do so. I remind all hon. Members on both sides of the House that House business is not whipped business, so they do not need to fear—[Interruption.] I can see one Minister looking at me quizzically. House business is not whipped business, so Members can take a view in line with their conscience on what they think would make for the strongest sifting committee.

On the scope of clause 7 and the content and substance of the statutory instruments, Ministers are being very inflexible and I do not think that that will serve them well. My constituents have contacted me—I am sure other hon. Members have been contacted—with their concerns about environmental policy and animal sentence. I know Ministers have another route for dealing with the animal sentence issue. We also have very strong concerns about children’s rights. In September, we had a very good seminar on children’s rights led by Liverpool University’s law department, which brought together people with concerns about this issue from all parts of the United Kingdom, including Scotland and Northern Ireland. I really feel that the Minister’s response on clause 53 and the position of child refugees is very disappointing, as is what he said about the UN convention on the rights of the child, which is covered by amendments 149 and 150. Now, that has not been debated today, but we will be voting on it later.

I want to point out to the Minister that he cannot rely on the Children Act 1989, which contains provisions on the best interests of the child, in the way he seems to think he can, because it applies only in certain classes of case referring to children. For example, it does not apply to housing decisions. It is simply not the case that the child’s best interest always has priority in English law, as we did with the European convention on human rights and the Human Rights Act in 1998.

The Minister was very forthcoming in his debate with the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) in amendment 49. I have to say to the Minister that I do not think that he convinced many Opposition Members on that.

Similarly, on tertiary legislation, it is incredible to argue that the financial regulators are not making policy choices. They are. It may well be that they are in a better position given the length, complexity and technical nature of such matters to be the people responsible for those regulations. It may well be that they are in a better position to do that than Members of this House, but I do not think the Minister should claim that policy choices are not being made here, because they clearly are being made all the time.

Mr Baker: I will have to check the record—I was just flicking through my speaking notes—but I am sure that when I said that there were no policy decisions, that was about a 10,000 page document about how institutions were to comply with regulations. On the particular point about tertiary legislation and the financial regulation system, I feel sure that when the hon. Lady and I served together on the Treasury Committee she would have been as indefatigable a defender of the independence of the Bank of England as I would have been. Surely she does not want to undermine that.

Helen Goodman: I do not wish to undermine that. I just want the Minister to present what I believe to be a more accurate picture to the House about the content of tertiary legislation. That is the point that I am making. It simply comes down to the fact that clause 7 gives Ministers too much scope. That brings into doubt whether the stated intention of the Bill, which is, simply, to translate the body of European law on to the UK statute book, is all that can happen once the Bill is passed. That is the problem with it.

The thing that will probably most concern our constituents is the proposal to abolish the functions of the EU agencies. That is extremely worrying and we do not get clear answers from Ministers on individual cases. My hon. Friend the Member for Wakefield (Mary Creagh) spoke about this in relation to the European Environment Agency and the European Chemicals Agency. The Minister will have seen, as I did yesterday, on the front page of the Financial Times the pressure from the chemicals and pharmaceuticals industries over chemicals and medicines safety regulations. When we ask Ministers in other Departments what will happen, we do not get any certainty. This is not at all reassuring. There are big risks for the economy if we do not handle this much better than the Government are handling it now. The issue of the regulations of the agencies is the thing that can have the most significant impact on the economy. Whatever else people voted for when they voted to leave the EU, they certainly did not vote to lose jobs and be poorer.

Mr Charles Walker rose—

Helen Goodman: But before I sit down, I give way to the hon. Gentleman.

Mr Walker: I thank the right hon. Lady—for her kind words. Why she is not right honourable escapes me! Perhaps that will be remedied soon.
One of the important things to remember about the sifting committee, as she reminded me yesterday, is that if, as I suspect, there will be eight Government members and eight Opposition members, the chair, who will be appointed, will only cast a vote in the event of a tie. That is the very effective check and balance built into the committee. Yes, it might be—will be—a Government chair, but if all eight Opposition members vote and the seven non-chair Government members vote, the chair will not come into play. He or she will only come into play in the event of a tied vote.

Helen Goodman: The hon. Gentleman is displaying his usual charm in trying to make hon. Members feel that the Standing Orders put forward by the Leader of the House are peerless. I suspect that hon. Members will want to come back and debate the make-up and the House are peerless. I suspect that hon. Members will want to come back and debate the make-up and terms of reference at the time. I would also be grateful if Ministers could relay to the Leader of the House that we are disappointed that neither she nor her deputy have been present at any point in this debate, when we have been discussing something that concerns the role of the House. We hope very much that they will also have been discussing something that concerns the role of the House. When we shall need to look at the way in which we participate in this debate. This, of course, is what Parliament is about at the end of the day. The amendments, including the two that stand in my name and that of my hon. Friend the Member for Wimbledon (Stephen Hammond), which have been debated at length, are all about improving the Bill. I noticed in the world of Twitter and spin merchants this afternoon the suggestion that amendments to the Bill on key issues, if carried, might somehow weaken the Government’s position with our European counterparts and undermine the confidence of our European partners in our ability to deliver. Shall we just park that as the tosh and nonsense that it is? Anyone who spins that out, on whoever’s behalf, should be ashamed of themselves.

I know that the two Ministers certainly would not take that view. The spirit in which they have approached the debate is welcome. This is about improving the Bill to ensure the right outcomes at the end of the day. That is why the points made by my right hon. and learned Friend and my hon. Friend that the broader picture here is how we scrutinise secondary legislation in this place. I think that everybody concedes that it is woefully inadequate and does not bear comparison with many other Parliaments. It is an example of how being the mother of Parliaments does not necessarily mean we are the best. We need to improve our work, but I think we are taking a workmanlike and sensible approach, which I appreciate. There will, no doubt, come a point when we shall need to look at the way in which we deliver the deal—and I am delighted that we are now able to move on to phase 2. I look forward to the time when the House is given a proper vote on that, or, indeed, on the lack of any such deal.

6.45 pm

Ultimately, “taking back control” means the parliamentary institutions taking back control. It means the House of Commons taking back control. It does not mean giving control back to Ministers or civil servants, or, indeed, to plebiscites, which exist only as creatures of statute passed by the House. As the Minister said, giving the House real powers enabling it to have a proper oversight of both the outworking of the deal and the changes that we will have to make to have a proper, functioning statute book will be all the more important at the end of the day, when we leave the European Union.

The Minister kindly anticipated what I was going to say about the two amendments that I tabled, so I can deal with them comparatively briefly. They are both probing amendments. I tabled amendment 359 because I was concerned about the interpretation of clause 7(2)(c) in respect of deficiencies. The Minister has largely dealt with the point that I was concerned about, which was that, on one view, the wording could have captured fundamental aspects of EU law. For instance, the right of an EU national to work in the UK, or the right of a business established on the continent freely to sell goods and services here, is in a sense reciprocal to the ability of UK nationals or businesses to do the same in other EU states. Changes in that arrangement would constitute major policy changes. I accept the Minister’s assurance that that is not the intention of clause 7 and would not be the intention of regulations made under it. He will understand, however, that the issue is important because the pre-eminence of London as an international financial centre is partly due to the ability of firms to post staff swiftly to the UK from within the EU and elsewhere in the world. Any new regime must facilitate that, and we do not want any regulations to change the position, but I accept the Minister’s helpful assurances.

As for what the Minister said about amendment 360, I could almost have written his speech. I am very grateful to him and also to my hon. and learned Friend the Solicitor General, who has been most constructive in engaging with organisations such as the Financial Markets Law Committee. As the Minister will appreciate, a huge volume of EU-based regulation must be dealt with not only by financial businesses but by the lawyers who advise them. It is a burden on the Government lawyers who do the drafting, but it is also a burden on those advisers. What the Minister said about the earliest possible involvement and consultation was very welcome, and I appreciate the fact that that will be ongoing. I was particularly pleased to hear of the intention to publish draft statutory instruments, because that is a well-trodden and very valuable route.

The Financial Markets Law Committee and the International Regulatory Strategy Group bring together some of the greatest expertise that can be found in this sphere. The committee is chaired by Lord Thomas of Cwmgiedd, the former Lord Chief Justice, while the strategy group contains eminent practitioners from a range of relevant disciplines, who have day-to-day knowledge of how these things work. That is indicative of the critical mass that London has as a financial
services centre. I am sure that the Government can only benefit from ongoing engagement with those organisations.

I have been able to shorten my remarks a good deal, much to the relief, no doubt, of many. I welcome the Minister’s reassurances on those two points, but I ask him to stick to the principle that this is all about scrutiny and taking back control here. That, indeed, is the job that we are doing now in scrutinising the Bill.

Steve McCabe (Birmingham, Selly Oak) (Lab): I want to speak briefly in favour of amendments 15 and 49, 132, and 5 and 2, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and the Leader of the Opposition.

I know that many Members in all parts of the House have spent hours battling away on the Bill over the past few weeks, and I am full of admiration for them. I do not remotely pretend that I could compete with their expert knowledge of Europe or the constitution, and I will certainly spend as many hours as I can find poring over the Minister’s brief after tonight’s performance to see whether I can improve my understanding. Despite all this effort, however, all we have really seen are a few nudges and hints from Ministers to date; there has been no real tangible progress in terms of any substantial change to this Bill. That is the most worrying thing about the whole process. It appeared tonight that the Minister was sent out with a brief designed purely to bat away everything put in his way. That suggests to me that the Government are not interested in taking on board the views of Members of this House.

I am choosing to make a contribution at this stage in the debate because I believe that clause 7 is the nub of the Bill; it is certainly the area about which constituents have contacted me the most. That is because it is where we learn whether Parliament is going to be taking back control, or whether we are on the verge of leaving one big bureaucratic union to which many people in this country object—whatever our views, that is one of the reasons why people object—only to hand over unprecedented powers to Ministers in a Government who do not actually have a majority. More than anything, clause 7 is about parliamentary sovereignty and our rights as parliamentarians to represent the interests of the public, especially where they do not coincide with the interests of the Executive. That is what this is really about.

Amendment 15 addresses the fact that clause 7 attempts to define partially and envisage deficiencies that may arise. The right hon. and learned Member for Beaconsfield is right that it makes much more sense to leave this open and hence it is better to say:

“A Minister of the Crown may by regulations make such provision as the Minister considers appropriate to prevent, remedy or mitigate…any failure of retained EU law to operate effectively”,

and simply leave it there. The attempt to go further with a partial list does not help us.

Amendment 49 deals with a similar concern, but is clearer about the fact that delegated powers should be used only when absolutely necessary. Why should we give increased delegated powers to the Executive when we are not convinced of the necessity for them? It is their job to convince us of their necessity. Our job today is to build protection against the risk of a Minister acting excessively.

Amendment 1 makes it clear that, whatever the arguments about taking back control, no one thought that phrase was used in the referendum campaign that it meant handing excessive powers to Ministers without proper parliamentary scrutiny; and of course, turning to amendment 32, it would be absurd in parliamentary terms if the very delegated powers that the Minister is given in order to amend defects in his plans are then capable of being used to reconstruct the entire Act. The Minister claims that that will not happen, but I was not massively convinced; it was a long performance—there is no argument about that—but I was not convinced. I have recently read Tim Shipman’s book, and I am aware that the Minister has lots of skills and talents, which came to the fore in the lead-up to the referendum. However, I wish I had seen more evidence today of how he goes around convincing colleagues; I did not witness that happening at the Dispatch Box tonight. We have to ask whether we are on a slippery slope. Is this about dismantling parliamentary authority? Is this the start of law-making by Executive fiat and therefore the bypassing of this entire place? If that is the case, that is not what we came here for and it is not what this Bill should be about.

Amendment 5 returns to the fear that existing functions, and therefore rights, could be taken away from the British people in an exercise that is supposed to be about making EU law operable from exit day. That is not the debate that we have been having here, however, and it is not what the Government have been concentrating their energies on. I cannot see how anyone who genuinely believes in parliamentary democracy could be satisfied to see this Bill, and clause 7 in particular, go through unamended. That would be tantamount to our giving up our proper rights and responsibilities.

I know that we will not come to this until another day, but by the same token it would be a total dereliction of duty if we were to make a withdrawal agreement that was not subject to full and proper parliamentary scrutiny and a meaningful vote. Otherwise, what was the referendum for? If all we are going to achieve is a transfer of power from Europe to a bunch of Ministers in a Government without a majority, we will have defeated the whole purpose of the exercise.

John Penrose: I sympathise instinctively with an awful lot of fears and analyses expressed by the hon. Member for Birmingham, Selly Oak (Steve McCabe), I speak as a former constitution Minister. I am the No. 2 signatory on six of the amendments tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve)—not quite the total number that he has tabled. I was persuaded and inspired to do that because I was equally concerned that, under the guise of taking back control, we were going to fail to take back control—that Parliament would unintentionally but none the less effectively be an end run if we were not careful.

I have been focusing on two areas. The first is the sifting committee. The second is the scope of the ministerial powers to introduce statutory instruments not only under clause 7 but under clauses 8 and 9, which are obviously linked and which will be discussed and voted
on today and tomorrow. For me, and I think for my right hon. and learned Friend the Member for Beaconsfield, the sifting committee has been largely put to bed by the excellent cross-party work of the Procedure Committee, to which I pay tribute.

This might not be to everybody’s taste, but because it is a cross-party Committee, because the matter has been carefully debated and thought through, and because this is a significant step in the right direction, I am certainly willing to back the Committee’s proposal. My right hon. and learned Friend has put his name to the Committee’s amendment: he and I are not minded to press our version, which was based on proposals from the Hansard Society. We are happy not to press that to a vote, and instead to support the proposals from the Procedure Committee.

Incidentally, I must gently and respectfully disagree with the hon. Member for Birmingham, Selly Oak, because I think that the Government’s behaviour over the sifting committee amendments shows that they have given ground. They have accepted some amendments—[Interruption.] He is suggesting that they have given only a small amount of ground, but I think it could be larger than he is giving them credit for. That is because we would otherwise have faced two big problems.

One problem would have been that it is impossible for the Government to predict at this stage precisely what SIs will be introduced. We all know that there will be a large number of them, and we can probably guess what 95% of them are going to be, but we will not be able to guess 5% of them simply because we do not know what is going to be in the final agreements. There will obviously also be other things that are consequential on that that we will discover much nearer the day. Therefore, having a sifting committee of parliamentarians that can be flexible and make proper, balanced judgments of what is important and what needs a higher level of scrutiny is no small thing.

7 pm

Equally importantly, the sifting committee would allow us to move at pace. If we are going to have 800 to 1,000 SIs, if we all want them to be agreed in time—we all accept that this is going to happen no matter whether we voted remain or leave in the referendum—and if we want to try to take just enough powers to successfully translate EU laws into British laws and no more. We all accept that there must be no less than the minimum required, but he was clear that Ministers only want to take the minimum. The question is not about the principle of necessity and sufficiency; it is about how that is translated into a legal wording that will allow the principle to be clearly expressed. I gently, but I hope forcefully, say to Ministers that the words in the Bill at the moment do not pass the sniff test for an awful lot of us in the Chamber.

I am extremely pleased, therefore, with the open, positive and constructive way in which Ministers have approached the issue and with the commitment from the Dispatch Box this afternoon to go back and have a further look. I could not tempt the Minister into a firm promise to introduce an amendment, but I think that that is going to be necessary by the time we get to Report if the Bill is to be amended in a way that becomes acceptable and passes the sniff test for most of us here.

The Minister was saying—I paraphrase him—that Ministers accept the principle that the minimum necessary, the necessity test, is the right one in principle, but they cannot find the right words because if they use the word “necessary”, and they have multiple necessities, the courts will interpret that in a way that is unhelpful and does not deliver what everyone wants. The problem Ministers have is that the word that they have chosen instead of “necessary” is too broad and brings in all sorts of other possibilities that give a great deal of concern around the House that Ministers will
unintentionally but in practice introduce other powers that they have said this afternoon they do not desire, need or want to give themselves in principle.

Sir Oliver Letwin: Is my hon. Friend sure that the source of the problem lies in the term “appropriate”? The more I have listened to the debate this afternoon, the more it has seemed that the problem may come from the word “arising”. Perhaps we need words more like “entailed by”, which would limit the scope of appropriateness.

John Penrose: What my right hon. Friend has just demonstrated is the point that I was just about to come on to. We are going to need different words—in the plural—than we have at the moment and the discussions that have been promised from the Dispatch Box, even if an amendment has not yet been promised, will be essential to get the issue right. It is not right at the moment.

During the debate this afternoon, three or four options have already been proposed from the Back Benches, by my right hon. and learned Friend the Member for Beaconsfield, by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) just now and by a couple of others. It is clear that there is no shortage of solutions; it will not be acceptable for Ministers to say, “This problem is too hard so we are going to stick with what we have.” There are enough brains in the room for us to get this right—there are certainly enough on the ministerial Benches and among advisers. So it ain’t going to be good enough for Ministers to say, “We understand the principle and have already accepted it in our remarks today, but it is all too hard and we can’t possibly manage it.” That will not fly.

I have discussed this response with my right hon. and learned Friend the Member for Beaconsfield. We are content, based on what we have heard, not to press the amendments on scope that we have tabled here this evening. However, it will be essential before we get to Report to see some creative alternatives that solve the problems that hon. Members on both sides of the House have raised. People on both sides of the House can propose lots of possible solutions. We need to find some that work and make sure that Ministers are content to introduce them in the impressively constructive tone with which they have already addressed the issue of the sifting committee. That needs to be done before Report.

Deidre Brock (Edinburgh North and Leith) (SNP): I speak in support of the amendments to clause 7 in the names of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and other hon. Members. As my hon. Friend the Member for Edinburgh East (Tommy Sheppard) has already mentioned, they are amendments 264, 222, 73, 233, 234, 239, 240, 266, 269, 272 and 161. They are important because they go to the heart of the debate on democracy—whether so much power in so many important areas should be exercised by Ministers without substantial oversight by Parliament. I have not been reassured by the Minister’s lengthy response.

Particular importance has to attach to protecting the rights of consumers and of workers, and I was disappointed at the Minister’s rejection of the amendments we suggested.

We have heard some rumblings from Government Back Benchers and fellow travellers that leaving the EU is an opportunity to strip away protections from workers, consumers and the environment, and to cut supposed “red tape” from manufacturers and producers. The hon. Member for Wakefield (Mary Creagh) reminded us of the previous views of the Secretary of State for Environment, Food and Rural Affairs on this. The Foreign Secretary has also been one of these siren voices in the past, and the Brexit Secretary wrote an article during the EU referendum in which he said:

“The continental response to competition is, rather than trying to compete, to make sure that regulation tilts the playing field in their favour.”

He also said that:

“while the single market may seem like a good idea, in reality it has distorted market incentives, reduced competition and burdened European economies with unnecessary regulations.”

So there are people at the very heart of the UK Government who seriously believe that regulations designed to keep us safe and to prevent us from being ripped off, and regulations to ensure that the environment gets a break and that workers get paid and protected properly, are bad things. There are Cabinet Secretaries of the opinion that these things were invented by European bureaucrats as a weapon against UK productivity—that truly is health and safety gone mad.

I mention the current Government members to make it clear that there is a clear and identifiable danger to our continued safety, to the standards we expect in goods and the services we buy, and to the rights that workers enjoy—and it occupies Whitehall today.

As has been said by other Members, the extent of the power aggregation is such that it would leave Ministers, in effect, changing primary legislation by fiat. This is a coup, a very Tory coup, that is seizing power from this place—the power to create and amend legislation—and centralising it in the hands of a few who would have nothing to do with these protections and who would claim that we did well enough without them before.

Sir Hugo Swire (East Devon) (Con): Does the hon. Lady believe that the British electorate were better protected when this side of power was ruled from Brussels, as they indeed still do? Does she think the people making these decisions in Brussels were more accountable than Ministers will be in this House after we leave?

Deidre Brock: This is exactly the point, is it not? Under this form of legislation Ministers will not be as accountable to this House. I am also of the view that environmental legislation, for example, has been well served by the European Parliament, so I have to disagree with the right hon. Gentleman.

Parliamentary scrutiny would be severely limited by the form of statutory instrument being proposed, but the sheer volume of secondary legislation that is likely to be washing through the system will render effective parliamentary scrutiny almost impossible. We need checks and balances inserted into the system to ensure that there is not legislation made in haste for which we all repent at leisure. I welcome the fact that at least a sifting committee has been accepted by the Government, but it does not go far enough. It would be a sensible argument for this secondary legislation, where it is necessary, to be subject to the super-affirmative procedure. I would like to hear from Ministers why that has not been considered
or, if it has, why it has been rejected. Such an approach would not solve the problem, but it would, at least, nod in the direction of solving it.

We also have to recognise that other Administrations have a substantial interest in these decisions, and a degree of co-operation and respect is required. Therefore, “taking back control” has to have an element of that good, old-fashioned, EU principle of subsidiarity. Decisions that have large impacts on the devolved Administrations should be co-decisions. That is why the Joint Ministerial Committee should be involved in making them; it is why there should be proper consultation across the Administrations before changes are made to social security provisions; and it is why there should be consent from the Welsh and Scottish Administrations for any changes to the law that affect provisions within devolved competences.

We have heard the opinions of parliamentary Committees and of outside bodies. I know that experts are not viewed particularly favourably on the Government Benches, but they do have an important role to play, and many experts, including the Law Society of Scotland and the Equality and Human Rights Commission, have expressed serious concerns. Those concerns should be heeded in this place and heard by Ministers. It is clear that the furious Brexiteers who drove on when sensible voices were urging caution have ignored this advice:

“Heat not a furnace for your foe so hot
That it do singe yourself.”

7.15 pm

Nicky Morgan (Loughborough) (Con): I rise to speak to new clauses 53 and 77 and to amendments 385, 1, 2, 3, 5, 48 and 49. In view of all the speeches we have heard so far and the long speech from the Minister, I hope to deal with these matters quite briefly because many of the issues have already been discussed and, in some ways, addressed from the Dispatch Box.

Today, we are debating the rectifying of deficiencies that would result from bringing EU law into UK law. As my right hon. Friend the Member for Broxtowe (Anna Soubry) said, whatever we might think about the process of leaving the European Union, it is happening and we need to bring EU law into UK law if our withdrawal is to work successfully. I have always said that Brexit is good news for lawyers, and I say that with respect to my former profession.

New clause 53 was spoken to so impressively by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), and through it he seeks to address the potential loss of family reunion aspects of the Dublin III regulation and to propose alterations to the UK’s system by taking the key definition of “family” from the Dublin III convention and applying it to the UK’s refugee family reunion rules. Earlier this year, as my hon. Friend said, we went to Greece as guests of UNICEF to visit and talk to those who had travelled and were seeking refuge and looking to join family members in other parts of Europe. It was a moving and rather depressing but also ultimately inspirational visit that showed the power of the human spirit, particularly in younger people in search of a better life.

Parents and families often send their young people off to look for a better life here in Europe. Many of the young people we saw had made the dangerous journey to access family reunion under the Dublin III rules. As my hon. Friend the Member for East Worthing and Shoreham said, Dublin III allows children to join their extended family once they reach Europe. Under the regulation, the definition of extended family includes uncles, aunts, grandparents and older siblings. If, after Brexit, children fleeing war and persecution will be able to rely only on the UK’s immigration rules, they will have a right to be reunited only with their parents, as the existing UK immigration rules provide only for the right of parents with refugee status or humanitarian protection to sponsor their under-18-year-old dependent children to join them in the UK. The UK rules do not provide the same right to other family members.

We have to recognise that in many of these circumstances, it is because a young person’s parents have perhaps been killed or are unable to look after them that wider family members might offer protection and the chance of a new life. Ministers were clear, right from the White Paper onward to the way the Bill was presented on Second Reading, and in speeches on this subject, that no rights would be changed or policy changes made in the Bill. It is about making sure that EU law that is brought back to the UK works and that deficiencies are corrected if necessary.

Sir Oliver Letwin: Did my right hon. Friend share my puzzlement at the answer that the Minister gave to that point at the Dispatch Box? It seemed an argument was being made that Dublin III requires co-operation that would be impossible to guarantee. As I understood it, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) and my right hon. Friend herself are both recommending a change in our immigration law to ensure that we parallel the situation that currently obtains under Dublin III.

Nicky Morgan: My right hon. Friend puts it extremely well. I was going to say that the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), was one of the most ardent campaigners for the UK to leave the European Union, presumably—I think I have heard him and others say this—on the basis that the UK would then be able to do what was right for us and what we judged to be in the national interest and the right thing to do for our place in the world, so there was irony in his saying that we would not be able to do that because of restrictions and because it would not be allowed under the rules. That seemed to drive a coach and horses through what has been sold to me sometimes as the benefits of Brexit. I might remain unconcerned, but on this, I think that there might well be an opportunity for us to improve the current situation. I hope very much that the UK Government will take up such an opportunity.

If leaving the European Union gives us a chance to provide more clarity to our immigration rules, it has to be a good thing. From what the Minister said, I understand that there may be another piece of legislation, namely the forthcoming immigration Bill, that might be more suitable for tackling the issue. As my hon. Friend the Member for East Worthing and Shoreham said, we have spoken to the Minister for Immigration. I hope that we can take advantage of this opportunity to look again at the rules to clarify the fact that we want to mirror the Dublin III rules as we go forward. Ministers can be assured that, if this is not picked up when we get
to that immigration Bill, my hon. Friend and I will be tabling a similar amendment in order to probe further and to hold the Government to account.

It is important that the United Kingdom remains committed to helping the most vulnerable both here and abroad. Surely that must be partly what a global Britain—by which I mean Britain taking its place on the world stage and making a difference—has to be about. This is the sort of amendment that says much about our values as a Government, as a party and also as a country. We do not want to make it even harder for young people to come to this country to build a new life and to make the most of themselves. I view this issue through the inspirational work of the Baca charity in my constituency.

Let me turn now to new clause 77 and amendment 385, which were spoken to so well by the hon. Member for Birmingham, Yardley (Jess Phillips). She knows a lot about these sorts of issues so I will keep my remarks very brief. Again the point is that the protections for those at risk of violence or worse must surely be maintained as we leave the European Union. I cannot honestly believe that any Member in this House would want Brexit to stop the current protections for those at such risk.

The hon. Lady’s amendment picks up on the European protection orders that allow a person who is protected against a perpetrator in a member state to retain that protection when they travel or move within the European Union. I heard what the Under-Secretary said at the Dispatch Box. I take the point that this is a detailed amendment and that, perhaps, it is better dealt with by the relevant Ministers from the relevant Department—the Home Office. I think that the Minister, who is back in the Chamber, did agree that this point would be, and should be, on the negotiation agenda. The desire for UK courts to continue to recognise European protection orders after exit date must surely be right, and I will support the hon. Lady in her amendment. There are a number of other Members—I cannot remember the exact number—who have signed this amendment to make sure that these issues are on the negotiation agenda. When talking about leaving the European Union, it is very easy to boil it all down to trade, to numbers and to statistics, but there are people whose lives will be affected, as we have also seen with EU citizens living in this country and for the next generation of Members of Parliament.

Finally, the Prime Minister has been committed throughout her political career to ending human trafficking, fighting female genital mutilation and having a strong strategy to fight violence against women and girls. She has been very clear on this, so I cannot believe that she would not want these protections to be upheld after the exit date.

Finally, let me turn to the Henry VIII powers and the amendments laid by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) who was particularly concerned about the concentration of powers in the hands of Ministers. I think she is right. I am a former lawyer, and one of the legal tendencies is continually to try to draft against what can go wrong when a client is about to embark on something—whether they have been advised to do it or not to do it. A lawyer’s task then is to try to find them protections. Although we can have confidence in current Ministers with regard to the powers that they might want to exercise, we never know what might happen in the future. If this Parliament does not ask why Ministers want all these powers and what they are going to do with them, the next generation of MPs, and the ones after that, will want to know why; they will want to know why we did not seek to apply some limitations on the exercise of those powers.

I am pleased that the Government have listened to the concerns about Henry VIII powers and are going to accept the amendments tabled by the Chair of the Procedure Committee, my hon. Friend the Member for Broxbourne (Mr Walker). He has secured an important concession—that Ministers will keep Members of Parliament informed of the forthcoming statutory instruments. I hope that Ministers will take that on board. Parliament must be involved in scrutinising powers that are exercised by the Executive. It is a fundamental tenet of this country’s unwritten constitution. I have set out two examples: the protection of the rights of vulnerable children and of those at risk of violence or worse. We should be asking how the statutory instruments needed to bring those laws back from Europe will be exercised and drafted, and we should be checking it all.

Sir Oliver Letwin: Does my right hon. Friend agree that the proposed changes to the standing orders are particularly welcome in that they provide specifically for the new committee, as I understand it—I am looking for approval from the Chair of the Procedure Committee—to use the Select Committees that deal with each Department to look in detail at the departmental statutory instruments, so we will have real expertise available?

Nicky Morgan: That is an excellent point and a very good idea. There has always been a wider call for the Treasury Committee, which I am privileged to chair, to look more broadly at finance legislation.

The Minister had a difficult job this afternoon. There were a lot of amendments for him to deal with, many of which were very detailed and some of which were clearly not within his departmental remit. This proves the point that we do need Members of Parliament who have an expertise in their background, sit on a Select Committee or have held a particular ministerial brief. This is the time for them to offer their expertise to the House and the country in order to ensure that we get the law that we are bringing back from the EU correct.

Mr Charles Walker: My right hon. Friend is making an excellent speech. Does she agree that although time is short and there is a great deal of urgency to get this done, it seems that the House is up for it, and that we will find the time and the sense of vim and vigour to really exercise our scrutiny function?

Nicky Morgan: I absolutely agree with my hon. Friend. I hope that those listening get the impression that, whatever our views about the wisdom or otherwise of leaving the European Union, the fact is that the decision has been made. We need to make it work in order to set things up for the next generation of people in this country and for the next generation of Members of Parliament, who at some point we will hand the batons on to in our constituencies. If we are to do that, we have
to ensure that the legal system we put in place works, the details are right and adequate scrutiny has been given.

The appetite of Members to debate this Bill—I am sure that this will happen on other consequential Bills needed to implement our withdrawal from the EU—shows that we are prepared to put in the hours and want to help. It also helps to build a consensus in this House. I hope that that will show the country a leadership that is about Members of Parliament taking responsibility for getting it right for the country and acting in the national interest. On this critical issue of EU withdrawal, which will affect the country for decades to come, we must absolutely show that leadership as a House.

My hon. Friend the Member for Bromley and Chislehurst (Robert Neill) talked about Parliament being here to improve legislation. Amendments should not be an affront to the Government. They will obviously disagree with some. They might agree with the principle of others, but would want to reword them in a way that finds approval with the parliamentary draftsmen. There will also be some that they will initially want to resist, but if they test the will of the House, they will find that Members want to make those amendments. In fact, such amendments may very well improve legislation and help with parliamentary handling. As the Minister said, we are dealing with 40 years of law and there are hundreds of issues, but there is an opportunity to do things in the UK’s way.

I am very persuaded by amendment 49, which talks about the limitation of powers and having no concentration of powers. There are perhaps improvements that can be made to it, and the amendment the Government have said they will accept on the work of the new sifting committee is very welcome. However, the amendment sends an important signal about the way the constitution in this country works, and for that reason, if the right hon. Member for Normanton, Pontefract and Castleford presses it, I will support it this evening.

7.30 pm

Angela Smith: I am grateful for the opportunity to speak in this important debate. It is a real privilege to follow the right hon. Member for Loughborough (Nicky Morgan). I rise to speak primarily to new clause 18 and to new clauses 24 and 27 and amendment 124. I will also speak more broadly to a range of amendments that have been selected for today’s debate.

Clause 7, which today’s proceedings are primarily concerned with, stands as a significant extension of the powers available to Ministers of the Crown. The speech by the hon. Member for Weston-super-Mare (John Penrose) went to the heart of the debate we have had today in relation to what he called the principle of necessity. His test for whether clause 7 stands worthy to pass through to the next stage of the legislative process is, “Does it meet the principle of necessity or go beyond the test necessary to meet the principle of necessity?” I would suggest that, as it stands, the clause does not meet that test.

The right hon. Member for Loughborough made a point that my hon. Friend the Member for Nottingham East (Mr Leslie) made at the beginning of today’s proceedings: one of the key questions relating to that test is whether Members of Parliament in the future will look back at what we do today and over the next few months and determine that we gave Ministers too much power in this Bill. For me, that is one of the real questions at the heart of the principle the hon. Member for Weston-super-Mare outlined earlier.

As it stands, the only pieces of legislation safeguarded in the clause are the Human Rights Act 1998 and some aspects of the Northern Ireland Act 1998. As has been pointed out many times this afternoon, not even the Bill is safe from the hands of Ministers once enacted. As drafted, the Bill will give Ministers flexibility way above and beyond what is necessary, allowing them to create or amend any legislation on the UK statute book to mitigate any failure or deficiency in retained EU law.

I am not convinced that my constituents—even those who voted to leave the European Union—possess the sort of blind faith the Government seem to be asking for, and I certainly do not have that blind faith at the moment. Indeed, a number of parliamentarians on both sides of the Chamber clearly have significant reservations. Further, of course, I am not persuaded that such sweeping powers are necessary.

I understand that the time constraints associated with the article 50 process and the volume of legislative amendments required to implement Brexit put pressures on the Government—I totally acknowledge that. I also understand that putting all the corrections into the Bill at this stage would be entirely impractical and that the Government do require flexibility to respond to all eventualities as negotiations with the European Union take place. In that sense, the spirit of the debate today has been very helpful, and the Government have to concede that most of the contributions have been made with the intention of improving the Bill and ensuring that it works in protecting the legislation we want to transpose into UK law.

Even so, as I have said already, the powers the Bill asks for are too broadly defined and risk undermining the sovereignty of Parliament. There is a balance to be struck between giving the Government the necessary tools to implement Brexit and not forgoing parliamentary scrutiny. What the Bill proposes does not strike that balance, which is why I support new clause 24 in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy), which stands as a really serious attempt to define properly the principle of necessity.

Just last year, the Brexit Secretary told the Commons Select Committee that he did not foresee any major or material changes being made by delegated legislation. If that is not necessary, what possible justification can he have for including such sweeping powers in the Bill?

In its recent report, the Lords Constitution Committee outlined a number of requirements of Bills granting Henry VIII powers. In essence, it recommended that the breadth of any powers given should be as narrow as possible, which is clearly not so in this case. This point is furthered by the Supreme Court justice, Lord Neuberger, who says that “the more general the words used by Parliament to delegate a power, the more likely it is that an exercise within the literal meaning of the words will nevertheless be outside the legislature’s contemplation.”

In other words, the broader the powers given, the more likely that, if exercised, litigation will follow. That point was made very powerfully by the right hon. and learned Member for Beaconsfield (Mr Grieve), and the Government do need to respond to it.
In their March 2017 White Paper, the Government said that their proposed procedures represented “the beginning of a discussion between Government and Parliament as to the most pragmatic and effective approach to take in this area.”

I am afraid that so far, despite the concessions made, we have not got there. There are issues relating to the scope of the Bill that have been very clearly articulated today. Amendment 392, accepted by the Government, represents progress, but it does not go far enough because it deals only with part of the problem.

Triage is fine, but at the end of the day the scrutiny process does not allow Parliament to amend or send back a statutory instrument for further consideration by the Government. That is a real weakness in the scrutiny system that must be addressed, as the right hon. and learned Member for Beaconsfield said. That is why I support new clause 18, which gives Parliament the chance to look properly and in depth at what is needed to ensure that Parliament has proper powers of scrutiny over the delegated legislation process in relation to this Bill. The Hansard Society report gives us a really good start in that process. The Government have no need to be alarmed about new clause 18. This can be done reasonably quickly, and Parliament has the right to expect it.

The hon. Member for Brighton, Pavilion (Caroline Lucas) is not here to speak to her new clause 27, which is a shame, because the environment is at the very heart of the Brexit process, yet so far it has been fairly peripheral to the debate. If we are going to get Brexit right, the Government need to understand that environmental standards are the one thing that matters to every citizen and leaving it will endanger the maintenance of those standards. If we fall back on WTO rules, certain standards and leaving it will endanger the maintenance of those standards. If we fall back on WTO rules, certain standards may have to fall because we will lose our competitive edge and environmental standards because we are competing at the same level as every other member state and the single market helps us to maintain the level playing field that we have got now and that we will be able to do trade deals across the world, while ignoring the reality that we live next door to the European mainland. I do not know whether the hon. Gentleman thinks we can deliver that, but those on his side of the argument have so far failed to tell us how we will do so.

Environmental standards have improved in this country because the European Union—particularly the single market—has employed the concept of the level playing field. We have been able to maintain high environmental standards because we are competing at the same level as every other member state and the majority of our trade is with the European Union. One can only think about what will happen if our doors are opened, in an unregulated environment, to imports of American beef, American cereal and all the rest of it. What guarantee can those on the leave side of the argument give us that we will be able to protect ourselves with environmental legislation in that context?

Angela Smith: Environmental standards have improved in this country because the European Union—particularly the single market—has employed the concept of the level playing field. We have been able to maintain high environmental standards because we are competing at the same level as every other member state and the majority of our trade is with the European Union. One can only think about what will happen if our doors are opened, in an unregulated environment, to imports of American beef, American cereal and all the rest of it. What guarantee can those on the leave side of the argument give us that we will be able to protect ourselves with environmental legislation in that context?

Angela Smith: I thank the hon. Lady for her intervention, but she clearly was not listening to what I said. Of course the UK has led on many of those improvements, but why were they secured? Because we are in the single market, which is the reason why the standards work and have become embedded in the European Union. The single market helps us to maintain the level playing field that is necessary if we are to compete effectively in it, and leaving it will endanger the maintenance of those standards. If we fall back on WTO rules, certain standards cannot be properly assessed when a country makes its mind up about what it can and cannot import.
We have to be careful about assuming that we have been some kind of marvellous leader in environmental standards in the European Union. Yes, we have, but the mechanism that has made that possible is the single market. As was pointed out earlier, a Conservative Government helped to put together the architecture for the single market, because they understood the importance of that mechanism for delivering the standards that we all enjoy.

If any Member wants to put all that in danger, all I ask is that they think carefully about doing so, because the consequences could be really rather severe. That is why I will be supporting amendment 124. At the end of the day, it is really important that, as the Prime Minister has pointed out and as I said in my earlier intervention, nothing is agreed until everything is agreed. On that basis, nothing in the Bill should preclude the possibility of the UK staying in the single market and the customs union. That is really important, and Parliament needs to take that point seriously.

As my right hon. Friend the Member for Broxtowe (Anna Soubry) said, it is important to recognise that amendments, whether these or others, are not necessarily seeking to reopen the Brexit debate. These amendments certainly do not do so; otherwise, I would not be supporting them. Instead, it is important to consider how to provide scrutiny of the laws that will be in place once we leave the European Union, which is what people have voted for.

In this instance and in that context, I am content with the Government’s proposed usage of the so-called Henry VIII powers in the Bill. The Leader of the House and the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), were very frank and reassuring when they appeared before the Procedure Committee, as did the shadow Leader of the House, in what I thought was a good-spirited discussion of the substantive issues at stake.

I will come on to the scale of the challenge ahead in a moment, but I just want to say that, for a number of reasons, I am not particularly worried—strangely, some Labour Members have said they would be—about what would happen if the Labour party were ever in government again. The first is that the powers are mostly limited in nature. I do not want Labour Members to come back into government, for reasons that will be obvious, but I am not worried because the Government have clearly set out what the secondary legislation is and is not intended to do.

The Bill enables Ministers to create the necessary correcting instruments to prevent, remedy or mitigate any failure of or deficiency in retained EU law, but, as the excellent and independent House of Commons Library briefing sets out, “express legal limitations” are imposed on the secondary legislation. The secondary legislation cannot be created to impose or increase taxation, to create new criminal offences or, as the Minister said earlier, to amend human rights legislation. This is a well controlled piece of legislation designed to deal with the challenge of leaving the European Union in a way that allows parliamentary scrutiny while ensuring that the Government can get a smooth and orderly Brexit through this place.

Primary legislation will be needed on a number of key issues over which Parliament will become sovereign when we leave the European Union, such as a customs Bill, a trade Bill, an immigration Bill, a fisheries Bill, an agriculture Bill, a nuclear safeguards Bill, an international sanctions Bill— I am sure there are many more in the minds of Ministers—but there is only a short space of time. Given the sheer volume of retained EU law, there is no alternative to the Henry VIII powers for dealing with any deficiencies. The delegated powers under clause 7 are essential in that light.

The alternative would be legal chaos. With over 20,000 EU laws, having an individual parliamentary vote on each would take over 200 days of parliamentary time—sitting 24 hours a day, seven days a week. To be rid of that chaos, which I hope Opposition Members seek to rid our country of, and to provide the certainty that I am sure businesses in their constituencies and mine want to the United Kingdom. The amendments tabled by the Chairman of the Procedure Committee do just that: they focus on sovereignty, give Parliament control and ensure scrutiny of our laws.
legal certainty to the courts and confirm that any law is the will of a sovereign Parliament, but it must be done in a way that allows the Government to get on and do it.

That brings me to a potential concern, which I hope Members agree has been satisfactorily addressed. As the Government have been at pains to make clear many times, the main purpose of the Bill is twofold: first, to respect the referendum result; and secondly, to ensure that our country has a functioning statute book on leaving the European Union. I was therefore pleased to see the inclusion of condition 3 in amendments 393 and 397, which makes it clear that if no recommendation as to whether regulations should be subject to the negative or affirmative procedure has been made by a committee of the House, then after 10 sitting days they can proceed by the negative procedure.

I hope that no committee would seek to play such games on this issue, such is the significance of leaving the European Union, but this critical condition will prevent any committee that was so minded from frustrating the progress of a statutory instrument in order, by extension, to frustrate the will of the British people to leave the European Union positively and constructively. It will stop that happening, enabling scrutiny without sabotage.

Let me affirm again that I am very pleased that these amendments have secured consensus across the parties. While the United Kingdom is leaving the European Union—that is not up for debate—this, I believe, will help to ensure that there is parliamentary scrutiny of the laws that need to be in place once we leave, but without stepping on the Government’s legislative toes or tying their hands in the negotiations with the European Union. That is ever more important as we progress to the stage 2 negotiations on trade and other matters. That relates to amendment 124.

I firmly believe that trade is our kingdom’s path to prosperity, and our generation’s chance to widen consumer choice, reduce the cost of living, improve quality of life and give those with the tightest purse strings a hand up. This we seek to do while maintaining the greatest possible access to, but not membership of, the single market. Leaving the European Union is not just about economics and markets, though; it is about the political and constitutional view of the British people. It was a vote to take back control of our laws as well as our borders, trade policy and money. These amendments enshrine that control.

I understand that the Government have accepted these amendments, and I hope that they will have continued support across the House, and indeed that the committee, once it is set up, will have the support of Members across the Brexit divide, ensuring that it can conduct its work in an effective and well respected manner.

Kerry McCarthy (Bristol East) (Lab): It is a pleasure to see you in the Chair, Mr Hanson. I rise to speak to support new clause 24 and amendment 96, in my name, as well as amendment 104, also in my name, which relates to new clause 27 and others on institutional arrangements. I do not know whether the hon. Member for Brighton, Pavilion (Caroline Lucas) intends to return to the Chamber to press new clause 27 to a Division, but it is an important clause about governance arrangements and I hope she does.

It is welcome that the Government have accepted the Procedure Committee’s amendments. There was much concern about the sweeping powers set out in clauses 7, 8 and 9, which, as many Members have said, would give Ministers excessively wide powers to make secondary legislation. There has been near universal recognition that we need to strengthen sifting and scrutiny powers, and there is huge scepticism about the process under schedule 7 for sifting through the 800-plus statutory instruments. There is a suspicion—I believe it to be justified—that it was to avoid much needed parliamentary scrutiny and that it could be used to weaken EU laws in the process of transposition.

I understand what the hon. Member for North East Hampshire (Mr Jayawardena) said, which is that there simply is not the time to work through them one by one, but that is why some of us voted against triggering article 50 when the Government chose to rush into it. We knew that this was an incredibly complex procedure and that it would not be easy in the way that some Conservative Members said it would be. We needed the time to do this properly. The reason we cannot do it properly is because we triggered article 50 too early.

Mr Jayawardena: Does the hon. Lady not accept that the European Union was very clear that until we triggered article 50 we could not begin any of the discussions to allow us to consider any of these matters?

Kerry McCarthy: In the previous Parliament, I was a member of two Select Committees. I was on the recent chemicals inquiry. It is not just that Ministers have not got their heads around it and do not know where they want to go in terms of chemicals regulation, it is that they have not even had discussions with stakeholders. They have not even explored the issues. They are coming to it almost with a blank sheet of paper way after the referendum vote was held. A lot of these discussions should have taken place before we even had the referendum, so we could know what we were letting people in for.

I welcome the Procedure Committee’s amendments, but they do not provide for enhanced scrutiny as such. They simply provide a mechanism for a committee to recommend that statutory instruments introduced under the Bill should be treated under the affirmative procedure rather than the negative procedure. The committee sits, but it does not scrutinise. Members may request a debate and a vote, but they cannot require a vote to take place. The White Paper said that MPs could require a debate, but that is simply not correct. The Hansard Society described that inaccuracy in the White Paper as ignorance at best, deception at worst. Members who have been in the House for some time will know that for an affirmative resolution to be objected to and end up in a proper debate is very rare. The tactic is used very infrequently. I believe we need a model that allows for enhanced scrutiny. It should include options such as: requiring a Minister to provide further evidence and explanation for the statutory instrument; requiring a debate and vote on the Floor of the House; allowing a committee to be able to recommend amendments to a statutory instrument, which many Members have mentioned; and public consultation. My hon. Friend
the Member for Wakefield (Mary Creagh) talked about alerting Members to what is being brought forward before the House as a statutory instrument, because it is all too true that so many of them just pass unnoticed and we do not know what we are legislating on.

Enhanced scrutiny alone is not enough. The power to make corrections in clause 7 is still too broad, too general and too vague. It needs to be improved and clarified. The Bill must also put stronger substantive limitations on the powers in the Bill itself, including a general limit, as in new clause 24, and specific limits to safeguard environmental standards, such as in amendment 96. It is only by carefully restricting the Government's powers and effectively scrutinising their use can we prevent powers in the Bill from being used in ways that weaken environmental protections or threaten to roll back 40 years of environmental gains. The hon. Member for Wells (James Heappey) said that Greener UK praised the earlier debate on the environment. I think it was praise for the amendments tabled and the discussion rather than the end result, because the Government did not accept any of the amendments, but we will continue to push on those issues.

It is also essential to reduce the huge scope for error in this process and to ensure that, as is its stated purpose, the Bill achieves a workable framework of law seamlessly transposed from existing EU law. I accept that a method is needed to allow us to bring forward technical regulations to implement the legislative consequences of leaving the EU, and we need to be able to do that flexibly and speedily. It makes sense that a significant proportion of the modifications are made by statutory instrument, given their technical nature and the limited time available before exit day. Earlier, the Minister described such modifications as “often” of a technical nature, and the “often” is where difficulty arises. If they were just technical changes, we would all be fairly comfortable with the process suggested. It is the fact that they are not all of a technical nature that gives us grounds for concern.

It is crucial that any powers to modify laws given to Ministers by the withdrawal Bill are restricted. They must only be used to ensure that retained EU law continues to operate with equivalent scope, purpose and effect. The purpose of my new clause 24 is to ensure that the powers to create secondary legislation given to Ministers by the Bill can be used only in the pursuit of the overall statutory purpose, namely to allow retained EU law to continue to operate effectively after exit day.

New clause 24 is slightly different from some of the other amendments that address the same democratic deficit in the Bill, in that its schedules must and may only be used, insofar as is necessary, to ensure that retained EU law continues to operate with equivalent scope, purpose and effect following the United Kingdom’s exit from the EU. The fact that it must places a positive obligation and makes sure there are no gaps.

My hon. Friend the Member for Wakefield talked about the concern that the explanatory notes refer to removing the requirement to obtain a legal opinion. Obviously, we would not look to obtain an opinion from the European Commission on a given issue, but the fact that it allows that requirement to be removed completely was covered comprehensively by my hon. Friend. I just want to flag up that I agree with her comments.

I spoke about requirements during earlier stages of the Bill, and although they might look dry they are a crucial stepping stone in ensuring that the Government are complying with environmental standards. If there is not that reporting, monitoring and assessment, how do we know how the Government are faring? To give what might seem like a fairly obscure example, article 10 of the birds directive requires member states to send the European Commission reports of how we are doing, but it was never fully transposed or implemented by the UK Government in relation to the marine environment. Basically, seabirds are not covered, and unless we implement new clause 24, that will be lost.

Obviously, article 10 is not the be-all and end-all, but it is an example of where reporting is important. The approach to seabird data collection has been very patchy and since 2006, when the European seabirds at sea programme ended, there has been no state-co-ordinated or state-funded programme for systematic survey and monitoring at sea. Most of the surveys are carried out by developers looking at proposals for oil, gas and windfarms. They come at it with a certain mindset and objective, yet that is the only data we have on the aggregation of seabirds at sea. Those surveys are not designed to identify areas for site designation or to monitor change. As I said, it is non-systematic and patchy.

It is important that we implement article 10 of the birds directive in full, but my point today is about the reporting requirements. If they disappear, where does that leave us? The White Paper’s description of technical amendments used reporting requirements as an example and the impact assessment used reduced reporting as an example. That gives me cause for concern that the Government will use a statutory instrument to chuck out this requirement. At the moment, the Government are required to report to the Commission every five years. Will that be replaced with no reporting requirement at all?

The Government’s environmental reporting obligations must be put on a domestic footing, and my new clause places a positive requirement that delegated legislation under the Bill is used to ensure that EU law continues to operate with the same scope, purpose and effect. My amendment 96 would specifically prevent the powers from being used to weaken environmental standards.

Finally, I want briefly to speak on amendment 104, which relates to new clause 27. I see that the hon. Member for Brighton, Pavilion is here. I hope that she has a chance to move her new clause at the end of the debate. The Secretary of State’s promise of a new independent statutory environmental protection body and a public consultation early next year is welcome, but we need much firmer reassurances, and I believe that they should be written into the Bill. Amendment 104 would provide for any new public authority established under secondary legislation to be established by primary legislation. It would be wildly inappropriate for the new body to be implemented via the secondary legislation powers conferred by the Bill. The enforcement body must be established by primary legislation.

The promise of a consultation early in the new year is welcome, but we need the Government to commit to a firm timetable for that consultation, and it should be
published as quickly as possible, while there is still time for us to consider its implications for the withdrawal Bill. We cannot go through Report without knowing what the Government have in mind. Obviously, a Bill would be needed to establish the new body before March 2019. This is vital if we are to avoid a governance gap.

In conclusion, it is important that we enshrine more ambitious environmental protections in law. It is easy for the Government to be self-congratulatory. I can give examples of where successive UK Governments have been very good in pushing for progress at EU level, but I can also give many examples of where they have perhaps been a brake on progress, so it is important that we enshrine them in law. A green Brexit should mean going further than existing levels of protection, and the Government should commit to setting out plans for a new ambitious environment Bill. When I spoke on an earlier day in Committee, the Environment Secretary sat down on the Front Bench just as his Back-Bench colleagues were telling the Committee that he was committed to bringing forward such an environmental protection Bill. I am not entirely sure he knew what he was nodding at, but he nodded to say yes. It is important that we get some clarity from him soon.

Several hon. Members rose—

The Temporary Chair (David Hanson): Order. Before I call the next speaker, I remind hon. Members that we are just over an hour away from the knife, and I still have 11 hon. Members seeking to catch my eye. Time will have to be very limited if all hon. Members are to get in.

James Heappey: It is a pleasure to serve under your chairmanship, Mr Hanson. I wish to speak about the many amendments that concern environmental regulation, specifically new clause 27, amendment 104 and new clauses 62 and 63. Like many other speakers, I have received some excellent briefing material from Greener UK, which encapsulates the ambitions of many in the non-governmental organisation community, and I would like to thank it for the enthusiasm with which it has engaged with colleagues on both sides of the House. It has made an excellent effort in seeking to make very clear what it expects. It is clear also that there is a consensus about what we are trying to achieve. There is just a slight disagreement about how exactly to legislate for it.

I hope that hon. Members on both sides of the House, irrespective of what they think should be done to the withdrawal Bill, would congratulate the Environment Secretary on the excellent commitments he has made in recent weeks. They have shown very clearly that the ambition for environmental regulation after Brexit is not merely to maintain the status quo, but to take UK environmental regulation further. That is great news.

We also want the environmental principles enshrined in UK law. We debated that point at length the other week, and there was some satisfaction that that was indeed the Environment Secretary’s intent for the Bill he will bring forward. I agree with my near neighbour, the hon. Member for Bristol East (Kerry McCarthy), that it was a shame that Hansard could not record his nodding during the speech of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), but there is no doubt that those of us in the Chamber clearly saw his acquiescence to the requests being made.

Kerry McCarthy: I think Hansard did record that the Environment Secretary nodded his assent, but I am not entirely sure that he knew what he was nodding his assent to.

James Heappey: For those of us with an environmental mindset, there is a temptation—and I may say more about this later—to think that it is almost too good to be true that the Environment Secretary should sit there and, quite unequivocally, nod to all those requests. People are not quite willing to accept that it is true, but I am not sure that the things that my right hon. Friend has been saying about environmental matters in recent weeks should do anything to discourage us from believing that it is. He really has been setting the pace.

The non-governmental organisations have raised a number of matters. I agree with what they are saying, but I also believe that what we are already doing in the Bill and—much more importantly—our commitments beyond it will meet their expectations. Their concern about the governance gap is entirely justified. There needs to be a new body to reinforce the regulatory standards that we establish.

Significant powers relating to our environment are being vacated by the EU, and we must, as a matter of urgency, ensure that those powers are allocated to either existing or new regulatory bodies. Those bodies must be independent, they must be accountable, they must be accessible to the public who are seeking redress, their processes must be transparent, and they must have teeth so that they can hold Governments and others to account. We all agree on that, and nothing that I have heard from the Environment Secretary suggests that his ambition for legislation on the environment post-Brexit will not deliver those requirements.

Wera Hobhouse: Will the hon. Gentleman give way?

James Heappey: I will gladly give way to my diocesan neighbour.

Wera Hobhouse: Does the hon. Gentleman not agree that the environment does not stop at borders, and that international agreements on environmental protection are vital? The danger that I see is that the UK is going it alone. It is important that we all do this together—and, in fact, we have been doing it together, which is why we have the single market and the European Union.

James Heappey: I take the hon. Lady’s point, but I am not sure that the EU is necessarily the only vehicle for the purpose. The Minister for Climate Change and Industry, my hon. Friend the Member for Devizes (Claire Perry), attended the One Planet summit in Paris today, where she talked to representatives from countries all over the world, outside the EU and within, about arresting climate change.

The marine conservation Minister, my hon. Friend the Member for Suffolk Coastal (Dr Coffey), was in Malta six or seven weeks ago at a global UN conference on ocean rescue. Again, that was not an EU vehicle, but the UK was showing leadership among countries around the world. I understand that the Minister for Agriculture, Fisheries and Food, my hon. Friend the Member for Camborne and Redruth (George Eustice), has been at a conference about fishing in the last couple of days, and
that the discussion was not EU-orientated but global. I am therefore not entirely convinced that the UK is “going it alone”. We are clearly well embedded in a whole range of international forums in which we can discuss our environmental ambitions globally.

As the hon. Lady rightly said, these are issues that cross borders. However we regulate the environment in the United Kingdom—and I am confident that we will be much more ambitious here than the EU is currently with its own regulations—we cannot turn our back on the rest of the world. Indeed, there is no evidence that we would, given the amount of international engagement that we already have, and the extent of the leadership that we are showing on so many issues relating to the environment and climate change.

I was surprised to note the Scottish National party’s support for new clause 27, in particular. I accept what was said earlier by the hon. Member for Greenwich and Woolwich (Matthew Pennycook) about the intention to establish a regulatory body in England that might seek to be matched in Scotland and Wales, and that agreement would be sought from the devolved powers. However, the Bill refers specifically to a UK-wide regulatory framework. I will gladly give way to any SNP Member who wishes to intervene, but I wonder whether that in some way challenges the SNP’s desire for the greater devolution of powers rather than their centralisation. Why would the SNP support a measure that refers to centralised regulation?

Furthermore, the DEFRA consultation on the new enforcement body must be published urgently; I will gladly give way.

Stewart Malcolm McDonald (Glasgow South) (SNP) rose—

The Temporary Chair (David Hanson): Order. The hon. Gentleman is supposed to be actually in the Chamber in order to intervene.

8.15 pm

James Heappey: As I said, the DEFRA consultation on the new enforcement body must be published urgently; I agree with the NGO community on that, and Members on both sides will want to encourage the Environment Secretary to do exactly that. I also agree that our ambition should be that the new Bill to establish this new body, and to make the UK’s environmental ambitions post-Brexit clear, should be passed through Parliament by March 2019. We will all want some reassurance from the Secretary of State in the near future that that is indeed his ambition.

Earlier, my right hon. Friend the Member for West Dorset spoke at much greater length than I intend to on the detail of this, but he is absolutely right that the Environment Secretary is clearly meeting the ambitions of everybody who is contributing to this debate from an environmental perspective. Some might choose to put their fingers in their ears, say it cannot possibly be so and seek to manufacture disagreement where there is none, but the Environment Secretary—in this Chamber, in the press, in the speeches he has been giving to the environmental community, and in his meetings with NGOs, I believe—has been very clear about what he intends to do.

Seeking to amend the Bill simply for the sake of amending it does not add anything to our ambition for stronger environmental regulations post-Brexit. We can be very confident that the Government are leading us in the right direction on environmental regulation. They are going far further than the EU currently does, and that is the key point: we should see current EU regulation merely as the floor for UK environmental regulation post-Brexit, not the ceiling. I am confident that the Secretary of State has every intention of doing that.

Several hon. Members rose—

The Temporary Chair (David Hanson): Order. I again remind Members that there is a knife outside my control. Ten Members, possibly 11, wish to catch my eye and time is limited.

Hywel Williams (Arfon) (PC): I rise to speak to amendment 88, tabled in my name and those of my hon. Friends in Plaid Cymru and colleagues from other parties. It would prevent Ministers of the Crown from being able to replace, abolish or modify the functions of EU entities without first laying impact assessments on its effect before both Houses of Parliament. I appreciate that impact assessments are not popular among some Ministers; indeed, the Brexit Secretary made it clear last week that he does not believe in them at all, especially in terms of large-scale changes. It appears that he does not believe in applying a bit of forethought and method; perhaps a wet finger in the wind might suffice, or even the slaughter of white and black cockerels at midnight and the examination of their entrails afterwards. In the interests of clarity, by “impact assessment” I do not mean a sectoral analysis; my definition of impact assessment, as any good dictionary will tell us, is a “prospective analysis of what the impact of an intervention might be, so as to inform policymaking”.

Beyond the single market and customs union, there are upwards of 45 pan-European agencies that form the basis of our international relations across a range of policy areas. These agencies are intertwined with hundreds of EU programmes designed to progress societal, economic and environmental standards, from ensuring that planes can safely take off and land to the regulation of life-saving medicines.

Clause 7 will allow Ministers to put aside the advances made by our membership of those agencies, regardless of any formal assessment of the impact that action would have on our society, economy and environment. We have already seen the European Medicines Agency abandon the UK and move to Paris, with Amsterdam taking the European Banking Authority, resulting in the loss of over 1,000 jobs. Before being able to replace, abolish or modify any EU entity functions, this place should know exactly how doing so will affect their constituents.

I represent a university constituency, and we have a strong interest in new research and student mobility programmes, and in the agencies through which those programmes operate. For example, Erasmus+ is managed by the Education, Audiovisual and Cultural Executive Agency. There are 2,000 international students in Bangor. Without the participation in the European Commission’s Horizon 2020 scheme, without the continuation of Interreg funding, and without Erasmus+,
[Hywel Williams]

universities in the UK will lose much of their competitive edge, and my constituency of Arfon will be hit disproportionately hard.

There is a ready-made solution for the Westminster Government as they navigate the labyrinth of Brexit. Norway has negotiated participation in 12 EU programmes and 31 EU agencies. The areas covered include anything from research co-operation and statistics to health and traffic safety. Norway has done this through its membership of the European economic area. It is about time that this Government paid due regard to the impact of their actions in formulating policy, and I therefore urge them to reconsider the issue of EU agencies and the programmes that they facilitate, while they still can.

Ms Nusrat Ghani (Wealden) (Con): Thank you, Mr Hanson, for giving me the opportunity to contribute to this important debate. Speeches on both sides of the Chamber have been technical, detailed and passionate, including the response from the Minister, and I hope to be able to add a few of my thoughts to this measured debate.

Leaving the European Union was never going to be easy. It was inevitable, after 40 years of the EU creeping into every crevice of our daily lives, that Brussels’ overarching bureaucracy would touch every piece of domestic legislation imaginable. Ultimately, the whole point of the Bill is to ensure a clean, smooth Brexit that allows for an orderly transition from inside the EU to out. Transferring EU law to UK law is a mammoth task that requires an enormous amount of bureaucracy to complete. It is simply unfeasible for this Parliament to go through every piece of legislation affected by the EU line by line to approve its transfer into domestic law. I read recently that an individual vote on each of the 20,319 EU laws would take more than 200 days of parliamentary time, and that a debate on every page of those laws would take a similar amount of time. That simply is not feasible. The European Union (Withdrawal) Bill does a bulk copy and paste, ensuring that when we leave the EU in March 2019, our domestic legislation is not caught short. Understandably, deficiencies will arise. Those deficiencies are clearly laid out in clause 7(2), and if we are to ensure an orderly Brexit, they need cleaning up. No Member of this House believes that enough parliamentary time exists to fix all these faults, and that is why clause 7 is so important.

Clause 7 is not, as we often read in the papers, some kind of Tudoresque power grab; nor does it ride roughshod over Parliament. It provides delegated powers to a Minister to fix obscure but consequential deficiencies in legislation for a short period of time. Those delegated powers will never be used to make drastic policy changes. Such changes have always required, and always will require, a Queen’s Speech or primary legislation. It is public and transparent, and it requires a majority vote. The sole purpose and scope of the delegated powers is to ensure that EU law is still operable after the UK leaves the EU. That is what our constituents want: consistency and security. Even those who want us to stay in the EU appreciate why this is so important, as we have heard from Members on both sides of the House, and from those who voted to remain as well as those who voted to leave. The Procedure Committee amendments that were accepted yesterday will create a sifting committee, confirming even more rigidly that Parliament will always have an input.

We are leaving the EU to bring back control to our courts and our Parliament, and clause 7 bolsters this. Ultimately, once we are out, this Parliament, elected by the British people, will be able to go through what we like and what we do not like, in our own time. For those still concerned that clause 7 is some sort of Tory plot designed to wipe away all workers’ rights, subsection 7 makes it clear that, two years after exit day, these powers will no longer exist. There is a sunset clause. Not only that, but Ministers in the devolved Administrations will be able to use the same powers to amend legislation that falls into their catchment. This is further evidence that the Government are committed to a Brexit that works for the entire UK. It will be up to Holyrood, Cardiff and Stormont to choose how to use their increased decision-making powers.

It is vital that the Bill is passed as cleanly as possible, because it is a key component in ensuring that our departure from the EU is orderly. Clause 7 will play a big part in a smooth Brexit. It is not a power grab, and it is not the beginning of the kind of dictatorship that some would argue was taking place when we were inside the EU. We have a responsibility to our public to deliver on Brexit, and we should not delay or protract the process any further. The act of leaving the European Union represents a powerful decision to restore democracy to this Parliament, and I am pleased to support the Bill and to support the public who voted for this in the largest numbers in our country’s history. I hope that my speech was short enough for you, Mr Hanson.

Stella Creasy: I have now been in the Chamber for seven hours, apart from a brief sojourn to serve on a statutory instrument Committee related to fish taxes in Scotland, which feels completely apposite given today’s debate. No one is suggesting that there will not be points at which we may want to have a way to amend legislation, but I have concerns about clause 7. I am pleased to follow the hon. Member for Wealden (Ms Ghani) because I have a completely different opinion on what clause 7 offers. This is about so much more than taxes on fish.

It is important that our constituents understand that we are discussing a clause that gives Ministers the ability to introduce legislation when they consider it appropriate. I consider pudding always to be appropriate, but it is not necessarily necessary. This is one of those matters where the wording is crucial. The deficiencies that the Bill identifies are not limited as long as something can be called a deficiency, which is a huge loophole into which Ministers can reach.

The SIs that Ministers can bring in will have the effect of primary legislation—the same as any Act of Parliament—and the legislation can abolish functions of the European Union covering a whole range of issues. It would be a brave, bold, disciplined Minister who is not tempted by those powers. That is what we are discussing tonight. The hon. Member for Wealden suggested that the provisions do not look like a power grab, but they do not give power to the courts; they put power in Downing Street. That is the Opposition’s concern, which my Front-Bench colleagues have so ably set out.

In the time available, I want to explain my particular concerns about the Henry VIII powers and amendment 332, which relates to a good example of what could go wrong.
It is clear that the Henry VIII powers are not about taking rights away; they are about sweeping them away. As the House of Lords Constitution Committee said, the use of such powers “remains a departure from constitutional principle”. We know from recent years just how often Ministers have been tempted: cuts to tax credits, student maintenance grants, fracking, fox hunting, winter fuel payments, the electoral register and individual voter registration, and legal aid entitlements. Whether or not someone agrees with those policies, they are not fish taxes. They are not minor amendments to existing legislation. They represent major policy changes that the Government pushed through, or tried to push through, using SIs.

Since 1950, over 170,000 statutory instruments have been laid by Departments—2,500 a year. The hon. Member for Broxbourne (Mr Walker), the Chairman of the Procedure Committee, is not in his place, but he was talking about 1,000 SIs resulting from this legislation alone, which is half a year’s worth of work and represents an awful lot of sifting. Only 17 of those 170,000 SIs were rejected. Indeed, the last time that the Commons rejected a statutory instrument was in 1979. The House of Lords has been more robust, having rejected six such instruments, and it has been rewarded with the Strathclyde review.

Amendment 49 is important because it is clear that when Governments have the ability to use SIs in this way, they do so. It is also clear that this House has not been able to exercise a comparable power of check and balance. Even when such SIs are lawful, the Supreme Court has said that they should be challenged in court. As the right hon. Member for Loughborough (Nicky Morgan) said, this Bill is almost a lawyer’s charter. I want to give the hon. Member for Wealden the example from amendment 332, which covers the elephant in the room during our debates on this Bill and relates to the rights of the British public and of future British citizens around freedom of movement. Freedom of movement has been banded about as the reason why many people voted for us to leave the European Union. It is a key pillar of the single market—I will be supporting amendment 124 this evening because the single market represents the best deal for all our constituents—but we must address the question what we mean by freedom of movement.

We know that freedom of movement is a right worth fighting for. It means that kids in our communities can work for companies that have bases in Berlin or Rome, and they can be sent there without any hesitation. It means that if someone falls in love with their French exchange partner, they can move to Paris with them or the exchange can come and live here. It means that someone can be one of 4 million students every year who spend a year in another European country benefiting from that kind of education. These are freedoms that our communities are likely to need more options to access in the future, not less. It also means that people have come to our country and helped our NHS. They have brought jobs and investment, and, yes, British citizens have fallen in love with them. Their kids have gone to school with our kids. They are our neighbours, our friends and our family.

All that is now at risk. Whether we voted leave or remain, whether we think the referendum was about freedom of movement or leaving the single market, we should support the idea that Parliament, not Ministers, should make or rewrite decisions if Ministers do not like the outcome of our discussions. It is clear that the failure of the previous Prime Minister to reform freedom of movement does not mean that we should give up these rights without asking about those changes, and that is what amendment 332 would give us as a Parliament the power to do. It would stop clause 7 being used to make that a decision made by means of a statutory instrument.

8.30 pm

It is clear that many different decisions could be made—on whether rules could be put in place to require someone to have a previous job offer before coming to the UK, on whether we could apply an emergency brake, to learn from the Swiss; on whether we could recognise that many of the problems in our labour market are down not to freedom of movement but to exploitative labour practices, and that ending freedom of movement will only make that worse, making migrant workers even more of a target; or on whether training UK citizens to be able to compete in the modern world, rather than blaming immigrants for being better qualified, will give us a better future. The benefits that have come from immigration are worthy of our protection, too, rather than being written out by Ministers behind closed doors.

Amendment 332 is not just about freedom of movement; it is also about refugee rights that we have already heard the Minister say he cannot guarantee. I spent the weekend in Calais talking to people living in the mud, and I do not feel proud that our Government refused to make that guarantee. They are negating on the Dublin regulations, which is why I support new clause 53, and I wish we could push it to a vote. We cannot keep kicking the Dubs children and that is how they will treat refugees and our EU citizen neighbours and friends if they can get away with it. That is why clause 7 needs to be amended—to make sure that decisions about anyone’s future come to the House rather than to back offices in statutory instruments.

The debates today about equalities and the environment all reflect decisions about the future of our communities and about the single market. We cannot keep fudging them. We cannot keep kicking the can down the road. We need to give the British people some certainty and clarity about how decisions will be made.

Henry VIII himself argued: “It certainly strikes the beholder with astonishment, to perceive what vast difficulties can be overcome by the pigmy arms of little mortal man, aided by science and directed by superior skill.” Let me honest with the Ministers—I do not believe that the pigmy arms of little mortal men and women can be this sifting committee. It is like a turkey voting for Christmas to be held twice a year. This is no resolution to the problems of this Bill. We cannot even force the Government to bring an issue to the House if we believe that they should. Clause 7 stops us rising to the challenge that the Minister set—to overcome these difficulties on behalf of our constituents, no matter how complicated or sensitive the issue might be. I hope that Ministers will not hide behind Henry VIII powers but embrace his call for inquiry and scrutiny, because then this place at its best really can take back control.

The Temporary Chair (David Hanson): Order. If hon. Members do not keep to five minutes now, we will not get every Member in to contribute to the debate.
Vicky Ford (Chelmsford) (Con): It is a great honour to follow the wonderful women from Wealden and Walthamstow in their different speeches this evening. This is not a debate to re-argue the referendum debates—they happened last year. This is the time to look forward, not to think about what we have left behind but to think about how we forge new relationships not only with the EU but with its single market and with other parts of the world.

One of the reasons why the Bill and tonight’s discussion is so important is that it is about the way we as legislators intend to act. The rest of the world is watching us, and if we want to have deep, close co-operative relationships with other parts of the world, it is up to us to act in a predictable manner, to be honest and transparent. I am proud that as a Conservative during my time in Brussels I helped the Conservative-led Governments champion the better regulation agenda, which I have mentioned before. It is an agenda that says, “Before you make any changes to law, you consult those who will be affected and you consider the impacts, and you don’t make decisions behind closed doors.” That is why I added my name to amendment 3, as so many different pieces of European legislation would be affected.

The Library mentioned three of those, with one being fisheries, mesh size and fishing nets. Everybody who has been watching “Blue Planet” knows how important protecting our sea is. I am glad that the Library said it would be relatively straightforward to bring that piece of legislation directly into British law. It also talked about the open internet access law, which is fundamental to freedom of speech in a digital age; it deals with whether or not someone’s internet provider can block or throttle content from others. That piece of law will need a number of policy decisions to be made when it is brought from European law into British law.

The Library also mentions the bank capital requirements, which is really boring law—it was five years of my life. It is deeply detailed but really important to our major financial services legislation and will involve policy decisions. So we need to make sure those policy decisions are made in an open and transparent way.

I am very glad that, thanks to the leadership of my hon. Friend the Member for Broxbourne (Mr Walker), the new sifting process has been put in place, not only under amendment 3, but under amendment 393, which the Government now support. I am also pleased that overnight last night they announced they would support a new European scrutiny instruments committee, which will scrutinise the various changes that need to be made to our law in this transposition and bring in expert guidance. We need the expertise of the Treasury Committee to look at changes to banking law and of the Environmental Audit Committee to look at changes to environmental law, because only in that way will we ensure that these details are properly addressed.

Clause 7 is complicated. It says that the Government will only be allowed to deal with “deficiencies”, but the Bill contains no definition of them. We have heard Ministers tonight say that they will look again at this issue of deficiencies and whether they can give more clarity on that. Where a significant policy decision is being made that affects real stakeholders in the real world, we should have affirmative decisions.

There are also confusing powers in the Standing Order on what powers the statutory instrument committee will have. It says that the committee can turn a negative into an affirmative procedure only where a provision is of the type specified in paragraphs 1(2), 5(2) or 6(2) of schedule 7 of the law. When we read those paragraphs, we see that they are actually very limited. So that committee will need to think very hard about the principles of transparency that it wants to engage in, because it is in all our interests to make sure that when we move on to these new agreements—this new legislation—we give certainty not only to those watching us from overseas, but to the many people and businesses that these legal changes could affect.

Vera Hobhouse: I rise to speak in support of amendment 124, tabled by my right hon. Friend the Member for Carshalton and Wallington (Tom Brake), and new clause 27, tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas). I am very pleased that she is here to introduce it later on.

What is the biggest long-term issue facing people here in Britain and across the world? It is not Brexit and it is not the world economy; it is climate change and the environment. For decades, we have thoughtlessly exploited our planet, heated the atmosphere and polluted the earth. The price we pay for continuing as before will be enormous.

As part of the European Union, Britain is making progress to tackle climate change. Together, we have signed up to the Paris agreement. Many European laws and regulations, which are our laws, have been a force for good and have nudged the UK towards better environmental protection and better protection for human health. That was possible through the effective enforcement of those laws by EU agencies and the European Commission. The Bill carries with it the risk that we might scrap the commitments we have shared with the EU to go it alone, or to throw in our lot with America or another country.

I want this country to become the greenest in the world. Before I became an MP, I was closely involved in improving how we dealt with our household and commercial waste following the EU landfill directive. Landfill produces a potent greenhouse gas, methane, and diverting landfill waste through recycling, composting and waste reduction is the only way to stop this greenhouse gas getting into the atmosphere. The UK is still one of the worst recyclers in the developed world, according to figures released the other day.

We have a long way to go and would not have gone as far as we have without the EU pushing us in the right direction and the effective enforcement of the European enforcement agencies and the Commission. We have talked for a while today about how the UK has been a leader on particular EU legislation. That is the beauty of the EU: in some areas, we are leaders; in other areas, such as air pollution, other countries have been leaders. Together, we have produced a body of legislation that makes things better for us all. Another example of good EU legislation is how our beaches have been cleaned up following EU directives. British beaches are now 99% clean and safe—that is what the EU has done. Without it, we would have shared with the EU to go it alone, or to throw in our lot with America or another country.

The environment is owned by everybody. It is not a person or legal entity that can complain. Private ownership in a deregulated world does not protect the environment. That is why the legal principles that underpin the EU, as well as powerful and independent enforcement bodies, are so essential.

Frankly, I am not reassured by Ministers. The recent Brexit impact assessment debacle or the war of words over regulatory alignment or divergence are prime examples
of why we should not be bamboozled by fine words, but keep a watchful, eagle eye on the Government’s every move. The draft animal welfare Bill that has been produced in a panic is not at all reassuring, but rather an example of how all the Government can do in the face of Brexit is to firefight. Indeed, the biggest problem for me is that Brexit has to happen in such an enormous rush, and that there is apparently the need to undo in a few short months the laws, regulations, enforcement, co-operation and partnerships that have evolved over 40 years.

The protection of the environment depends on cross-border co-operation. The environment is not a game of politics. It is the one thing that can either guarantee or endanger our own survival. The next best thing to staying in the EU would be to stay in the single market and the customs union. That alone would protect the high standards for the environment, health, safe employment, consumer protection and animal rights, and the oversight and enforcement of those standards by independent agencies. That is why everybody in the House should support amendment 124, tabled by my right hon. Friend the Member for Cashelton and Wellington, which would ensure that the Bill’s provisions would not undermine EU regulations and their enforcement during the transition period, while we are still operating in the single market.

At the very least, we should set up independent regulatory bodies that are effective and have enough teeth to hold powerful organisations, global companies, industries and individuals to account, and new clause 27 would allow that to happen. Of course, it would be great if we could count on everybody to do the right thing, but experience tells us otherwise. Environmental crimes continue unfettered where there are not powerful laws and powerful enforcement agencies.

Would it not be a tragedy if Brexit meant that we aligned ourselves with Trump’s America, pulling out of the Paris climate change agreement, expanding our fossil fuel industry, undermining our renewable energy industry, trampling over environmental protection laws and sitting idly by as the planet warmed up? Climate change is not “Project Fear”; it is the worrying and brutal reality. I started by saying that climate change is the biggest challenge of our age—bigger than Brexit. What a tragedy it will be if the environment and vital action to tackle climate change are the biggest victims of Brexit.

**Alex Sobel** (Leeds North West) (Lab/Co-op): Today’s sitting has considered many important amendments on issues that I have long supported. New clause 27 in the name of the hon. Member for Brighton, Pavilion (Caroline Lucas) and amendment 96 in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy) would ensure that we do not fall into a regulatory black hole when it comes to environmental protection. The Secretary of State’s appearance before the Environmental Audit Committee, on which I sit, did not assuage any of our fears in that regard. New clause 53 in the name of the hon. Member for East Worthing and Shoreham (Tim Loughton) focuses on our obligations under Dublin III to help to reunite children and families who have been separated by war or persecution. I support those amendments and hope that they will be pressed to a vote. They are just three of a legion of amendments that show the true cross-party nature of the concerns about this Bill.

8.45 pm

However, my main focus is the Government’s belief that they are authorised to create and exercise a huge range of new delegated powers, which is one of the most concerning consequences of the vote to leave the EU. The House of Lords and leading members of the legal profession have issued multiple warnings that the powers conferred under clauses 7, 8 and 9 are unprecedented, unarticulated and, in principle, unlimited.

In its interim report, the Lords Constitution Committee issued a stark warning that there was a threat that this Bill “fundamentally challenges the constitutional balance between Parliament and Government” and would represent an unacceptable transfer of competences to the Executive. I fully appreciate that we must deal with legislating our withdrawal from the EU quickly and robustly. However, lingering uncertainty, ambiguity and inconsistencies can be just as dangerous and damaging to the rule of law and public and business confidence as swift but reckless action.

However, during the referendum, the leave campaign invested a lot of political energy in animating a public conversation about the value of parliamentary sovereignty. In my view, the term “parliamentary sovereignty” functioned throughout the campaign as a cipher through which general anxieties about the accountability of Government were expressed. In a technical sense, of course, advocating parliamentary sovereignty does not automatically place one on one side of a debate concerning the powers of the legislature versus the Executive.

The legislature, the Executive and the authority of the Crown come together to constitute our parliamentary sovereignty. None the less, a major factor in the country’s collective decision to leave the EU was the perception that the interests of the British public were not well served in our relationship with Europe. That was presented as an issue of high principle; we were “taking back control”.

None of the huge volumes of evidence of the EU’s contribution to the UK’s collective welfare came close to challenging this central tenet of the leave campaign’s argument for Brexit, but this is where the sweeping and seemingly all-encompassing powers conferred on the Executive by this Bill begin to look politically suspect. The need to govern a large and complex society makes delegated powers necessary. Policies approved in outline require fine-tuning in their administration. Even the best-laid plans struggle to survive a confrontation with reality, which the Prime Minister came to realise last week in concluding the first stage of the EU exit process.

However, delegated powers have slowly drifted into areas of principle and policy into which they were never meant to stray. Recently, these powers have been used to authorise fracking in national parks and to abolish maintenance grants. These were both matters of principle and “politics proper”; they were not technical details or matters to be worked through in administration.

It should not need to be said, but there are very good reasons why we distinguish the powers and responsibilities of Government. Not everything is a question of efficiency or expediency. The dangers of concentrated powers are well understood. The business of this House is deliberation—it is uniquely suited to that task. The business of the Executive is action. When the power to
The express purpose of this Bill is saving and incorporating EU law as it stands on withdrawal day, but this purpose would be undermined considerably if parts of that EU law were allowed to take action or design, simply to foster away uncorrected and therefore unable to operate effectively. It is for those reasons that a number of amendments have been tabled positively requiring action to be taken, including new clauses 62 and 63 on environmental law, amendment 131 on the rights of EU citizens and amendment 385 on European protection orders. I will focus on a similar example—new clause 53.

New clause 53 would require changes to the immigration rules to retain the effectiveness of the Dublin regulation. Dublin III is far from a perfect set of rules, but it has the welcome goal of ensuring that an asylum claim is determined in the most appropriate EU member state. Its most positive feature is the ability for a person who has made a claim in one member state to seek to have that claim transferred and determined by another member state—for example, where a young asylum seeker has a sibling, aunt or uncle in that country. For all the flaws of the Dublin regulation, those provisions are surely worth saving, regardless of how negotiations proceed.

Even though the rules are retained by the Bill in theory, Dublin III would clearly struggle to operate effectively unless corrected under clause 7. To prevent that, new clause 53 is designed to ensure that those powers are used so that “take charge” requests can continue to be made in the UK. Going further, for one limited and vulnerable group, the new clause seeks to bring the definition of family contained in UK family reunion rules in line with the definition of family in the Dublin regulations. It would mean that an unaccompanied child could seek family reunion with a broader group of family members without needing to make dangerous journeys to Europe in order to claim asylum and make a Dublin request. Currently—with the exception of when joining parents—alternative options for unaccompanied asylum-seeking children under the immigration rules are too restrictive and costly. As a result, they are rarely used. As UNICEF makes clear, a failure to take action for example, by a citizen seeking to establish rights could make this part of the Bill a little bit more palatable.

I turn finally to a more general question. For every amendment or new clause that we are debating today requiring that retained and incorporated EU law in a particular area must be corrected using these powers, there will be large swathes of other EU laws where there is no such requirement. The question that occurs to me is: what happens if, by oversight or choice, the Government do not fix those provisions, rendering key measures useless? What are our courts going to do if confronted, for example, by a citizen seeking to establish rights under retained EU law when that retained law is riddled with deficiencies? Is the court supposed to try to make that work? Does the person lose their ability to exercise that right? I do not think that this issue has been touched on in the debate. In short, I wonder whether we still have work to do to find the appropriate and comprehensive solution in this Bill, which could be required to interpret retained EU laws in such a way

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Thank you, Mr Hanson, for the opportunity to join hon. Members in their criticism of the extraordinary breadth of the Henry VIII powers contained in this Bill and the inadequacy of existing scrutiny procedures for dealing with them. I welcome the host of amendments that have been tabled by hon. Members to help remedy these concerns.

The right hon. and learned Member for Beaconsfield (Mr Grieve) helpfully identified that there are two different types of amendments that seek to improve the situation. One group seeks to limit the scope of the powers so that they are used only in appropriate circumstances and only for the specific purpose of correcting tightly defined deficiencies. A second group of amendments seeks to enhance our ability to scrutinise the statutory instruments that Ministers will make using these powers. All those ideas are welcome. If several of them were passed this evening, they could make this part of the Bill a little bit more palatable.

I will focus on a third type of amendment that throws up a different issue in relation to clause 7—an issue for which I am not sure we have found the perfect remedy. Rather than limiting the use of Henry VIII powers or strengthening oversight of them, this group of amendments would require that the Government take action to ensure that certain important provisions of EU law can operate effectively after withdrawal. After all, clause 7 expressly anticipates—in fact, the whole thing is premised on the fact—that there will be chunks of retained EU law that will not operate effectively if deficiencies are not prevented, remedied or mitigated.

The express purpose of this Bill is saving and incorporating EU law as it stands on withdrawal day, but this purpose would be undermined considerably if parts of that EU law were allowed to take action or design, simply to foster away uncorrected and therefore unable to operate effectively. It is for those reasons that a number of amendments have been tabled positively requiring action to be taken, including new clauses 62 and 63 on environmental law, amendment 131 on the rights of EU citizens and amendment 385 on European protection orders. I will focus on a similar example—new clause 53.

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Even though the rules are retained by the Bill in theory, Dublin III would clearly struggle to operate effectively unless corrected under clause 7. To prevent that, new clause 53 is designed to ensure that those powers are used so that “take charge” requests can continue to be made in the UK. Going further, for one limited and vulnerable group, the new clause seeks to bring the definition of family contained in UK family reunion rules in line with the definition of family in the Dublin regulations. It would mean that an unaccompanied child could seek family reunion with a broader group of family members without needing to make dangerous journeys to Europe in order to claim asylum and make a Dublin request. Currently—with the exception of when joining parents—alternative options for unaccompanied asylum-seeking children under the immigration rules are too restrictive and costly. As a result, they are rarely used. As UNICEF makes clear, a failure to take action for example, by a citizen seeking to establish rights could make this part of the Bill a little bit more palatable.

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as to make them operate effectively wherever possible? Should there be a procedure to allow courts to flag up rules they have found cannot operate effectively? More modestly perhaps, do we simply need to require the Government to publish a list of all the deficiencies they have found in retained EU law and to detail what, if any, action they are taking to remedy them? That is, do we require the Government to list not only the statutory instruments they intend to table under clause 7, but what deficiencies they have identified that they are not going to rectify in that way? I am concerned that, without such changes, Parliament’s intention of retaining EU law and an efficient and effective statute book after exit day may not prove as effective as we would wish.

Caroline Lucas: I rise to speak to the provisions in my name, and particularly to new clause 27, which I hope to press to a vote later this evening. I apologise to Members for being absent from the debate for a couple of hours while I was in a Committee.

New clause 27 aims to preserve the high level of environmental protection that comes with membership of the EU. As we have discussed tonight, there is a very real risk that Brexit will create a big gap when it comes to the enforcement, in particular, of environmental law and standards in this country. The European Commission’s monitoring of member states’ action to implement and comply with EU law, backed up by the European Court of Justice’s ability to impose effective financial sanctions, have been an absolutely vital driver in pressing for and delivering environmental improvements in the UK. The example of clean air in London is just one case study that makes that point. In the absence of an effective domestic enforcement regime replicating the vital roles and functions currently performed by the Commission and the ECJ, it is difficult to see how the Government can deliver on their manifesto pledge to leave the environment in a better state than they found it.

On day 2 of the Committee, on 15 November, we had a good debate on the case for fully transposing the EU environmental principles into UK law. The debate was ultimately fruitless in terms of amending the Bill, but we heard a great deal from both sides of the Chamber about the importance of the EU environmental principles to the future protection of the environment in this country.

Perhaps most significantly, environmentalists such as myself were encouraged by a rather remarkable double act, with nods and comedic timing, of the right hon. Gentleman. Member for West Dorset (Sir Oliver Letwin) and the Secretary of State for Environment, Food and Rural Affairs. From that, we learned a little more about the Secretary of State’s plan, first announced on 12 November, to consult on a new independent statutory body to “advise and challenge government and potentially other public bodies on environmental legislation...stepping in when needed to hold these bodies to account and enforce standards.”

More to the point, we were led to believe that the Secretary of State now intends to introduce an environmental protection Bill to establish an environmental protection body with prosecutorial powers and independence from Government that is charged with policing and enforcing a national policy statement incorporating the EU environmental principles.

That amounts to a welcome recognition on the part of the Secretary of State of the risk of an ever-widening governance gap on environmental protection after the UK leaves the EU if there is not a domestic enforcement regime. Taken at face value, it also seems to be an acknowledgment that the new environmental protection body must be absolutely independent of Government, must be prosecutorial and investigatory so that it can hold the Government and other public bodies to account, including through the courts if necessary; and must be robust and durable so that it cannot easily be abolished or have its functions eroded by stealth.

However, what we still do not know is whether this is a concrete plan that will soon be put into practice so as to ensure the protection of environmental standards in the UK from March 2019, or something that the Secretary of State alone ruminates about while in the bath.

Sir Oliver Letwin rose—

Caroline Lucas: I am sorry—I love having discussions with the right hon. Gentleman, but I am aware that other people want to speak.

I will come straight to the point. My case is that the right hon. Gentleman wants me to have enough faith in the Secretary of State and in the capacity of this Government to get through a whole new piece of legislation in time. The crux of this debate is whether the rest of the House is prepared to go along with the confidence the right hon. Gentleman demonstrates, or whether we want to have a belt-and-braces approach.

The right hon. Gentleman said earlier that the idea of putting something in the Bill was inelegant. It may well be inelegant, but it is also a belt-and-braces way of making sure that, come the day we leave the EU—if indeed we do—we have all this legislation in an enforceable form on our statute book. If the Government are already saying, “Of course we’re going to do it—why worry?” why would they be so afraid of putting this into the Bill too? I appreciate that it is not elegant, but I would rather be inelegant and effective than elegant and ineffective.

That is why I want to press new clause 27 to a vote. It is a belt-and-braces way of ensuring with absolute certainty that when EU laws are brought into UK law they are properly enforceable and can be properly implemented. I had more to say, but to be fair to others, I will end now.

9 pm

Stephen Kinnock: I rise to speak to new clause 37, tabled in my name and the names of many hon. Friends.

Before I turn specifically to the detail of the new clause, I would like to summarise the powers and functions of regulatory institutions. In essence, they are: monitoring and measuring compliance with legal requirements; reviewing and reporting on compliance with legal requirements; enforcing legal requirements; setting standards or targets; co-ordinating action; and publicising information.

Thus we see that regulatory institutions and agencies play an absolutely central role in the proper functioning of our economy and, indeed, of our broader society. They are, as it were, the traffic lights that keep the traffic flowing around our economy, and the shields that protect our fundamental rights and freedoms.

I turn my attention to the impact that Brexit will have on the vital role that EU agencies currently play. We all know that the transition phase will, in essence, be a
carbon copy of the status quo minus our representation in the EU institutions. The problem is that when we leave the EU on 29 March 2019, we will become a third country, and we will be leaving the 52 agencies that currently carry out the tasks and functions that I listed. According to research commissioned by the House of Commons Library, 16 of those 52 agencies have no provision whatever for third country participation and a further 12 allow only for observer or a vague co-operation status. That means that 28 out of the 52 EU agencies have no provision for third country participation. We are therefore facing, at the time of leaving, a yawning and very dangerous governance gap.

The purpose of my new clause is to force the Government to commit to institutional parity, meaning that all powers and functions currently relating to any freedom, right or protection that was exercised by EU agencies should continue to be carried out by an EU agency, be carried out by an appropriate existing or newly established entity or be carried out by an appropriate international entity.

Without UK institutions to take on the job of EU agencies, we will see fundamental rights, protections and regulations being removed by the back door having been rendered unenforceable. This Bill will then not be worth the paper it is written on unless it is backed up by regulatory agencies. The risks are daunting. How will we reassure businesses that wish to invest in our country that our food hygiene standards are up to international regulatory regime? How will we reassure consumers that our food hygiene standards are up to international standards? How will we reassure people that our nuclear safety, chemicals or medicines are up to international or be carried out by an appropriate international entity.

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**Chris Stephens:** I wish to speak in favour of amendment 73, which was spoken to by my hon. Friend the Member for Edinburgh East (Tommy Sheppard). The amendment asks that workers’ rights be agreed by the Joint Ministerial Committee and seeks to clarify the role of the committee in this regard. There are three reasons why that should be done. First, there is divergence. Employment law is totally devolved to Northern Ireland; it is partially devolved to Wales, where the Welsh Assembly took the decision—rightly, my view—to amend the worst aspects of the anti-Trade Union Act; but, for reasons beyond my understanding, employment law is not yet devolved to Scotland. Secondly, there is a real concern about the impact on women workers, who would be very vulnerable to roll-back given the history of delivery on these measures, especially as most have been informed by EU directives and law. Thirdly, of course, there is a trust issue. Who would trust a Conservative Government on their commitments to workers’ rights?

The amendment is designed to explore the extent of the Government’s respect for the Joint Ministerial Committee’s role, and the extent to which they intend to use their powers. Either they respect joint working and consultation to achieve the best solutions in a post-Brexit world—in that case, the amendment should pose no challenges—or there is an agenda of bypassing the devolved Administrations at every turn, and shifting power and decision making back to Westminster.

The Henry VIII powers are a constitutional affront, given the secretive nature of their use. Ministers could use them to bypass Parliament, the judiciary and the devolved Administrations, or quietly to reshape the law without scrutiny. When it comes to employment law, I contend that the Government might wish discreetly to reverse particular Supreme Court decisions on, for example, the civil service compensation scheme, workplace consultations and industrial tribunal fees. In the Unison case, the Supreme Court held that the fees order was unlawful as a matter of not only domestic law, but EU law. Given all the cases in which the Government of the day have suffered a reversal of a decision to which they held so strongly that they were prepared to go to the Supreme Court, and in which EU law formed part of the judgment against them, it is not fanciful to think that they might want revisit the issues, especially when it comes to employment law and workers’ rights.

When Brexit fails to deliver the promised economic bonanza, it is logical to assume that a free market, anti-worker party will look to erode workers’ rights to boost profits. I commend to the Committee the TUC paper “Women workers’ rights and the risks of Brexit”. It outlines clearly and in detail the specific threat that Brexit poses to women workers. Legislation and protections have evolved under the protection of EU law, so we are right to be concerned that removing that umbrella will mean that there are stormy days ahead for women workers.

It is not so much that the rights concerning equal pay, maternity and sex discrimination will disappear overnight, but I share the concerns that hard-fought rights will be eroded, particularly if that can be done under the cover of statutory instrument and ministerial diktat. We saw that with the anti-Trade Union Act 2016—not just in the attitudes of Conservative Members in the Chamber, but in the approach to delegated legislation.

**Stephen Doughty:** The point that the hon. Gentleman makes is absolutely right. Is it not also the case that the Government have tried to undermine the Welsh Government’s efforts to protect trade unions by trying to strike down parts of that Act?

**Chris Stephens:** I thank the hon. Gentleman for making that point for me. He is absolutely correct that that is what the Government are trying to do. Statements have been made in the House of Lords, including by the former chair of the European Conservatives and Reformists group in the European Parliament, who has previously called for the scrapping of “the working time directive, the agency workers’ directive, the pregnant workers’ directive and all the other barriers to actually employing people.”

That was said by Lord Callanan, now a Minister of State at the Department for Exiting the European Union—and the Conservatives ask us to trust them on workers’ rights! I would not trust them enough to send them out to the Parliaments of the devolved Administrations, or quietly to reshape the law.

**Mr Leslie:** This has been a very important debate. Some may feel that this is a dry issue of constitutional process and ask how it relates to the question of Britain’s role in the rest of the world. However, it is fundamentally
important to recognise Ministers’ land grab in attempting to take very sweeping powers, by order—not simply to transport technical and necessary EU laws into UK law, but potentially to take whole areas of public policy and make changes by regulation with the sweep of a pen.

Anyone who looks at clause 7, the subject of this debate, will see a number of gaping holes that allow Ministers to drive a coach and horses through a whole series of policy areas. They can say that an order is “appropriate”, and that is all they have to prove—they are not “limited” to the areas that are set out.

By the way, the Minister was not even able to describe what the word “appropriate” meant. He was asked to do so in an intervention, and he could not. Ministers have also taken powers, by order, to abolish public services currently undertaken by EU agencies. This is a serious breach of the constitutional principle that Parliament should normally dictate what can be done by the Executive, who are trying to take very many powers.

A lot of amendments have been considered today. I hope that we can vote on amendment 124, because it would make sure that nothing undermines the UK staying aligned with the single market after exit day, which is a very important principle. In her amendment 49, my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) deals with some of the Henry VIII powers. Given that there are so many other amendments and I know hon. Members want to prioritise theirs, I beg to ask leave to withdraw my new clause 18.

Clause, by leave, withdrawn.

New Clause 63
ENVIRONMENTAL STANDARDS AND PROTECTIONS: ENFORCEMENT

(1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to environmental standards and protections that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day and which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom.

(2) For the purposes of this section, relevant powers and functions include, but are not limited to—

(a) reviewing and reporting on the implementation of environmental standards in practice,
(b) monitoring and measuring compliance with legal requirements,
(c) publicising information including regarding compliance with environmental standards,
(d) facilitating the submission of complaints from persons with regard to possible infringements of legal requirements, and
(e) enforcing legal commitments.

(3) For the purposes of this section, relevant powers and functions carried out by an appropriate existing or newly established entity or public authority in the United Kingdom on any day after exit day must be at least equivalent to all those exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement.

(4) Any newly established entity or public authority in the United Kingdom charged with exercising any relevant powers and functions on any day after exit day shall not be established other than by an Act of Parliament.

(5) Before making provision under subsection (1), a Minister of the Crown shall hold a public consultation on—

(a) the precise scope of the relevant powers and functions to be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom, and
(b) the institutional design of any entity or public authority in the United Kingdom to be newly established in order to exercise relevant powers and functions.

(6) A Minister of the Crown may by regulations make time-limited transitional arrangements for the exercise of relevant powers and functions until such time as an appropriate existing or newly established entity or public authority in the United Kingdom is able to carry them out.”—(Matthew Pennycook.)

This new clause would require the Government to establish new domestic governance arrangements following the UK’s exit from the EU for environmental standards and protections, following consultation.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 293, Noes 315.

Division No. 63]

AYES

Abbott, rh Ms Diane
Abbrevams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoni Dissi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Elman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Fovargue, Yvonne

[9.11 pm]
Lewell-Buck, Mrs Emma
Law, Chris
Lavery, Ian
Lammy, Mr David
Lamb, Mr Norman
Laird, Lesley
Kinnock, Stephen
Kinnock, Mrs Emma
Lewell-Buck, Mrs Emma
Lewis, Clive
Lindon, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNamee, Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marston, Gordon
Martin, Sandy
Maskell, Rachel
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarty, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, John
McFadden, Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwarah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Penneycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picon, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Preece, Yvonne
Rachel, Angela
Reed, Mr Steve
Rees, Christina
Rees, Ellie
Rees, Rachel
Reynolds, Jonathan
Rimmer, Mr Alan
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeley, Mr Paul
Swinson, Jo
Tami, Mark

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breereton, Jack
Bridge, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alan
Campbell, Mr Gregory
Cartlidge, James
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Jeff Smith and
Thangam Debbonaire

NOES
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dineage, Caroline
Djanogly, Mr Jonathan
Dockerty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Dolye-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
More than eight hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 7

Dealing with deficiencies arising from withdrawal

Amendment proposed: 49, in page 5, line 7, at end insert—

“(1A) Regulations under subsection (1) may be made so far as necessary to adapt the body of EU law to fit the UK’s domestic legal framework.”—(Yvette Cooper.)
This amendment would place a general provision on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only so far as necessary.

Question put, That the amendment be made.

The House divided: Ayes 295, Noes 312.

Division No. 64

[9.25 pm]

**AYES**

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambs, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Chewd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creagh, Mary
Creasy, Stella
Craddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim

Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dockerty-Hughes, Martin
Dodds, Anneliese
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterton, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flyn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glinond, Mary
Godsilf, rh Roger
Goodman, Helen
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Liilan
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healy, rh John
Hendrick, Mr Mark
Hendry, Drew

Hepburn, Mr Stephen
Heron, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollem, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhan
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Means, Ian
Miliband, rh Edward
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, rh Nicky
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Harra, Brendan
Onasanya, Fiona
Oon, Melanie
Onwrurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewlis, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine

Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Stephen Doughty and Patrick Grady

NOES

Adams, Nigel
Afrozi, Bim
Afridi, Adam
Aldous, Peter
Allen, Heidi
Argar, Edward
Atkins, Victoria
Baker, rh Alistair
Barnes, Stephen
Barron, Mr John
Barrow, Andrew
Brake, Ben
Bradley, rh Karen
Brady, rh Graham
Brecon, Jack
Bridgen, Andrew
Brine, Mr Peter
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alan
Campbell, Mr Gregory
Carlingt, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, rh Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleland, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Diana
Costa, Alberto
Courts, Robert

Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinske, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, rh Alister
James, Margaret
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, rh Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, rh Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knights, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Leffroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David

Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Merrion, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priy
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Perd, Andrew
Perry, Clare
Philp, Chris
Pincher, Christopher
Powe, Rebecca
Prett, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quinn, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Question accordingly negatived.

Amendment proposed: 124, page 6, line 10, at end—
“(ca) weaken, remove or replace any requirement of law in effect in the United Kingdom place immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the single market.” —[Tom Brake.] This amendment is intended to prevent the regulation-making powers being used to create barriers to the UK’s continued membership of the single market.

The Committee divided: Ayes 93, Noes 215.

Division No. 65] [9.38 pm

AYES

Alexander, Heidi
Ali, Rushanara
Bailey, Mr Adrian
Bardell, Hannah
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Bradshaw, rh Mr Ben
Brake, rh Tom
Brock, Deidre
Brown, Alan
Buck, Ms Karen
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Chapman, Douglas
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coffey, Ann
Cowen, Ronnie
Coyle, Neil

Creagh, Mary
Creasy, Stella
Davey, rh Sir Edward
Davies, Geraint
Day, Martyn
Docherty-Hughes, Martin
Ellman, Mrs Louise
Farrelly, Paul
Farron, Tim
Flynn, Paul
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Grogan, John
Hayes, Helen
Hendry, Drew
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hosie, Stewart
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Jones, Susan Elan
Kendall, Liz
Kyle, Peter
Lake, Ben
Lammy, rh Mr David
Law, Chris
Leslie, Mr Chris
Linden, David
Lloyd, Stephen
Lucas, Caroline
MacNeil, Angus Brendan
Mc Nally, John
McCarthy, Kerry
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
Monaghan, Carol
Morgan, Layla
Murray, Ian

ADAMS, Nigel
Afolami, Bim
Afrinje, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Berretton, Jack
Bridgen, Andrew
Brine, Steve
Brooke, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cardiff, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehan

In the Noes:

Adams, Nigel
Afolami, Bim
Afrinje, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Argar, Edward
Atkins, Victoria
Bacon, Dr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Berretton, Jack
Bridgen, Andrew
Brine, Steve
Brooke, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cardiff, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehan

Newlands, Gavin
O’Hara, Brendan
Owen, Albert
Saville Roberts, Liz
Sheeran, Mr Barry
Sheppard, Tommy
Shuker, Mr Gavin
Slaughter, Andy
Smith, Angela
Soubry, rh Anna
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Swinson, Jo
Thewliss, Alison
Thomas, Gareth
Umunna, Chuka
West, Catherine
Whitford, Dr Philippa
Williams, Hywel
Wishart, Pete
Zeichner, Daniel

Tellers for the Ayes:

Mr Alistair Carmichael and
Norman Lamb

NOES

Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverley, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Dovey-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Question accordingly negatived.

Amendment proposed: 158, page 6, line 13, after “it”, insert—

“(i) modify the Scotland Act 1998 or the Government of Wales Act 2006,” —(Stephen Doughty.)

This amendment would prevent the powers of a Minister of the Crown under Clause 7 of the Bill to fix problems in retained EU law from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.

Question put, That the amendment be made.

The Committee divided: Ayes 291, Noes 315.

Division No. 66

AYES

Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Beck, Mr Nick
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben

Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swarne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohill, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whatley, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Stuart Andrew and
Andrew Stephenson
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Chew, rh Ann
Cocher, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Prent, Kaur
Glinion, Mary
Godsiff, Mr Roger
Goodman, Helen
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayden, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollem, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Alzaf
Kilson, Eleri
Kinnoch, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Norman
Laverty, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorin, Anna
Mears, Ian
Milliband, rh Edward
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodd, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spee, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Tew, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Heidi Alexander and Patrick Grady

NOES
Aldous, Peter
Allan, Lucy
Allen, Heidi
Question accordingly negatived.

Amendment proposed: 25, in clause 7, page 6, line 18, at end insert—

“(g) remove or reduce any protections currently conferred upon individuals, groups or the natural environment, prevent any person from exercising a right that they can currently exercise, amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

—(Matthew Pennycook.)

This amendment would prevent the Government’s using delegated powers under Clause 7 to reduce rights or protections.

Question put, That the amendment be made.

The Committee divided: Ayes 292, Noes 314.

Division No. 67  

<table>
<thead>
<tr>
<th>AYES</th>
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<tbody>
<tr>
<td>Abbott, rh Ms Diane</td>
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<tr>
<td>Abrahams, Debbie</td>
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<td>Alexander, Heidi</td>
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<td>Ali, Rushanara</td>
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<td>Allin-Khan, Dr Rosena</td>
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<td>Amesbury, Mike</td>
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<td>Antoniozzi, Tonia</td>
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<td>Ashworth, Jonathan</td>
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<td>Powers under Clause 7 to reduce rights or protections. This amendment would prevent the Government’s using delegated subordinate legislation made under that Act.”—(Matthew Pennycook.) This amendment would prevent the Government’s using delegated powers under Clause 7 to reduce rights or protections. Question put, That the amendment be made. The Committee divided: Ayes 292, Noes 314. Division No. 67</td>
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</tbody>
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Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Nick
Smith, Owen
Smith, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris

Stevens, Jo
Stone, Jamie
Streetering, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Tiggw, Derek
Tiggw, Stephen
Tweat, Liz
Urmanu, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammed
Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and Jeff Smith

Adams, Nigel
Aforsli, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Ariga, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellinger, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breerston, Jack
Bridger, Andrew
Brine, Steve
Brokenshie, rh James
Bruce, Fiona

Djungly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dogres, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evannet, rh David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fsyah, Mr Marcus
Gale, Sir Roger
Garner, Mark
Gauke, rh Mr David
Ghani, Ms Nazrak
Gibb, rh Nick
Gillian, rh Mrs Cheryl
Givran, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollebome, Mr Philip
Holloway, Adam
Howell, John
Huddeison, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadson, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky

NOES
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehan
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline

Henderson, Gordon

Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollebome, Mr Philip
Holloway, Adam
Howell, John
Huddeison, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadson, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Powe, Rebecca
Pursey, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoine
Scully, Paul
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Selous, Andrew
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Shapps, rh Grant
Sharma, Alok
Shellbrooke, Alec
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Simpson, rh Mr Keith
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Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
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Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittingdale, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Andrew Stephenson and Stuart Andrew

Question accordingly negatived.

10.15 pm
Clause 7 ordered to stand part of the Bill.
The occupant of the Chair left the Chair to report progress and ask leave to sit again (Programme Order, 11 September).
The Deputy Speaker resumed the Chair.
Progress reported; Committee to sit again tomorrow.

Business without Debate

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

Motion made, and Question put forthwith (Standing Order No. 118(6) and Order of 6 December),
That an humble address be presented to Her Majesty, praying that Her Majesty will appoint Mr William Lifford to the office of ordinary member of the Independent Parliamentary Standards Authority for a period of five years with effect from 11 January 2018.
—(Chris Heaton-Harris.)
Question agreed to.

PETITION

Oundle Library

10.16 pm

Tom Pursglove (Corby) (Con): I rise to present this petition regarding the future of Oundle library on behalf of the people of Oundle and the surrounding area who rely on this vital facility that provides a range of important services for the community. The petition declares that the residents of Oundle and the surrounding area want Oundle library to remain open. A similar petition has received 1,474 signatures.

The petition states:
The Petitioners therefore request that the House of Commons urges the Government to compel Northamptonshire County Council to provide adequate funding to allow Oundle Library to remain open. And the Petitioners remain, etc.

[The Petition of residents of Northamptonshire, Declares that Oundle Library should remain open.
And the Petitioners remain, etc.]

[P002090]
Mental Health Provision: Children and Young People

Motion made, and Question proposed. That this House do now adjourn.—(Chris Heaton-Harris.)

10.18 pm

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): It may be quite late in the evening, but I wish to raise some serious issues arising from the publication last Monday of the Government’s Green Paper on children and young people’s mental health provision. I am pleased to see the Minister on the Treasury Bench and look forward to hearing her response shortly. It is a shame that the publication of the Green Paper last week was not accompanied by an oral statement when there is so much to discuss, but it is heartening to see so many Members in the House so late this evening.

After talking to people with lived experience of mental ill health, young campaigners, clinicians and parents over the past few months, I know that there was a huge degree of anticipation and expectation attached to the Green Paper. The issues are well known to hon. Members. Demand for mental health services for young people is increasing. The number of children being admitted to A&E in a mental health crisis is at a record high. Self-harm among young people, especially teenage girls under the age of 17, has increased by 68% over the past three years. Face-down restraint was used more than 2,500 times on people under the age of 18 in mental health units in 2014-15, which is the last year for which records are available. Yet face-down restraint is something that should be—and is expected to have been—phased out.

The money allocated to mental health is not reaching the frontline, and when I and many others called for the cash to be ring-fenced in the Budget, that call went unheeded. I had the opportunity to ask the Minister at the Health Committee to ring-fence the money, and her response was that: “in my experience ring fences ultimately become ceilings.”

I tell her today that young people in my area would certainly take that ceiling.

This financial year, the Young Person’s Advisory Service, the main mental health service for children and teens in Liverpool, has been cut by £757,000—a 43% cut. We have seen a raft of cuts to other key mental health services in my area, including services for young carers and the Liverpool Bereavement Service.

A recent Care Quality Commission report confirmed that young people across the country are waiting up to 18 months to access the treatment they need. Too many are turned away because they do not meet increasingly out-of-reach thresholds. Young people are literally being turned away and told to come back when their condition is more serious.

A local primary teacher emailed me recently and set out the cases of three students under the age of 11 who had been referred by his school to child and adolescent mental health services, including one who had displayed signs of a split personality and one who had harmed the family pet without showing signs of remorse. All three referrals from that primary school were rejected. Over the past two years, 100,000 children have been rejected by services, despite being referred. I ask Members to imagine if we treated cancer the same way.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on bringing such an important issue to the House at this time of the day. Taking into account reports that mental health problems affect one in 10 children and young people and that 70% of children and young people who experience a mental health problem have not had appropriate interventions at a sufficiently early stage, does she agree that it is time not for words but for action that would see the Health Department and the Department for Education working cohesively to address the issue she has put forward?

Luciana Berger: The hon. Gentleman makes a really important point about co-ordination between various Departments to ultimately effect change and support young people across the country, and that is what I and so many others are really looking forward to. However, I am going to set out in the rest of my remarks why I think the opportunity has been missed.

We have seen programmes such as Channel 4’s “Kids in Crisis”, which have brought many of the issues I have set out to a broader audience. That has included the scandal of too many young people having to travel hundreds of miles from their homes to receive treatment and support—and that is if they get in at all.

We know that the younger generation, coming into adulthood, are prone to a range of mental health conditions: depression, anxiety, eating disorders, self-harm, suicidal thoughts, phobias and other challenges. Those destroy confidence, blight education, training and employment opportunities, alienate young people from society, and, in some cases, drive families to tearful despair.

There is a social justice aspect to this too. Children from the poorest fifth of households in our country are four times more likely to have a mental health difficulty than those from the wealthiest fifth. Health inequalities in our country persist as strongly in mental health as in physical health.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Would the hon. Lady agree that, in my vast and far-flung constituency—the second biggest geographically in the UK—what she says about distance is an extraordinarily pertinent and very worrying issue for my constituents?

Luciana Berger: I thank the hon. Gentleman for his intervention. We have heard from many Members on both sides of the House about families having to travel hundreds of miles to access treatment. Just last week, I heard of one young person being sent to Scotland to access in-patient treatment for eating disorders, because there was not a bed available for her in England. In certain parts of the country, it is certainly the case that people have to cross boundaries and to go north and south to access services, in a way that we would not accept if this was for physical health services.

Given this growing and what I can only describe as desperate demand for services for young people, I and many others eagerly awaited the Green Paper. I have read it many times, but it was—and I hate to say this—a disappointment. I believe that Ministers have failed to meet the scale of the challenge. The £300 million outlined for mental health support in schools sounds really impressive—until we read the detail and we realise that Ministers aim to reach just a fifth of schools over the
next six years, with eight out of 10 schools remaining without the extra support until 2029. It really is a drop in the ocean. Ministers intend to roll out services over the next decade as though there was no urgency or imperative for action. I hardly need to point out that this means that most eight-year-olds today will see no benefit from these proposals throughout their entire childhood and adolescence.

Sandy Martin (Ipswich) (Lab): I thank my hon. Friend for bringing this important issue to the House. Does she share my concern about the waiting times between referral for treatment and the start of treatment? Does she agree that much self-harm and, indeed, suicide of young people takes place during that waiting period? Does she believe, as I do, that while four weeks would be an improvement on most of the waiting times that our children and young people have had to face up until now, that maximum wait needs to be upped to until actual treatment and not just until the assessment for treatment?

Luciana Berger: My hon. Friend pre-empts a question that I was going to ask of the Minister, because it is not clear whether the pilot that the Government are going to introduce is based on a four-week waiting time for assessment or a four-week waiting time for treatment. Those two things are very different. In many parts of the country, young people will sometimes have an immediate assessment but then have to wait weeks, if not months, to actually access the treatment that they need.

Alex Chalk (Cheltenham) (Con): The hon. Lady speaks with passion and authority on this subject. As the Member of Parliament for Cheltenham who has witnessed this explosion in adolescent mental health problems, I share her concerns. Does she agree that as well as looking at cure, we need to look at prevention and to understand why this explosion is taking place? The time has come for a really good, authoritative body of work to get under the bonnet of why these problems are arising as they are.

Luciana Berger: I thank the hon. Gentleman from the bottom of my heart for that intervention, because that is the crux of the point that I am seeking to make. I have sought to highlight some of the issues in the Green Paper, and I will highlight a few more, but the greatest problem is what is not in it—namely, what we can do to prevent mental ill health in our young people rather than deal with and treat it when they become mentally unwell. I will come to that in a moment.

The Royal College of Psychiatrists eloquently states what I believe, which is that the Green Paper lacks “a suitable scale of ambition or speed of action.” The royal college reminds us that in the Health Education England mental health workforce plan, which sets out the posts for which the NHS aims to recruit from now until 2021, there are no new consultant psychiatrist posts for children and young people’s community services—none at all. Yet we know that there is a massive shortage of child psychiatrists in our country.

Helen Whately (Faversham and Mid Kent) (Con): I commend the hon. Lady for securing this debate because it is really good to be having a conversation about this
The UK’s most senior family court judge, Sir James Munby, raised her case and warned us that we would have “blood on our hands” if this suicidal and vulnerable young woman did not get the treatment that she needed. But why was his continued intervention needed?

The case of Jack was brought to me this weekend. Jack is eight years old, and he has autistic spectrum disorder. He is in a severe state of anxiety and distress, and he has spent the last eight weeks on a ward in Alder Hey Children’s Hospital. He has had no specialist support from CAMHS and no specialist in-patient bed. He is getting more ill, and his family are, in the words of his mum Kerry, “in complete crisis.”

Just this afternoon, I heard about the case of Martha, who is 15 and has a history of self-harm. She has been admitted to A&E twice after taking an overdose. From a referral in June, Martha is still waiting to see a mental health professional. In the cases that I have described and thousands like them, every day counts, but young people are waiting weeks and months for treatment while their conditions worsen and their families are left distraught.

I do not believe that the Green Paper does anything for young people such as Jack, Martha or Girl X, or for thousands of other young people, whose lives should be filled with optimism and wonder as they look to a future laden with promise. I am concerned that instead, they are going to face years of torment, anguish and pain, made worse by the fact that so much of it is preventable. The majority of adults with diagnosable mental health conditions will have developed them under the age of 18. The life chances of thousands are being blighted. We are leaving a generation in pain; they are being let down because the care is not there.

Ultimately—I agree with the point made by the hon. Member for Cheltenham (Alex Chalk)—what is missing is the proper focus on prevention. How can we prevent mental ill health and keep our children well? We know that the first 1,001 days of a child’s life determine their life chances and life outcome, and that is why the previous Labour Government invested millions in Sure Start and children’s centres. We need to remove the factors that create mental ill health in the first place: neglect, childhood trauma, domestic abuse, bullying, insecure housing and poverty. Unfortunately, the Green Paper does not address those issues. Indeed, the words Sure Start, deprivation, homelessness and inequality do not appear in the Green Paper even once.

We do not need to be economists to understand that it is far more expensive to run a service that is based on crisis than a service that is based on prevention, not just in human terms, but in terms of taxpayers’ cash. What a wasted opportunity. I sincerely hope that the consultation on the Green Paper will be meaningful, that Ministers will listen to the voices of young people and experts across the country who are crying out for change, and that we will see some action.

In conclusion, will the Minister tell the House—I have asked this question, but let me reiterate it—whether the pilot, which I know is only a pilot, will introduce a four-week waiting target for assessment or for treatment? The Green Paper guarantees funding only for the period of the spending review, so what guarantees can the Ministers give us for maintaining funding after the initial three years are up? What will happen then? How will the lucky fifth of schools be selected for the first wave of support? How will her Government address the aim of real parity of esteem between mental and physical health? Reading the Green Paper, it seems to enshrine impparity by supporting only 20% of children over the next six years. Finally, is she convinced that this really is the best her Government can do for the greatest asset that we possess—our young people, who are our nation’s future?

10.35 pm

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): I thank the hon. Member for Liverpool, Wavertree (Luciana Berger) for bringing this debate to the House. As usual, she speaks with clear passion on this subject, and she has very clearly outlined the challenges that we face. We have brought forward this Green Paper exactly because of the sort of examples she has articulated, and we need to do a lot more for our young people.

The Green Paper is centred on the support we are going to give through schools, through which we will achieve earlier intervention. We intend to be treating 70,000 more children and young people by 2021. I appreciate the hon. Lady’s impatience, but we are none the less trying to achieve a step change in the amount of support and care we give to children and young people. We have set out proposals for consultation, and I encourage all Members of the House to get involved in responding to them. I am very heartened that, notwithstanding the late hour and the difficult set of votes we have had, so many Members are in the Chamber, which is an indication of just how important this subject is.

The hon. Lady raised a number of issues that are, indeed, all challenging, and I will pick up on a few of them before I come on to the substance of my remarks. The issue of the workforce is extremely important. She and I have had many exchanges on this, and the reality is that our ambition can be delivered only to the extent that we can achieve an increase in the workforce. We are giving a very clear indication that mental health is our priority—we want to send the very clear message that there is a future career in mental health and to attract people into it; none the less, we have had problems with recruitment and retention for many years, and this will take some time to embed. Through the pilots, which she has described, we want to learn what works, and I hope we can deliver on our ambition to deliver a real change.

The hon. Lady also asked whether we are putting too much of a burden on teachers. I would dispute that: we have found that 61% of teachers want to know how best to support children when they see evidence of mental ill health, and nobody can doubt the real commitment of teachers to the children in their care. Part of what we are proposing in the Green Paper is to give them the tools to do the job, and to give them access to more treatment. This is the first time that schools, the Department of Health and the Department for Education have come together to deliver such a policy, and this is a very important way of achieving earlier intervention to support better outcomes.

The Green Paper seeks to build on the progress that we have already made—from setting up the first ever waiting times for mental health to supporting the recommendations of “Future in Mind” through investing £1.4 billion to bring together all services working with
children and young people to improve mental health services. While we have heard about some of the very considerable concerns raised about services as they stand, the hon. Lady will have heard me say previously that we are in the midst of a huge programme to achieve change for the better.

I want to take a moment to pay tribute to the incredible staff who are rising to this very significant challenge. We are naturally focused on the shortcomings of services, but we need to recognise that many staff work incredibly hard, and their work must not go unacknowledged.

We are in the midst of an improvement. Last year we saw a 20% increase in the amount of money that clinical commissioning groups spent on children and young people’s mental health, rising from £516 million in 2015-16 to £619 million in 2016-17. I recognise the issues that the hon. Lady raised in her area. As she will be aware, they are under review by NHS England through Claire Murdoch’s programme board.

We have heard concerns about money not getting through to the frontline, but we know that the additional £1.4 billion is already making a difference. Amid the huge concerns raised, we have to keep in mind the huge achievements of the NHS, with many more lives changed for the better thanks to its work.

It is also worth acknowledging where we have achieved success with early intervention. We are exceeding the early intervention in psychosis waiting time standard, with 76.7% of patients receiving treatment within two weeks of referral, and we are on track to meet the waiting time element of the eating disorder standard, with 71% of urgent eating disorder patients receiving treatment within one week and 82% of routine eating disorder patient receiving treatment within four weeks.

The hon. Lady mentioned the pilots and the extent of our ambition with regard to the four-week waiting time. The target is to achieve four weeks for access to assessment for specialist services. While she might feel frustrated by that ambition, it is worth recognising that at the moment some children can be waiting for as long as two years, which is clearly unacceptable. We need to assess what works and ensure that any services that are accessed are based on clinical need.

“Future in Mind” brought together experts from across the sector to ensure that services dealing with young people had credible plans to improve services. We also made sure that these included the voices of young people themselves, and we intend to continue our dialogue with young people. Since “Future in Mind”, we have committed to rolling out mental health first aid to every secondary school by 2019, and to all primary schools by the end of this Parliament. We are also investing £15 million, with the help of Public Health England and others, in a public mental health campaign to train 1 million people in mental health awareness. I think we all agree that the earlier the intervention, the better the outcome.

The hon. Lady quite rightly raised the issue of young people having to travel too far for care, which clearly is appalling. NHS England has committed to eliminating inappropriate out-of-area placements by 2020-21, so we are seeing investment in services and beds where there is lack of provision. In particular, we have had a significant increase in provision in the south-west.

Jamie Stone: I appreciate the sincerity of the Minister’s remarks. All that I can say, given my earlier intervention about my vast and remote constituency, is that I would be grateful if she could share her Department’s expertise with the Scottish Government, because the same issues could be tackled in the same way north of the border.

Jackie Doyle-Price: I thank the hon. Gentleman for his intervention. I am pleased to acknowledge that I have a very good dialogue with the Scottish Health Minister. It is fair to say that all four nations can learn from each other when it comes to delivering better health outcomes and sharing best practice.

We know that young people are sometimes still taken to police cells when they are in a mental health crisis. The hon. Member for Liverpool, Walton outlined the very distressing case of the young woman who had been restrained many times. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), and I yesterday announced new police provisions that will finally put an end to this practice. We will ensure that children will always be taken to places of safety. The issue of prone restraint for children really needs to be examined.

The Green Paper will build on these foundations to build a new approach to supporting the mental health of our children and young people. With over £300 million of funding available, we will train a senior designated mental health lead in every school and college to improve prevention work—many schools have already made that commitment—and create brand new mental health support teams working directly with schools and colleges, and we anticipate that they might be working within multi-academy trusts or through local education authorities, and some might be provided through the NHS. Through the pilots we will discover what works, and it will not necessarily be a one-size-fits-all approach.

Luciana Berger: I am conscious of the time and that the Minister will soon conclude her remarks, but I have two points that I would like her to respond to. Does she accept that what she is laying out is essentially replacing much of what has been lost in schools: the number of educational psychologists, peer mentors and counsellors lost from our schools because they do not have the funds to pay for them? I hope in her final remarks she can address prevention, which is a very serious point. What are she and the Government going to do to prevent mental ill health in our young people?

Jackie Doyle-Price: I do not accept the premise of the hon. Lady’s first point. We are trying to build a critical mass that schools will have access to. On prevention, the investment we are making in mental health first aid and training in schools will enable staff in schools to see when people are going through mental ill health issues. The earlier we can put that support in place the better. We are working with the Department for Digital, Culture, Media and Sport on what we can do through social media. We know that online bullying is causing a lot of mental health issues. As I say, this is a Green Paper. We are making money available. We want to see what works and we want to take this forward in a consultative manner. We will respond fully to any points made as a result of that consultation.
Rachael Maskell: What is the Minister going to do to prevent the causes of poor mental health in young people?

Jackie Doyle-Price: The point of the Green Paper is that we are looking to put support mechanisms in place so that children facing mental health issues have access to care. That is very much the focus of today’s debate and the Green Paper.

To conclude, as we are running very short of time, I am grateful to the hon. Member for Liverpool, Wavertree for bringing this subject forward for debate. I am sure it will not be the last time we debate it—in fact, I know for certain that it will not. We are trying to achieve a step change in the support we are giving to children and young people. We know that the situation is far from perfect at the moment, but we fully anticipate that we will meet our ambition in the five year forward view to be treating 70,000 more children by 2021.

Question put and agreed to.

10.46 pm

House adjourned.
House of Commons

Wednesday 13 December 2017

The House met at half-past Eleven o’clock

PRAYERS

[MR SPEAKER in the Chair]

Oral Answers to Questions

WALES

The Secretary of State was asked—

European Union (Withdrawal) Bill: Economy

1. Bambos Charalambous (Enfield, Southgate) (Lab): What discussions he has had with the Secretary of State for Exiting the European Union on the potential effect of the European Union (Withdrawal) Bill on the economy in Wales.

2. Anna McMorrin (Cardiff North) (Lab): What discussions he has had with the Secretary of State for Exiting the European Union on the potential effect of the European Union (Withdrawal) Bill on the economy in Wales. [R]

The Secretary of State for Wales (Alun Cairns): Before I reply to the questions, let me welcome the shadow Secretary of State, the hon. Member for Neath (Christina Rees), back to her position. I wish everyone Nadolig lawen a blwyddyn newydd dda for the coming season.

I hold regular discussions with the Secretary of State for Exiting the European Union and other Cabinet colleagues about our exit from the EU, including on the European Union (Withdrawal) Bill. My right hon. Friend the First Secretary of State and I recently met local government leaders in Wales to discuss the issues that affect them as we leave the European Union.

Bambos Charalambous: In the run-up to the referendum, voters were assured by the leave campaign that Wales would not be one penny worse off as a result of leaving the EU. Will the Secretary of State assure the House that the benefits of EU structural and investment funds in Wales will continue after March 2019?

Alun Cairns: We have already undertaken to honour the commitments made on EU structural funds until we leave the European Union, and we are seeking an implementation period that may well also involve such commitments. We have a manifesto commitment to create a UK shared prosperity fund, and I will ensure that Wales has its fair share.

Anna McMorrin: The fact that this imperialist UK Government have excluded the Welsh Government from Brexit is putting at risk the devolution that has lasted for 20 years. The Welsh Government have always played an integral part in EU negotiations. Will the Secretary of State commit himself to continuing that well-established practice and avoid a constitutional crisis by ensuring that the Welsh Government are directly involved in both Brexit and trade negotiations?

Alun Cairns: I do not accept the tone or the content of what the hon. Lady says. It should be recognised that the European Union (Withdrawal) Bill is largely technical, but we are deeply engaged with the devolved Administrations, particularly the Welsh Government. Only a week or so ago, the First Secretary of State and I met the First Minister, and yesterday we had a meeting of the Joint Ministerial Committee—in which a further ongoing warm relationship was developing—with the aim of securing the right deal that works for every part of the United Kingdom. It is, of course, in my and the Welsh Government’s interest to ensure that Wales is well represented.

13. Bob Blackman (Harrow East) (Con): Will my right hon. Friend confirm that there is good news today about jobs and the performance of the economy? Does he agree that we can look forward to the strength of W ales will be able to gain when the UK has left the European Union and can reach out to the whole world when it comes to improving the economy?

Alun Cairns: My hon. Friend rightly points out that leaving the European Union provides new opportunities. We want a frictionless trading arrangement with the EU so that we can negotiate trade deals with other nations around the world. Since the referendum vote, Wales has attracted some of the most remarkable inward investment projects, and we are continuing on that basis.

Andrew Bridgen (North West Leicestershire) (Con): Has my right hon. Friend had an opportunity to remind Welsh Government Ministers, or indeed Opposition Members, that more than 850,000 people across Wales voted to leave the European Union on a turnout of over 70%? The most important thing is to respect the referendum result, get on with governing Wales, and look forward to the future.

Alun Cairns: I am grateful to my hon. Friend for making that important point. He recognises that Wales voted to leave the European Union, as did the UK, and that we have an obligation to respond properly to that result while also respecting the constitutional settlement. The European Union (Withdrawal) Bill does that, but we are working closely with the Welsh Government to ensure that it meets Wales’s needs.

Chris Ruane (Vale of Clwyd) (Lab): The Secretary of State has already been quizzed about the effect on the Welsh economy of the loss of European structural funds. May I ask him specifically whether the Government’s flagship growth deals will result in similar or even greater funding for the four growth and city deal areas of Wales?

Alun Cairns: I do not need to take any lectures on funding from the Labour party, which refused to reorganise the Barnett formula during its 13 years in government. The new fiscal framework that was signed this time last year enhances the Welsh settlement; furthermore, the growth deals are in addition to the enhanced Barnett
settlement. I remind the House that over the last 16 years more than £4 billion of European structural funds has been spent, and that the greatest number of people voted to leave in the areas where the most money was spent. That hardly suggests that the Welsh Government’s policy is successful.

Leaving the EU: WTO Tariffs

2. **Tom Brake** (Carshalton and Wallington) (LD): What assessment he has made of the potential effect on Welsh exports of using World Trade Organisation tariffs when the UK leaves the EU.

**Guto Bebb**:

I can give the same reassurances that I have given to Welsh farming unions and farmers across Wales. This Government are working for a comprehensive free trade agreement with the EU, but we also see opportunities to export Welsh lamb to other parts of the world. We have had recent success in exporting Welsh lamb to the middle east, for example. I can assure Welsh farmers that the Government are committed to markets within the EU, and also to expanding opportunities throughout the globe.

**Charlie Elphicke** (Dover) (Ind): Is it not also important to look at the opportunities for Wales from imports with lower tariffs on food and clothes, which could particularly benefit the least well-off?

**Guto Bebb**:

I thank my hon. Friend for his question. Opportunities are being grasped by Welsh businesses as we speak. Exports from Wales have increased dramatically—by 18% in the last year—and it is interesting to note that while there has been a 16% increase in exports to the EU, there has been an increase of over 22% in exports to the rest of the world. Welsh manufacturers and businesses are taking the opportunity to export to all parts of the globe.

**Nick Thomas-Symonds** (Torfaen) (Lab): Last Friday’s progress report on the negotiations was described by the Brexit Secretary as a mere “statement of intent”. Is that the position of the Government?

**Guto Bebb**:

The position of the Government is very clear. The breakthrough last Friday means that we can move on to what is important for Welsh businesses, Welsh farmers and Welsh communities: the trade talks that are absolutely essential for us in Wales. The hon. Gentleman should congratulate the Prime Minister on her success last Friday.

Mrs **Cheryl Gillan** (Chesham and Amersham) (Con): What are the Government doing to ensure that Wales continues to benefit from positive UK-wide announcements, such as the Toyota investment in Derbyshire and the plant at Deeside? Companies such as Toyota and Airbus are very important to the success of the Welsh economy.

**Guto Bebb**:

My right hon. Friend is absolutely right, and she knows Wales extremely well. Airbus and Toyota are key parts of the north-east Wales economy, and investment in those plants, and the success in terms of the efficiency of those plants, means that they are well-placed to take advantage of the opportunities that will come our way once we leave the EU. All employees at those plants are committed to working hard to ensure that their employers have a healthy future after we leave the European Union, but that success is based on ensuring that they are also competitive in the world market.

**Paul Flynn** (Newport West) (Lab): Some 90% of Welsh red meat is sold in the EU. That market is already being destroyed by meat from Romania and Spain. If Brexit happens after the confirmation referendum that we might have following the advisory referendum, the only remedy that has been suggested is to send more Welsh lamb abroad on the hoof rather than on the hook. Is the Minister happy with that, and will Brexit mean more suffering for sentient animals?

**Guto Bebb**:

The whole House will be interested in the hon. Gentleman’s conversion to being the defender of Welsh farmers, which would be a first for the Welsh farming community. The Welsh farming community is proud of its animal welfare standards. It is proud of the fact that Wales has the best lamb and beef available in all parts of the EU, and it will be successful, regardless of any scare stories peddled by the hon. Gentleman.

**Prince of Wales’s Regalia**

3. **Michael Fabricant** (Lichfield) (Con): If he will discuss with the Welsh Government further ways publicly to display the Prince of Wales’s regalia in Wales; and if he will make a statement.

**The Parliamentary Under-Secretary of State for Wales** (Guto Bebb):

I commend my hon. Friend’s commitment to this issue. I would be delighted to see the return of His Royal Highness the Prince of Wales’s regalia to Wales. The display would present an excellent opportunity to boost tourism across Wales, if a suitable home could be secured.

**Michael Fabricant**:

I am very glad to hear the Minister’s answer, because he will know that almost 50 years ago, 1 billion people around the world saw the investiture. Wales was in homes around the world. His Royal Highness Prince Charles’s regalia is, I believe, sitting in a vault beneath St James’s Palace. I might be wrong on that point, but it is the principle of the thing: it should be on display. The people of Wales should see it. They should be proud of their heritage. When will we see it?
Guto Bebb: My hon. Friend is passionate about this issue. He highlights the opportunity to enhance our tourism offer, and we will work with him to try to secure that. The regalia should be in Wales; it should be on display to contribute to our vibrant tourism sector.

European Union (Withdrawal) Bill: Legislative Consent Motion

4. Hywel Williams (Arfon) (PC): What recent discussions he has had with the Welsh Government on a legislative consent motion for the European Union (Withdrawal) Bill.

The Secretary of State for Wales (Alun Cairns): I hold regular discussions with Welsh Ministers on the European Union (Withdrawal) Bill. At the end of November, my right hon. Friend the First Secretary of State and I met the First Minister again as part of our ongoing bilateral discussions. Yesterday, Mark Drakeford and representatives of other devolved Administrations met at the Joint Ministerial Committee to consider further details.

Hywel Williams: I have asked the Secretary of State a number of times, both orally and in writing, what would happen if the National Assembly for Wales were to withhold its consent for the withdrawal Bill, and he has gone from looking hopelessly Panglossian to being unsure, evasive and even furtive. Will he now tell the House what would happen if the National Assembly for Wales withheld its consent for the Bill?

Alun Cairns: May I add to the hon. Gentleman’s descriptions by saying that I am optimistic? I am optimistic that our work with the Welsh Government will lead to a legislative consent motion. After all, we should be focusing on the outcomes that communities and businesses want while respecting the constitutional settlement of the United Kingdom. I am sure that he and I will want the best outcomes for businesses, and that is what we are focusing on.

David T. C. Davies (Monmouth) (Con): Given the result of the referendum, should not any Government who claim to represent Wales—and indeed any party that claims to be the party of Wales—support this Government and this Prime Minister in delivering the legislative consent motion and the Brexit that the people of Wales voted for?

Alun Cairns: My hon. Friend makes an extremely important point. Any politician from Wales needs to recognise and respect the outcome of the referendum. That is what the Government are working to deliver. The European Union (Withdrawal) Bill is a largely technical piece of legislation, but we expect the decision making of the Welsh Government to increase while we also protect the integrity of the UK market to ensure that Welsh businesses continue to prosper in the way that they are now.

Mr Speaker: I call Christina Rees.

Christina Rees (Neath) (Lab/Co-op): Thank you, Mr Speaker; it is great to be back. I have missed you all so much. I thank everyone for their good wishes and support while I was away, and I give massive thanks to my hon. Friend the Member for Newport East (Jessica Morden) for standing in for me at last month’s Question Time.

Does the Secretary of State agree that unless his Government agree a common approach with the devolved nations in advance of phase 2 of the negotiations that is based on proper consideration of the evidence, it is unlikely that the Welsh Government will pass a legislative consent motion ratifying the European Union (Withdrawal) Bill?

Alun Cairns: We are working closely with the Welsh Government, and we have had another productive meeting of the Joint Ministerial Committee at which proposals were made, which will rightly be considered. The First Secretary of State and I met the First Minister just a couple of weeks ago, and that built on an ongoing relationship across Government that involves positive engagement not only with the Welsh Government, but with the businesses, local authority leaders and chief executives, and communities that will benefit from our leaving the European Union.

Christina Rees: I thank the Secretary of State for his response—I think. Does he agree that the UK Government could avoid clashing with the Welsh Government by agreeing to amend the European Union (Withdrawal) Bill on Report, by involving the Welsh Government in drawing up amendments to prevent the power grab, and by agreeing common frameworks, which would stop the Welsh Government putting in place their own legislation, which is worked up, in position and ready to go?

Alun Cairns: As we leave the European Union, we are determined to deliver as much certainty and continuity as we can. The European Union (Withdrawal) Bill focuses on delivering that, and I am sure that that is really what the Welsh Government want. After all, we should be focusing on the outcomes. This is about providing a framework in which businesses and communities can prosper. This is where politics needs to fit business and community need, rather than that of politicians.

Leaving the EU: Negotiations

5. Liz Saville Roberts (Dwyfor Meirionnydd) (PC): What assessment he has made of the effect on Wales of the outcome of exit negotiations between the UK and the EU.

14. Martin Docherty-Hughes (West Dunbartonshire) (SNP): What assessment he has made of the effect on Wales of the outcome of exit negotiations between the UK and the EU.

The Secretary of State for Wales (Alun Cairns): I have always said that we will negotiate for every nation and region of the United Kingdom, and our goal is to secure a deal that works for all parts of the country.

Liz Saville Roberts: Following weeks of chaos, the Government have realised that their original Brexit promises were the stuff of fantasy. They conceded on continuous regulatory alignment with Europe but, hand in hand with Labour, the Westminster Tory Government remain ideologically committed to severing Wales’s membership of the single market and the customs union.
Will the Secretary of State tell us how many Welsh jobs his Government are prepared to sacrifice to placate Brexiteers on both sides of the Chamber?

Alun Cairns: I am sorry to hear the tone of the hon. Lady’s question. It is almost as though she is disappointed with the Prime Minister’s great success last week in getting an agreement and with the prospect of moving on to phase 2 of the negotiations. I will happily talk about investment and employment opportunities. We are obviously extremely pleased with record low levels of unemployment over recent months. Even since the referendum, we have seen some of the greatest inward investment projects coming into the UK and Wales, and I hope that the hon. Lady will welcome that and support the process.

Liz Saville Roberts: I spent some time this morning with the Brexit Secretary’s sectoral analyses. They provide an interesting snapshot, but they do not provide any views about the future. I want to take the Secretary of State back to June 2016, when he said that 100,000 jobs in Wales are “directly linked to our place in Europe.” In fact, he also said: “The economic argument trumps everything else, at the end of the day this is down to the economy, jobs, jobs, jobs.”

Will he indicate whether he stands by his remarks of 18 months ago? Will he tell the House how many jobs in Wales he is prepared to sacrifice in which sectors?

Alun Cairns: It would be interesting to know whether the hon. Lady wants to respect the outcome of the referendum, in which the majority of Wales voted to leave the European Union. Leaving the EU provides new opportunities. We want frictionless trading arrangements and to exploit new markets around the world. Exports to markets outside the European Union are growing much faster than exports to the European Union, and the figure for Wales is above the UK average. I hope that the hon. Lady recognises that businesses are already seeing the opportunities.

Martin Docherty-Hughes: Last week, Northern Ireland was given a carte blanche final say on the Government’s phase 1 Brexit position. Does the Secretary of State agree that it is now time for the same privilege to be afforded to the accountable and sitting Parliaments of Scotland and Wales?

Alun Cairns: I have said this several times, and I will continue to repeat it because it is extremely important: we will negotiate a Brexit deal that works for every part of the United Kingdom. Yesterday’s meeting of the Joint Ministerial Committee was positive, but the differences will be debated, as is only right and proper. I hope that the hon. Gentleman will respect the outcome of the referendum that the UK voted for.

Albert Owen (Ynys Môn) (Lab): Nadolig llaen a blwyddyn newydd da i chi, Mr Speaker, and to all Members. Last week showed how important the Irish dimension is to the European Union (Withdrawal) Bill and the negotiations. Will the Secretary of State give me a categorical assurance that Welsh ports, especially Holyhead, will be safeguarded and given the same treatment as those in Northern Ireland when it comes to trade?

Alun Cairns: I share the hon. Gentleman’s interest in Welsh ports. Holyhead is clearly important, as is Fishguard in Pembrokeshire. Leaving the European Union provides new opportunities for both north-west and south-west Wales. After we have left the European Union, they will be gateways to Europe in a way that they have not been previously, and local authorities and businesses will need to respond to new opportunities for growth.

Mr Speaker: Order. I remind the House that an hon. Member should not leave the Chamber until the exchanges on his or her question have been completed. It really is the height of parliamentary discourtesy, and I hope that I do not have to say it again. I have just been alerted to someone doing that, and it should not happen again.

Leaving the EU: International Business

6. Mr Ranil Jayawardena (North East Hampshire) (Con): What assessment he has made of the effect of the UK’s decision to leave the EU on Wales’s international business links.

The Secretary of State for Wales (Alun Cairns): Leaving the EU allows us to establish new trading opportunities across the globe, forging ahead as a global leader in free trade. Welsh exports have outperformed the UK average over the last year, and I am working closely with the International Trade Secretary to build on that success.

Mr Speaker: Order. I see that the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) has beetled back into the Chamber. It is good of the fellow to drop in on us. We are grateful to him.

Mr Jayawardena: What is my right hon. Friend doing to encourage Welsh businesses and consumers to seize the opportunity of a global Britain by boosting imports and exports to increase consumer choice and helping businesses to create more good jobs as we leave the EU?

Alun Cairns: My right hon. Friend the Secretary of State for International Trade has established the UK Board of Trade, and I am pleased that Lord Rowe-Beddoe and Heather Stevens sit on it as Welsh representatives—their reputation goes well before them. Businesses are already responding. I have already quoted the encouraging export data, but clearly there is more work to do.

Susan Elan Jones (Clwyd South) (Lab): If the Secretary of State is serious in his discussions about Wales’s international business links, why will he and the Government not publish the impact assessments? Is it not time these disappearing documents came to light?

Alun Cairns: We have published the 58 sectoral analyses, which cover all the sectors that are key to the Welsh economy, from steel to aerospace. Not only have we shared them with the Commons and the other place, but we have shared these 800 pages with the devolved Administrations, demonstrating the open, pragmatic approach we are taking to involving every part of the United Kingdom.
Leaving the EU: Trade

7. Mrs Sheryll Murray (South East Cornwall) (Con): What assessment he has made of Wales’s trading opportunities since the UK’s decision to leave the EU.

The Secretary of State for Wales (Alun Cairns): Figures show that exports from Wales grew by 19% last year. Welsh businesses are also looking outside the European Union, where exports grew by 23% over the same period. I will continue to support businesses in Wales to help them take the most of the new opportunities.

Mrs Murray: In north Wales, like in South East Cornwall, there are amazing businesses that are the lifeblood of the local economy, from first-class tourist accommodation to delicious food and drink producers. Does my right hon. Friend agree that Brexit will provide additional trading opportunities for them and for companies across Wales?

Alun Cairns: My hon. Friend is a strong champion for Cornwall, and Cornwall is already responding, through her leadership, to the new opportunities that leaving the European Union provides. Wales is rightly doing the same. Exports to areas outside the European Union are growing at a much sharper rate than exports to the European Union, and Wales is well ahead of the UK average.

Chris Elmore (Ogmore) (Lab): One of the trading opportunities we already have is at Ford in Bridgend, which is at risk of closure after Jaguar Land Rover’s contract ended early. The Secretary of State for Business, Energy and Industrial Strategy met me at Ford yesterday. What is the Secretary of State for Wales doing to help to secure those jobs for the future?

Alun Cairns: The hon. Gentleman raises an important point about Ford in Bridgend. I met the unions recently, and I speak to Ford on a regular basis. I am pleased that the Welsh Government responded to Ford’s suggestion that I join their working group. We are determined to work together to come up with the best outcome that delivers long-term, sustainable jobs at the Ford plant in Bridgend.

North Wales Growth Deal

8. Paul Masterton (East Renfrewshire) (Con): What progress has been made on delivering a growth deal for north Wales.

9. Laura Smith (Crewe and Nantwich) (Lab): What discussions he has had with the Secretary of State for Work and Pensions on the time taken for universal credit payments to be made in Wales.

Paul Masterton: Will my hon. Friend outline how the north Wales growth deal will build on the positive cross-border work that is already taking place, most notably through the Mersey-Dee alliance? I am sure he is aware that the alliance is of unspeakable interest to the good people of East Renfrewshire.

Guto Bebb: My hon. Friend is absolutely right that cross-border connectivity, which is essential to the success of north Wales, is a key part of the north Wales growth deal. Such connectivity allows the north-west of England and the north of Wales to benefit from the economic success story that is available on both sides of the border.

Andrew Percy: The hon. Gentleman will remember from the joint ministerial visits we undertook to both Chester and north Wales that there is enthusiasm for this deal on both sides of the border. Can he assure me that that enthusiasm will carry through not just to the north-west of England but all the way through to the Humber region, given the alliances between Liverpool and Hull?

Guto Bebb: I do indeed remember the visit to Chester, which was a great success. I am proud to say that the new northern powerhouse Minister was at the briefing we had in the Wales Office on Monday. Businesses and local authorities in north Wales understand the power of the northern powerhouse, but we also know that north Wales has a lot to offer to the northern powerhouse, and this cross-border deal is essential to the economic wellbeing of north Wales.

Ian C. Lucas (Wrexham) (Lab): Will the Minister meet the all-party group on Mersey-Dee-north Wales to discuss the detail of the growth deal, and will he please show me the colour of his money?

Guto Bebb: The hon. Gentleman is the chair of the all-party group and I would be delighted to meet it. I am well aware of the work it has done. This is a deal for north Wales, which means we will have to work with all stakeholders and all partners, including the hon. Gentleman.

David Hanson (Delyn) (Lab): Unemployment has risen by 10% in my constituency, showing the need for this growth deal as a matter of urgency. Will the Minister focus particularly on cross-border issues to improve transport links to north Wales?

Guto Bebb: I thank the right hon. Gentleman for his question, and I am aware of his support for this growth deal. It is fair to say, however, that the unemployment situation in Wales has dramatically improved since 2010, with 54,000 more jobs in Wales and unemployment falling in most constituencies in Wales. My constituency has the lowest unemployment it has recorded for a long time. But I assure him that if a cross-border deal will help his constituency, we will help to deliver it.

Universal Credit

9. Laura Smith (Crewe and Nantwich) (Lab): What discussions he has had with the Secretary of State for Work and Pensions on the time taken for universal credit payments to be made in Wales.
The Parliamentary Under-Secretary of State for Wales (Guto Bebb): At the Budget, my right hon. Friend the Chancellor announced additional support for universal credit claimants. Advances to people who need them will be made available earlier, more generous and interest-free. All claimants will be eligible for universal credit from the first day they claim it, and we will improve the transition from housing benefit to universal credit.

Laura Smith: The Department for Work and Pensions’ own analysis shows that half of those with rent arrears under universal credit said they had gone into arrears after making a claim. Is the Secretary of State content with the fact that more Welsh families who are currently not in arrears will begin 2018 in debt once they have made their UC claim?

Guto Bebb: I simply do not recognise the hon. Lady’s doom and gloom. I have visited jobcentres throughout Wales and staff are telling me that UC is the biggest change in a generation. I met the regional manager for north Wales, and he said that in his 40 years of working for the DWP this was the most positive and customer-focused change he had been aware of. This change is helping people back into employment. The hon. Lady should support the changes and the efforts the Government are making to get people back into work.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [902913] Mrs Cheryl Gillan (Chesham and Amersham) (Con): If she will list her official engagements for Wednesday 13 December.

The Prime Minister (Mrs Theresa May): This week marks the sixth-month anniversary of the Grenfell Tower fire. I will be attending the national memorial service tomorrow, and I am sure I speak for Members across the House when I say that it remains at the forefront of our minds as a truly unimaginable tragedy that should never have happened. Many who survived the fire lost everything that night, and I can assure the House that we will be helping people to ensure that they have their own roof over their head. That is compared with the situation under Labour, when house building went down. Today we will be helping people to get into those homes. That is why in the Budget my right hon. Friend the Chancellor set out a whole range of ways in which we will be helping people to ensure that they have their own home, particularly at Christmas. It is incredibly important that people know that they can keep a roof over their heads, even in the most desperate circumstances.

Jeremy Corbyn: The last Labour Government cut homelessness by two thirds during their time in office, and when Labour left office, the number of children in temporary accommodation was a lot lower than it is now. I asked the Prime Minister for a pledge to reduce the amount of homelessness next year; that pledge was not forthcoming. One hundred and twenty-eight thousand children will spend Christmas without a home to call their own—that is up 60% on 2010. It is too late for this Christmas, but will the Prime Minister promise that by Christmas 2018, fewer children will be without a home to call their own?

The Prime Minister: I say to the right hon. Gentleman again that of course we want every child to wake up in their own home, particularly at Christmas. It is incredibly important that people know that they can keep a roof over their heads, even in the most desperate circumstances.
That is why we are making sure that councils can place families in a broader range of homes if they fall into such circumstances. Since 2011, councils have been able to place families into private rented accommodation so that they can get a suitable place sooner. We have changed the law so that families with children should not find themselves in B&B accommodation, except in an emergency. By implementing the Homelessness Reduction Act 2017 we are making sure that families at risk can get support before they find themselves homeless. I have been clear, as I was a few weeks ago, that we are going to be a Government who put a clear focus on housing, on building the homes that people need, on ensuring that people are given help to get into those homes, and on acting to prevent homelessness before it happens. That is what we are doing, and that is what will make a real difference to people’s lives.

Jeremy Corbyn: The sad reality is that one in every 100 children in this country are homeless at any one time. That is a national disgrace, and it is getting worse. For all the Prime Minister says about the private rented sector, I shall quote from a letter I received this week from Rachael, who says: “I have a knot in my stomach every New Year period when we are due to sign a new tenancy agreement...After renting the same flat for ten years, never being in arrears and keeping the property in good order we were given notice to quit out of the blue”.

Will the Prime Minister help people like Rachael and back secure three-year tenancies for all private renters?

The Prime Minister: I think the right hon. Gentleman was present in the Chamber for the Budget, and that point is precisely why we said that we are looking at ways in which we can encourage longer-term tenancies. What is important is ensuring that people are able to have the accommodation that they need and that they want on the basis that is right for them. That is why, as I have said, we are dealing with the issue of longer-term tenancies.

The right hon. Gentleman talks about people renting their homes, but his response on renting is to bring in rent controls. Rent controls have never worked. They result in reducing the number of homes that are available for people who want to have accommodation and a roof over their own head. It is not just me who says that Labour party policy will not help people who are renting; Shelter says that it will not help people who are renting.

Jeremy Corbyn: Evictions by private landlords have quadrupled since 2010. There is no security in the private rented sector, and the Prime Minister well knows it. She also promised one-for-one replacement of council housing sold off through the right to buy, but just one in five council homes have been replaced. Hundreds of thousands of people are on housing waiting lists. Will the Prime Minister apologise for what she said and tell the House when she will deliver this one-for-one replacement?

The Prime Minister: As the right hon. Gentleman knows, we are increasing the flexibilities to enable councils to build homes. We have put more money into affordable housing. He talks about the right to buy, but I have to say, what a contrast: we actually want to give people the opportunity to buy their own home; the Labour party would take that opportunity away from them.

What do we see on housing? The shadow Housing Minister recently said that fewer people owning their own home is “not such a bad thing”. What the Leader of the Opposition is offering to people on housing is this: if you live in a council home, he will take away your right to buy; if you are looking to rent, Shelter says that his policies will harm you; and his shadow Housing Minister does not want to support people owning their own homes. It is only the Conservatives who will deliver the homes that this country needs.

Jeremy Corbyn: If only that were true. Under the Tories, home ownership has fallen by 200,000. Under Labour, it rose by 1 million. Forty per cent. of all homes sold through right to buy are now in the private rented sector. The latest figures show that a quarter of all privately rented homes are not up to decent standards, which means that many families are living in homes with damp, that are not secure and that are very poorly insulated. Does the Prime Minister support homes being fit for human habitation?

The Prime Minister: Of course we want homes to be fit for human habitation. May I just remind the right hon. Gentleman that the number of homes failing to meet the decent homes standard is down by 49% since the peak under the Labour Government? While I am talking about the record of the Labour Government, statutory homelessness peaked under the Labour Government and is down by more than 50% since then. It is this Government who are delivering for people on housing. It was his Labour Government who failed to deliver over 13 years.

Jeremy Corbyn: I would just remind the Prime Minister that 1 million homes were brought up to the decent homes standard under Labour. I would also assume from what she has said that she will be here on 19 January to support the Bill tabled by my hon. Friend the Member for Westminster North (Ms Buck) to make privately rented homes fit for human habitation.

When it comes to housing, this Government have been an absolute disgrace. After seven years, more people are living on the streets, more families are in temporary accommodation and homes not fit for human habitation, and fewer people own their own home. When are this Government going to get out of the pockets of property speculators and rogue landlords, and get on the side of tenants and people without a home of their own this Christmas?

The Prime Minister: Under Labour, we saw house building down, homes bought and sold down, and social housing down. The one thing that did go up under the last Labour Government was the number of people on the social housing waiting list, with 1.74 million people waiting for a home. We have delivered over 346,000 new affordable homes since 2010. More affordable homes have been delivered in the last seven years than in the previous seven years under a Labour Government, and we are building more homes—last year, 217,000 homes were built in this country. Apart from one year, that is a record for the last 30 years. It is the Conservatives who are doing what is necessary. Labour would produce frail care for this country once again. It is the Conservatives who are delivering the homes that people need, the economy that people need and the standard of living that people need.
Q2. [902914] Mrs Pauline Latham (Mid Derbyshire) (Con): Isabelle Weall is a 14-year-old constituent of mine who lost both her arms and legs at the age of six, when she was a victim of meningitis. I was one of many MPs who campaigned for the meningitis vaccine to be introduced into the NHS. Isabelle is now on her way to becoming one of the UK’s most accomplished junior gymnasts—one of the most talented trampolinists in the country. She was recently handed the Pride of Sport award as a young achiever. Will the Prime Minister join me in congratulating Isabelle on receiving this prestigious national award?

The Prime Minister: I am very happy to join my hon. Friend in congratulating Isabelle on receiving the award, on her sporting achievements and on her incredible bravery; she is an inspiration to us all.

My hon. Friend mentioned that she was one of those who campaigned for the meningitis vaccine. Meningitis can be a devastating disease, which is why we have taken steps to increase the availability of the vaccine. In September 2015, we became the first country to have a national meningitis B vaccination programme. As my hon. Friend says, she contributed to the work on that. It is, of course, necessary that Public Health England raises awareness of the symptoms. Its campaigns are reaching hundreds of thousands of parents. The NHS has been running a programme to vaccinate teenagers, school leavers and university freshers against four different strains of meningitis. My hon. Friend can be pleased with the impact that she has had and the work she did on the issue.

Ian Blackford (Ross, Skye and Lochaber) (SNP): In 2008, we collectively bailed out the Royal Bank of Scotland at a cost of £45 billion. In 2017, the Royal Bank of Scotland is paying us back by turning its back on 259 of our communities. Given that we are the majority shareholder, will the Prime Minister step in and tell the Royal Bank of Scotland to stick to its commitment and not to close the last bank in town?

The Prime Minister: As I think the right hon. Gentleman knows, the decision to open and close branches is a commercial decision taken by the banks without intervention from the Government, but we do recognise the impact that such decisions have on communities. The Secretary of State for Scotland raised the concerns that the House has expressed on the issue in his meeting with RBS. Of course, more people are banking online, which has an impact, but we want to ensure that all customers—especially vulnerable ones—can still access the banking standard and the work with the Post Office.

Ian Blackford: If the Prime Minister recognises the importance of this, she should be summoning Ross McEwan in to see her and making it clear that we will not accept towns and villages up and down the United Kingdom losing banking services. There are 13 towns in Scotland where the last bank will be going. This is not acceptable. It is about time the Prime Minister accepted her responsibilities. Will she summon Ross McEwan, and will she tell the Royal Bank of Scotland this must be reversed?

The Prime Minister: Decisions on opening and closing branches are a commercial matter for the banks. As I say, this is an issue that the Secretary of State has raised with Royal Bank of Scotland. What is important is that services are available to individuals. That is why those are being provided, and alternatives are available. But I also say to the right hon. Gentleman that, actually, an awful lot more people are banking online these days, not requiring the use of a branch. We want to ensure that vulnerable customers, particularly, who do not have access to online banking, are able to have services provided. That is precisely what we are doing through the access to banking standard and the work with the Post Office.

Q5. [902917] Julian Knight (Solihull) (Con): In 2015, the Heart of England hospital trust, which serves Solihull, got itself into major trouble due to poor management. In response, the management of University Hospitals Birmingham under Dame Julie Moore was brought in to take charge. As a result, finances, patient care and staff morale have improved considerably. Would the Prime Minister join me in praising my brilliant local NHS staff for this turnaround, and agree that we must encourage and support good management in the NHS?

The Prime Minister: I am happy to join my hon. Friend in paying tribute to the work that has been undertaken by University Hospitals Birmingham in support of Heart of England foundation trust. We do want to see strong management across the national health service. I understand there are a number of practical and financial issues still to resolve in this, and I would encourage all of those who are involved to make progress on this important matter, but I congratulate those NHS staff who have seen that improvement and worked hard to ensure that improvement takes place.

Q3. [902915] Mike Hill (Hartlepool) (Lab): Does the Prime Minister agree that the resignation of Lord Kerslake really does put the Government on a final warning about NHS problems? Does she agree that, in my constituency, it is disgraceful that, despite us having a perfectly good hospital, people have to travel at least 15 miles to get to the nearest A&E?

The Prime Minister: I think that Lord Kerslake made the right decision in stepping down as chairman of King’s College Hospital. I am not surprised that the Labour party is interested in this, given, of course, that the noble Lord Kerslake is a key adviser to the Labour party. The hon. Gentleman might care to look at what NHS Improvement said about King’s College Hospital:

“The financial situation at King’s has deteriorated very seriously over recent months and we have now placed the trust in special measures to maximise the amount of scrutiny and support that it receives...It is not acceptable for individual organisations to run up such significant deficits when the majority of the sector is working extremely hard to hit their financial plans, and in many cases have made real progress.”

It called the situation “the worst in the NHS”. 
Perhaps it is no surprise that the noble Lord Kerslake, I understand, is advising the Labour party on matters of debt and deficit.

Q7. [902919] Robert Jenrick (Newark) (Con): At the end of their first, and successful, term, will my right hon. Friend congratulate the teachers, the parents and the students of the Newark free school? The school is designed to raise standards and performance in Newark, as is happening across the country. Would my right hon. Friend agree that, to Conservatives, great teaching like this is not just about education; it is a daily battle for social justice, and we will never be distracted from that?

The Prime Minister: My hon. Friend is absolutely right. First, I am happy to join him in congratulating all those who were involved in setting up this much needed free school. I know that my hon. Friend, as the chair of governors, will ensure that the school does provide young people in his constituency with an excellent education, despite, I understand, the school being opposed by the Labour party. My hon. Friend is absolutely right: this is not just a question of education; it is a question of social justice. A good-quality education opens the door to the future for the lives of every one of those young people, and that is why it is so important that we ensure the quality of education is there to give young people the best possible start in life.

Q4. [902916] Heidi Alexander (Lewisham East) (Lab): Tonight this House will hopefully have the chance to vote on my new clause 22 to the EU (Withdrawal) Bill, which would give Parliament the power at a future date to determine whether we leave the single market by coming out of the European economic area. It does not dictate how hon. Members should then vote, but it does ensure proper democratic oversight. Should it not be our sovereign Parliament and not the Prime Minister that decides our country’s economic future?

The Prime Minister: First of all, as I indicated earlier in response to my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), this Parliament will have an opportunity to vote. We will have a meaningful vote on the withdrawal arrangements. The hon. Lady says that it should be Parliament that makes the decision about our membership of the single market. Actually, this Parliament gave that decision about our membership of the European Union to the people of this country. It is the people of this country who have voted to leave the European Union, and this Government will deliver for the people of this country.

Q12. [902924] Rishi Sunak (Richmond (Yorks)) (Con): Today thousands of profoundly disabled children are denied the opportunity to enjoy a day out with their families simply because there is not an adequate changing room. The stories of parents at the Dales School in my constituency deeply moved me. Will the Prime Minister strongly consider updating our building regulations to ensure broader provision, and, in the meantime, urge all relevant building owners to voluntarily install changing places to give these children the opportunities they deserve?

The Prime Minister: My hon. Friend is right to raise this very important issue, which might, at a glance, seem quite a small issue but is actually very important in the lives of those disabled children to enable them to lead the life that they want to lead. I agree with him that the provision of changing places can make a real difference to disabled children but also to their carers. I understand that the Department for Communities and Local Government has been working to increase the number of facilities. I would certainly urge relevant building owners to consider installing changing places where they can. I am sure that my right hon. Friend the Communities Secretary will be happy to discuss this matter further with my hon. Friend.

Q6. [902918] Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): This week, the Rt. Rev. Geoff Annas, the Bishop of Stafford, wrote to the Conservatives on Stoke-on-Trent City Council to plead with them not to cut £1 million out of the homelessness support budget. Does the Prime Minister agree with Bishop Geoff when he says that the measure of society can be found in the way that we treat our vulnerable people? If so, will she join his calls for the city council not to cut its homelessness budget, and will she agree today to fund local government properly so that it can play its part in ending the scourge of homelessness?

The Prime Minister: As I said in response to the questions from the Leader of the Opposition, we do not want to see people without a roof over their head. That is why we are working in a number of ways to deal with this issue. It is why we are committed to halving rough sleeping by 2022 and eliminating it by 2027. As I also said earlier, a number of announcements have been made in the Budget, and we are now dedicating over £1 billion to 2020 to tackling homelessness and rough sleeping. That is across a number of areas; it is £1 billion to deal with this issue and to tackle something that we agree we do not want to see on our streets.

Q15. [902927] Dr Caroline Johnson (Sleaford and North Hykeham) (Con): It is now one year since I was sworn in as the MP for Sleaford and North Hykeham. During the past year, the biggest issue in my postbag has been the provision of broadband to rural areas. The Government have invested heavily in this area, but many are still struggling with slow connections. Will my right hon. Friend reassure my constituents in Swaton, Blankney Dales, Sudbrook and elsewhere that we will do everything to ensure that everybody gets superfast broadband and nobody is left behind?

The Prime Minister: May I congratulate my hon. Friend not only on her election a year ago yesterday, but on her re-election earlier this year, and on her year in this House? She has raised an issue that is a matter of concern to many rural areas across the country. We remain committed to universal broadband coverage of at least 10 megabits so that no home or business is left behind. Superfast broadband is now available to over 90% of premises in Lincolnshire—up from 26% in 2011—and we have committed over £1 billion for next-generation digital infrastructure. I can assure her that we have not forgotten any community across the United Kingdom. We recognise the importance of broadband to communities, and we are working to ensure that we deliver further so that people can have the services that they need.
Q8. [902920] Alex Norris (Nottingham North) (Lab/Co-op): In 2016, the then Home Secretary launched the “Ending Violence against Women and Girls” strategy, which emphasised the need for a national network of domestic violence refuges. In 2017, Women’s Aid says that the Government’s proposals for short-term supported housing threaten that network. In 2018, will the then Home Secretary, the now Prime Minister, show personal leadership, support Women’s Aid and step in to save our refuges?

The Prime Minister: I recognise the importance of dealing with domestic violence. When I was Home Secretary, we ring-fenced funding to support the victims of domestic violence, and we have continued to ring-fence that funding. We have also taken a number of steps: we will be introducing a new domestic violence law, we have introduced the criminal offence of coercive control and we have introduced a variety of changes that have improved the support for people suffering from domestic violence.

We are proposing a new funding model for the provision of housing and homes for people who have suffered from domestic violence. There is a very good reason for wanting a change, which is to make this more responsive to the needs of individuals at a time of crisis in their lives, and to make the system work better. At the moment, the funding is not responsive enough to need in local areas. Individuals have to worry about meeting housing costs themselves at a time of crisis, and access relies on welfare claims and eligibility. We are proposing a new model that frees those women from worrying about meeting housing costs themselves, and the overall amount of funding available will remain the same.

Dr Sarah Wollaston (Totnes) (Con): Will the Prime Minister join me in thanking all the wonderful staff from across the European Union who work in our NHS and social care? Will she give them her personal, unequivocal assurance that they and their families will have the right to remain after Britain leaves the European Union?

The Prime Minister: I am very happy to join my hon. Friend in congratulating all who work in our NHS and social care sector, including those from across the European Union. They do incredible work, and it is absolutely right that we recognise the contribution that EU nationals make in this sector but also across our economy and our society. That is why we want people to be able to stay and we want families to be able to stay together. I am very pleased that the arrangements that were published in the joint progress report between the United Kingdom and the European Union last Friday show very clearly, on citizens’ rights, that where people have made the life choice to be here in the United Kingdom, we will support them and enable them to carry on living their lives as before.

Q9. [902921] Caroline Flint (Don Valley) (Lab): In her answers so far, the Prime Minister has shown that she has not got a clue about the concerns of small towns. Today and on 14 June, the Prime Minister said that no one and no community will be left behind, but the Doncaster market towns of Thorne and Bawtry have just been told that their NatWest branches are to close. That is two more bank branch closures on top of a record-breaking 700 this year, despite the big four banks delivering £13.5 billion half-year profits. Will the Prime Minister admit that the Government’s access to banking protocol has failed to keep a single branch open, and will she restore the bank levy and use some of it to stop communities losing their last bank branch?

The Prime Minister: I responded to the leader of the Scottish National party earlier in relation to RBS closures, which I think is what the right hon. Lady is referring to. She and others need to accept that people’s behaviour in relation to bank branches has changed over the years and there is less demand, but we have the access to banking standard in place. She referred to the bank levy. Let us be very clear: there is a bank levy, and there is also a corporation tax surcharge for banks. This Government are raising more money from the banks than the Labour Government ever did.

Peter Aldous (Waveney) (Con): Will my right hon. Friend join me in congratulating the UK’s community foundations, which have just reached the notable milestone of distributing £1 billion to local communities across the country? Does she agree that community foundations are a perfect example of her shared society, and that funds from dormant assets, once available, should be provided to them to continue their very important work?

The Prime Minister: I am very happy to join my hon. Friend in congratulating community foundations across the UK. I was very pleased to be able to have a meeting with the chief executive of the Berkshire Community Foundation just a couple of weeks ago to hear about the excellent work it is undertaking in Berkshire. I know from what my hon. Friend has said that, across communities across the country, these are an important contributor to and an example of the shared society, as he says.

I understand the dormant accounts scheme has already distributed over £362 million for the benefit of good causes. There has been a report on possibly expanding the scheme, which would have the potential to build significantly on the success of the current scheme. The Department for Digital, Culture, Media and Sport will be looking at this and will respond in due course.

Q10. [902922] Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I remind the Prime Minister of 2 June 1997, when I heard her make a very confident maiden speech in which she stressed the importance of vocational and practical education for so many young people in our country? Is she aware that there is now a crisis for apprenticeships, with a 62% fall in apprenticeship starts, many excellent independent trainers going out of business and further education colleges in dire financial straits? Will she break a few heads, crack a few eggs and get this sorted?

The Prime Minister: We are seeing a growing number of young people going into apprenticeships, we are introducing the T-levels and we are putting £500 million into technical education to ensure that, for the first time, this country has first-class technical education. I called for it in 1997; in 2017, I am delivering.

Eddie Hughes (Walsall North) (Con): As an enthusiastic member of the Women and Equalities Committee, I aim to be a strong champion for the equality of women,
and I aspire to the title of honorary sister, as bestowed on you, Mr Speaker, by the right hon. and learned Member for Camberwell and Peckham (Ms Harman). Will the Prime Minister join me in congratulating Ruth Cooke on her recent appointment as chief exec of Clarion Housing Group, the largest housing association in the country, proving that exceptional women can get the top job in housing and politics?

The Prime Minister: I am very happy to agree with my hon. Friend, and to congratulate Ruth Cooke on her appointment for the Clarion Housing Group, which does show that women can take on those very senior jobs. I have to say to my hon. Friend that he is aspiring to an accolade that I do not think the right hon. and learned Member for Camberwell and Peckham (Ms Harman) has ever given to me, despite the fact that I am only the second female Prime Minister in this country. One day, maybe, the Labour sisterhood will manage to get a female leader of the Labour party.

Q1. [902923] Stephen Timms (East Ham) (Lab): Assessing the impact of leaving the European Union on the different sectors of the UK economy is surely both spadework for the negotiations, yet the Brexit Secretary told the Select Committee last week that none of it has been done. Why not?

The Prime Minister: No, it is not the case that no work has been done in looking at that, as the right hon. Gentleman knows from the over 800 pages of sectoral analysis that have been published.

Nick Boles (Grantham and Stamford) (Con): The Prime Minister has made it clear that Brexit means Brexit. When it comes to the closure of Grantham A&E, now that the trust believes that it has recruited enough doctors, does she agree with me that temporary means temporary?

The Prime Minister: I know that my hon. Friend has been a strong champion of his constituents on this matter, and he has been campaigning tirelessly in relation to it. I know that he will agree with me that the first priority must be to ensure patient safety, and that is why a report was commissioned by NHS Improvement. I understand NHS Improvement is continuing to work very closely with the trust, and I am sure that my right hon. Friend the Health Secretary would be happy to discuss the detail with my hon. Friend.

Q13. [902925] Stewart Malcolm McDonald (Glasgow South) (SNP): In the run-up to Christmas, some people will be taking on extra seasonal work to try to earn themselves some extra cash at this time of year, but many employers will be offering unpaid trial work, often where an actual job does not exist, and this is affecting tens of thousands of people up and down the UK. But I have a Bill coming to the House in March next year to end unpaid trial shifts, so will the Prime Minister ensure that this is the last Christmas of this exploitation, and give Government backing for it?

The Prime Minister: As the hon. Gentleman knows, this country already has a legal position in relation to the payment of the national minimum wage and ensuring that people are paid for the work that they do.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): Given that the SNP Scottish Government have an extra £2 billion to play with, thanks to this Conservative Government’s Budget last month, will the Prime Minister join me in calling on the First Minister of Scotland to rule out higher taxes for hard-working Scots?

The Prime Minister: I have to say that I think this is a very real test of the First Minister and the SNP Government in Scotland. In previous weeks we have heard some rather strange claims being made by the Scottish nationalists in this House about the impact on Scotland of decisions taken at UK level. My hon. Friend is absolutely right—there is £2 billion extra going into Scotland—but let us watch very carefully how the SNP Government choose to spend that money.

Caroline Lucas (Brighton, Pavilion) (Green): Last week I tabled a written question to the Chancellor, asking for the evidence behind his extraordinary claim to the Treasury Committee that disabled workers are responsible for the UK’s productivity problems. Last night I received his written answer; unsurprisingly, there is no such evidence for that claim. It is disgraceful that he has so far declined to express any regret, so will the Prime Minister take back control and order the Chancellor to withdraw his remark and apologise for inaccurate and offensive comments?

The Prime Minister: The Chancellor did not express the views that the hon. Lady claims he expressed. This is a Government who value the contribution that disabled people make to our society and to our economy in the workplace. This is a Government who are actually working to ensure that more disabled people get into the workplace. We have had some success; there is more to do, but we will continue to work to ensure that those disabled people who want to work are able to do so.

Mims Davies (Eastleigh) (Con): I recently sponsored an event in this place for the UN “Draw a line” campaign, which has helped 6,000 women and girls worldwide to have a better life. However, one in four women in the UK and 70% of girls around the world will experience physical or sexual violence during their lives. Will the Prime Minister confirm that this Government will continue to lead the world on tackling trafficking and exploitation?

The Prime Minister: I am happy to confirm that for my hon. Friend, who once again raises a very important issue. It is, of course, this Government who introduced the Modern Slavery Act 2015 and we continue to work not only to increase our ability to deal with the perpetrators of these crimes, but to provide support to victims. I want a world in which women and girls have the confidence to be able to be what they want to be, and to know that they will not be subject to exploitation, violence, trafficking or slavery. Of course, slavery applies to men as well. Our commitment as a Government to ending violence against and the exploitation of women and girls is absolute.

Colleen Fletcher (Coventry North East) (Lab): Last week it was announced that my wonderful city of Coventry had been successful in its bid to become UK city of culture 2021, and we are bursting with pride. Will the Prime Minister join me in congratulating everyone who was instrumental in this great achievement and wish Coventry success, prosperity, hope and some fun in the next few years up to 2021 and beyond?
The Prime Minister: I join the hon. Lady in congratulating Coventry on being selected as city of culture. As she will be aware from previous exchanges during Prime Minister’s questions, a number of hon. Members will be disappointed because their cities have not achieved that particular status, but I am very happy to congratulate all those who were involved in putting the bid together and ensuring that Coventry is that city of culture, including the Mayor of the West Midlands, Andy Street.

Anna Soubry (Broxtowe) (Con): The Prime Minister and I have many things in common, including, if I may say so, being proud of being called “bloody difficult women”. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) is not in that category, for many reasons. He is, obviously, a man. He is a respected, seasoned parliamentarian and, like many on these Benches, has for many decades been loyal to his party. Nobody wants to be disloyal or to bring about more disunity. The Prime Minister says that she wants a meaningful vote on Brexit before we leave the European Union. Even at this last moment, will she be so good as to accept my right hon. and learned Friend’s amendment 7, in the spirit of unity for everybody here and in the country?

The Prime Minister: My right hon. Friend makes an important point on the concerns Members have had about having a meaningful vote on this particular issue before we complete the deal. As I set out in the answer I gave to my right hon. Friend the Member for Beaconsfield (Mr Grieve) is not in that category, for many reasons. He is, obviously, a man. He is a respected, seasoned parliamentarian and, like many on these Benches, has for many decades been loyal to his party. Nobody wants to be disloyal or to bring about more disunity. The Prime Minister says that she wants a meaningful vote on Brexit before we leave the European Union. Even at this last moment, will she be so good as to accept my right hon. and learned Friend’s amendment 7, in the spirit of unity for everybody here and in the country?

Mr Speaker: I call Mr Jack Dromey. [Interruption.] Mr Dromey. The hon. Gentleman must try to overcome his natural reticence. I know he is a shy fellow, but I am trying to encourage him.

Jack Dromey (Birmingham, Erdington) (Lab): Not one penny has come from Government to fit sprinklers in Birmingham’s 213 tower blocks. Now the city is suffering the biggest cuts in local government history. It is to suffer a further £100 million unfair funding cut, yet Maidenhead is the least hard-hit constituency in Britain. How can the Prime Minister begin to justify one law for her own constituency and another law for the great city of Birmingham?

The Prime Minister: The local government settlement has yet to come before this House. We have been very clear in relation to fire safety arrangements and on any action that needs to be taken by local authorities. They should discuss that with the Department for Communities and Local Government. We will ensure that it is possible for the necessary safety work to be undertaken.

James Gray (North Wiltshire) (Con): This year marks the 100th anniversary of the foundation of the Women’s Royal Naval Service, an event that will be celebrated with a reception at your house, Mr Speaker, immediately after Prime Minister’s questions. Will the Prime Minister join me in marking 100 years of women’s outstanding service in the Royal Navy, as well as in the Royal Air Force and the Army? Will she join me in welcoming in particular the fact that women are no longer consigned to duties ashore and can now take part in every aspect of service?

The Prime Minister: I am very happy to agree with my hon. Friend. It is right that we mark the centenary of the Women’s Royal Naval Service and that we recognise the contribution women have made across our armed forces. It is important that they are now able to contribute across all aspects of work in the armed services and are no longer restricted, as used to be the case in the Navy, to jobs onshore. That is an important step forward which strengthens our armed forces and I congratulate all women in our armed forces.
Short and Holiday-Let Accommodation (Notification of Local Authorities)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.49 pm

Ms Karen Buck (Westminster North) (Lab): I beg to move,

That leave be given to bring in a Bill to require householders to notify local authorities of an intention to register accommodation for short or holiday lets; and for connected purposes.

As with so many other aspects of the digital and sharing economy, the nightly booked accommodation sector brings advantages for some but adds costs to others. Without sacrificing all that is good about it, it is clearly time the Government acted to help those who are the losers in this new environment and, in particular, made it realistically possible to stop the illegal element within it. It is time, too, to recognise that this industry is by no means confined, as was the original intention, to homeowners renting a room for some extra cash, or even with a major platform committed to upholding the law, if other platforms do not follow suit, or if owners prove adept at switching between them, or classify whole properties as single rooms or move between definitions of addresses, the core issues remain. All these issues were brought to the fore in London earlier this year when Assembly Member Tom Copley brought concerned parties from London together to analyse the trends in this sector and the problems it is causing for local authorities and others. I very much look forward to his report on the topic, which I believe is imminent, and I am grateful to him for sharing his evidence and conclusions with me. They have informed my speech today. This is emphatically a cross-party issue, as his work confirms and as is demonstrated by the work done by Westminster City Council, which I have drawn heavily on today. We are working across parties to make sure that the Government address the negative impact on communities.

That leave be given to bring in a Bill to require householders to notify local authorities of an intention to register accommodation for short or holiday lets; and for connected purposes.

One year ago, I introduced a Bill along similar lines to this one seeking to respond to the growing concern among my residents about the short, holiday, or what we now call the nightly let sector. Many residents feel the impact most in respect of their own homes: issues around noise, rubbish, security fears, antisocial behaviour, breaches of leasehold in blocks of flats and the undermining of insurance. It is also increasingly clear, however, that, as ever more properties turn over to shorter lets, there is a wider impact, including the loss of much-needed residential accommodation.

Since last year, the pressure has only grown. Last week, research published by the Residential Landlords Association found 53,000 Airbnb listings this year in London alone—up 60%—and a 54% increase in whole property listings. That is equivalent to 12,213 homes that are not available for residential use. In my borough of Westminster, the number of Airbnb lettings rose from 1,603 in 2015 to 3,621 in 2017—an increase of 126%. As of March, an estimated 3,621 whole properties were advertised in the borough and 27,175 entire properties in London. Figures provided by Westminster City Council suggest that in London alone, over two years, there has been a 187% increase in the total number of rentals; the total comes to 173,714. As we know, Airbnb is the biggest player, but there are a number of others.

It is certainly not only London that is affected, as the RLA’s ten-city research showed. It found that the largest percentage increase occurred in Birmingham, where demand has increased by 687% over the two years; that Liverpool had the highest proportion of professional listings, at 72% of all rentals offered by multi-listing hosts; that in Cardiff there had been a 536% increase since 2015; and that in Edinburgh the figure was up by 182%, with 18,105 rentals this year. Several other cities are increasingly being affected.

Of course, many property owners—probably the large majority—lawfully let their properties to enjoy some extra income via Airbnb and other sites, and most owners and tenants act responsibly. To be absolutely clear: no one—not me, Westminster City Council or the Mayor of London—is seeking to ban short lets. It is clear, however, that there is unlawful letting too, and of course last year that prompted Airbnb to announce that it was introducing its own restrictions so that property owners on their sites could not let accommodation for more than 90 days a year.

That was a welcome development, but predictably it has not solved all the problems. There were loopholes from the start, the most significant of which is that, even with a major platform committed to upholding the law, if other platforms do not follow suit, or if owners prove adept at switching between them, or classify whole properties as single rooms or move between definitions of addresses, the core issues remain.

All these issues were brought to the fore in London earlier this year when Assembly Member Tom Copley brought concerned parties from London together to analyse the trends in this sector and the problems it is causing for local authorities and others. I very much look forward to his report on the topic, which I believe is imminent, and I am grateful to him for sharing his evidence and conclusions with me. They have informed my speech today. This is emphatically a cross-party issue, as his work confirms and as is demonstrated by the work done by Westminster City Council, which I have drawn heavily on today. We are working across parties to make sure that the Government address the negative impact on communities.

What is the problem? There are three main problems. The first is the sheer scale of this growing sector and its concentration in certain neighbourhoods—although it is spreading—of London. There are apartment blocks in my constituency and others that are fast becoming informal hotels, but without any of the management and support functions provided by hotels and, of course, without paying business rates or corporate taxes. More localised lettings, even though they do not have the same concentration of problems, can still cause real stresses for neighbours and costs and demands on the public purse. Only this weekend, I was in Dibdin House, a former Church Commissioners block in Maida Vale, where a woman was telling me that the flat upstairs had been let continuously on short-let sites for the past two years, meaning that people never knew who was coming and going and that there were parties and all kinds of issues having a negative effect on the local community.

The second problem is the loss of whole properties to the residential sector at a time of acute housing demand. Although single rooms account for a high proportion of nightly lets, overall, 70% of my borough’s holiday lets are whole properties. We know that short lets of nightly booked accommodation command far higher rents than assured shorthold tenancies. The RLA analysis demonstrates the growing professionalism of the sharing economy, with a 75% increase in the number of multi-listings. It believes that landlords are shifting into the sector because of the impact of Government changes to taxation, but also because lettings on a nightly basis command far higher income for landlords.

Information provided to me by Westminster City Council based on Valuation Office Agency data indicates that a one-bedroom flat will rent for £495 a week locally on an assured shorthold tenancy, but for £1,561 a week if let on a nightly basis; that a two-bedroom flat can
rent for £620 a week, but for £1,838 a week on a nightly basis; and that a three-bedroom property can rent for £950 a week on an assured shorthold tenancy, but £2,656 can be generated a week by a nightly let. The RLA says that its research “identifies a significant issue for the future of the Private Rented Sector... in that landlords are starting to offer their properties as short/holiday lets” rather than as residential lets. It has also found that “over 1 in 3 are doing so because of tax increases on landlords”. The RLA will have to make the case for how the tax differential impacts on landlords, but the fact is that, between higher rents and tax changes, we are losing differential impacts on landlords, but the fact is that, between higher rents and tax changes, we are losing differential impacts on landlords, but the fact is that, between higher rents and tax changes, we are losing differential impacts on landlords. The RLA says that its research identifies a significant issue for the future of the Private Rented Sector... in that landlords are starting to offer their properties as short/holiday lets” rather than as residential lets. It has also found that “over 1 in 3 are doing so because of tax increases on landlords”. The RLA will have to make the case for how the tax differential impacts on landlords, but the fact is that, between higher rents and tax changes, we are losing differential impacts on landlords.

The third problem is the costs of and difficulties with enforcement. As of September 2017, almost 1,500 properties in Westminster alone were suspected of unauthorised nightly lettings over and above the legal 90-day maximum. Last year, an Institute for Public Policy Research report found that almost one in four short-let properties were being let for more than the 90-day legal limit. Searce public resources have to be devoted to dealing with problems arising from a minority of nightly lets and to identifying and seeking to prevent owners from breaching the legal limit. Westminster City Council currently spends more than £250,000 a year on planning enforcement activity, which is purportedly more than the tax bills of certain companies involved in creating the issues. As it says—and I agree—the polluter does not pay.

We urgently need to look at this growing issue of enforcement. This is now an issue in cities all over the world and we are in danger of falling behind; other cities are leading on enforcement. When public resources are so scarce, we simply cannot expect local authorities to have to spend their resources in enforcing the law. We need a simple legal change and the Government to get behind local authorities. We need the Mayor of London to be able to take a role in enforcing the Deregulation Act 2015 and we need some action now from the Government before this becomes a crisis.

Importantly, we need to protect the interests of tenants. A study by the RLA found that almost one in four short-let properties were being let for more than the 90-day legal limit. The costs of and difficulties with enforcement are significant, with public resources having to be devoted to dealing with problems arising from a minority of nightly lets. Searce public resources have to be devoted to dealing with problems arising from a minority of nightly lets and to identifying and seeking to prevent owners from breaching the legal limit. Westminster City Council currently spends more than £250,000 a year on planning enforcement activity, which is purportedly more than the tax bills of certain companies involved in creating the issues. As it says—and I agree—the polluter does not pay.

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**Question put and agreed to.**

Ordered,


Karen Buck accordingly presented the Bill.

_Bill read the First time; to be read a Second time on Friday 23 February 2018, and to be printed (Bill 142)._
New clause 38—Status of Irish citizens in the United Kingdom—

“Before making any regulations under section 9, the Minister shall commit to making available to Irish citizens lawfully resident in the United Kingdom after exit day any status, rights and entitlements available to Irish citizens before exit day, inclusive of and in addition to their status, rights and entitlements as EU citizens.”

New clause 66—Parliamentary approval for the outcome of negotiations with the European Union—

“No exit day may be appointed under this Act until the terms of the United Kingdom’s withdrawal from the European Union, including leaving the EU without an agreement, have been approved by both Houses of Parliament.”

This new clause is intended to establish that Parliament has a meaningful vote on the terms of Britain’s withdrawal from the European Union.

New clause 68—Terms of withdrawal: approval by Parliament—

“(1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the UK’s future relationship with the European Union, until those terms have been approved by resolution in both Houses of Parliament.

(2) Approval by resolution of both Houses of Parliament must be sought no later than three months before exit day.”

This new clause would require the Government to seek Parliamentary approval for its exit agreement with the EU at least three months before exit day.

New clause 69—United Kingdom withdrawal from the EU—

“(1) Subsection (2) applies if either of the conditions in subsection (3) or (4) is met.

(2) The Prime Minister must seek an agreement with the EU on one or more of the following—

(a) extending the negotiations beyond the two-year period specified in Article 50 of the Treaty on European Union; or

(b) agreeing that negotiations over the final terms of the United Kingdom’s withdrawal from the EU may take place during a negotiated transitional arrangement which broadly reflect current arrangements and which begins immediately after the Article 50 notice period expires and the EU treaties cease to apply to the UK; or

(c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been approved in accordance with this section by a resolution of the House of Commons.

(3) The condition in this subsection is that no Article 50 withdrawal agreement has been reached between the United Kingdom and the EU by 31 October 2018.

(4) The condition in this subsection is that an Article 50 withdrawal agreement has been reached between the United Kingdom and the EU but the proposed terms of withdrawal have not been approved by resolutions of both Houses of Parliament by 28 February 2019.

(5) Nothing in this section may be amended by regulations made under any provision of this Act.”

The intention of this new clause, which could be amended only by primary legislation, is to specify the actions that should be taken if the Government does not secure a withdrawal agreement by 31 October 2018 or that Parliament does not approve a withdrawal agreement by 28 February 2019.

New clause 75—Implementing the withdrawal agreement (No. 2)—

“(1) No powers to make regulations under this Act may be used for the purposes of implementing the withdrawal agreement.

(2) The Secretary of State must lay a report before Parliament detailing how implementing the withdrawal agreement will be achieved through primary legislation.

(3) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” may include any necessary provision for a transitional period after the exit day appointed for section 1 of this Act.

(4) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” must include any necessary provision to ensure that any citizen of any EU Member State who are lawfully resident in the UK on any day after exit day can continue to be lawfully resident after exit day on terms no less favorable than they currently enjoy.”

This new clause is intended to ensure that primary legislation is used to implement the withdrawal agreement, including maintaining EU citizens’ rights.

Amendment 7, in clause 9, page 6, line 45, at end insert “—subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the European Union.”

To require the final deal with the EU to be approved by statute passed by Parliament.

Amendment 355, page 6, line 45, at end insert “—subject to—

(a) the prior enactment of a statute by Parliament, and

(b) an affirmative resolution passed by the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly, approving the final terms of withdrawal of the United Kingdom from the European Union.”

This amendment would require the final deal with the EU to be approved by statute passed by both Parliament and by the devolved administrations.

Amendment 361, page 7, line 2, at end insert “—(c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been approved in accordance with this section by a resolution of the House of Commons.”

Amendment 142, page 7, line 8, at end insert “—(e) remove, reduce or otherwise amend the rights of any citizen of an EU Member State who was lawfully resident in the UK on any day before 30 March 2019.”

This amendment seeks to protect the existing rights of EU citizens living in the UK.

Amendment 47, page 7, line 8, at end insert “—(3A) No regulations may be made under this section unless the terms of the withdrawal agreement have been approved by both Houses of Parliament.”

Amendment 196, page 7, line 8, at end insert “—(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Political and Security Committee after exit day.”

Amendment 197, page 7, line 8, at end insert “—(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a signatory to all agreements signed through the European Union’s Common Foreign and Security Policy.”
Amendment 198, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Foreign Affairs Council.”

Amendment 199, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Bank for Reconstruction and Development.”

Amendment 227, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of the UK leaving the EU single market on the forecast to the UK’s public finances.”

This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the levels of GDP growth.

(3B) Any assessment under subsection (3A) shall set out an assessment of the impact of exiting the EU single market on levels of GDP growth in—

(a) Scotland,
(b) Northern Ireland,
(c) England, and
(d) Wales.”

This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the levels of GDP growth in the UK and in each part of the UK, before any regulations are made under section 9.

Amendment 228, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of exiting the EU single market on levels of GDP growth.

Amendment 229, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of ending freedom of movement on the UK’s public finances.”

This amendment would require publication of a Government assessment of the impact of the United Kingdom ending freedom of movement on the forecast to the UK’s public finances. before any regulations are made under section 9.

Amendment 230, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU.”

This amendment would require publication of a Government assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU, before any regulations are made under section 9.

Amendment 300, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until—

(a) the Government has laid before Parliament a strategy for maintaining those protections, safeguards, programmes for participation in nuclear research and development, and trading or other arrangements which will lapse as a result of the UK’s withdrawal from membership of, and participation in, the European Atomic Energy Community (Euratom), and
(b) the strategy has been approved by both Houses of Parliament.”

This amendment would prevent the Government using any delegated powers under Clause 9 until it had secured Parliamentary approval for its proposals to replace any provisions that cease to apply as a result of the UK’s withdrawal from membership of Euratom.

Amendment 55, page 7, line 9, at end insert—

“or until the withdrawal agreement has been published and legislation proposed in the 2017 Gracious Speech in relation to customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions has been published.”

This amendment would ensure that powers to Ministers to make regulations implementing the withdrawal agreement cannot be exercised until such time as the withdrawal agreement has been published along with the publication of associated legislative proposals on customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions.

Amendment 19, page 7, line 9, at end insert—

“(5) Regulations under this section will lapse two years after exit day.”

Although the power conferred by this clause lapses on exit day, there is no sunset clause for the statutory instruments provided under it. This would make all such statutory instruments lapse two years after exit day and require the Government to introduce primary legislation if it wanted to keep them in force.

Amendment 74, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Single Market.”

Amendment 75, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Customs Union.”

Amendment 116, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until such time as the terms of the withdrawal agreement have been approved by a Ratification Referendum, giving voters the options of supporting the terms of the withdrawal agreement, or remaining in the EU.”

This amendment seeks to ensure that Ministers cannot make and use secondary legislation for the purposes of implementing the withdrawal agreement until such time as that agreement has been approved by a Ratification Referendum.

Amendment 143, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until such time as the Government has signed an agreement with the EU that maintains and guarantees the existing rights of EU citizens living in the UK, and UK citizens living elsewhere in the EU, as of 29 March 2019.”

This amendment seeks to protect the existing rights of both EU citizens living in the UK, and UK citizens living elsewhere in the EU.

Amendment 156, page 7, line 9, at end insert—

“(5) No regulations may be made under this section unless the requirement in section [Status of Irish citizens in the United Kingdom] has been satisfied.”

Amendment 224, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK to retain access to the EU’s Emissions Trading System markets after withdrawal from the EU.”

This amendment would require the Secretary of State to publish a strategy to retain access to the EU’s Emissions Trading System markets after withdrawal.
Amendment 225, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK’s continued participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for the UK to continue participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.

Amendment 231, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Government has published a report setting out a strategy for maintaining UK membership of the European Investment Bank.”

This amendment would require the Government to publish a strategy for retaining access to the European Investment Bank.

Amendment 232, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining membership of the European Investment Fund.”

This amendment would require the Government to publish a strategy for retaining access to the European Investment Fund.

Amendment 238, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the maintenance of UK membership of the European Food Safety Authority on existing terms after withdrawal from the EU.”

This amendment would require the Government to publish a strategy for continuing to be a member of the European Food Safety Authority.

Amendment 241, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK’s withdrawal from the EU.

(6) Any changes to regulations in subsection (5) shall only be made after—
(a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
(b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
(c) the National Assembly for Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
(d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5).”

This amendment would require the Secretary of State to publish a strategy for seeking to ensure that reciprocal healthcare arrangements continue after the UK leaves the EU.

Amendment 242, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Medicines Agency on existing terms after withdrawal from the EU.”

This amendment would require the Government to publish a strategy for continuing to be a member of the European Medicines Agency.

Amendment 243, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Agency for Safety and Health at Work after withdrawal from the EU.”

This amendment would require the Government to publish a strategy for continuing to be a member of the European Agency for Safety and Health at Work.

Amendment 244, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Chemicals Agency after withdrawal from the EU.”

This amendment would require the Government to publish a strategy for continuing to be a member of the European Chemicals Agency.

Amendment 245, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for maintaining UK membership of the European Single Sky Agreement on existing terms after withdrawal from the EU.”

This amendment would require the Government to publish a strategy for continuing to be a member of the European Single Sky Agreement.

Amendment 246, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

This amendment would require the Government to set out a strategy for seeking to ensure that the UK continues to be a member of the European Aviation Safety Agency after withdrawal from the EU.

Amendment 247, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of the European Maritime Safety Agency on existing terms after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continues to be a member of the European Maritime Safety Agency after withdrawal from the EU.

Amendment 248, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of ERASMUS on existing terms after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continues to be a member of the ERASMUS scheme after withdrawal from the EU.

Amendment 249, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain access for the UK to reciprocal roaming charge agreements on existing terms as under Regulation 2017/920, after withdrawal from the EU.”

This amendment would seek to ensure that roaming charges do not come into effect after exit day for UK citizens in the EU and vice versa.

Amendment 250, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of Creative Europe on existing terms after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to be a member of Creative Europe after withdrawal from the EU.
Amendment 251, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has made a formal request to President of the European Council that the UK continues membership of the European Union Agency for Fundamental Rights after withdrawal from the EU.”

This amendment would require the UK to make a request to the President of the European Council for continued UK membership of the European Agency for Fundamental Rights after withdrawal from the EU.

Amendment 252, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching an agreement with the EU to enable the UK to have continued access to Passenger Name Records after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to have access to Passenger Name Records after withdrawal from the EU.

Amendment 253, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.

Amendment 254, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Arrest Warrant.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Arrest Warrant after withdrawal from the EU.

Amendment 255, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL after withdrawal from the EU.

Amendment 256, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST after withdrawal from the EU.

Amendment 257, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU after withdrawal from the EU.

Amendment 258, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU after withdrawal from the EU.

Amendment 259, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online ("FADO") internet-based image archiving system.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online ("FADO") internet-based image archiving system after withdrawal from the EU.

Amendment 260, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre after withdrawal from the EU.

Amendment 261, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Access to Police Information Convention ("Naples II Convention").”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Access to Police Information Convention after withdrawal from the EU.

Amendment 262, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers registered to practise in England, Wales, Northern Ireland and Scotland shall not lose their right of audience at the European Court after the UK's withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable British-registered lawyers to continue to appear before the Court of Justice of the European Union, after withdrawal from the EU.

Amendment 263, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers from England, Wales, Northern Ireland and Scotland shall not lose their status of legal profession privilege concerning communications with regard to proceedings before the European Court, after the UK’s withdrawal from the EU.”

This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to ensure that communications from British-registered lawyers with regard to proceedings before the European Court continue to be covered by legal profession privilege, after withdrawal from the EU.
Amendment 275, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid before both Houses of Parliament a report before both Houses of Parliament setting out a strategy for continued participation by the United Kingdom in the common European Asylum System.”
This amendment would require the Secretary of State to set out a strategy for continued participation by the United Kingdom in the common European Asylum System, after withdrawal from the EU.

Amendment 276, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid before both Houses of Parliament a report before both Houses of Parliament setting out a strategy for continued participation by the United Kingdom in the common European Asylum System.”
This amendment would require the Secretary of State to set out a strategy for continued participation by the United Kingdom in the common European Asylum System, after withdrawal from the EU.

Amendment 343, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid before both Houses of Parliament a report before both Houses of Parliament setting out a strategy for continued participation by the United Kingdom in the common European Asylum System.”
This amendment would ensure harmonisation of clinical trials across the EU Member States will continue in the UK after the UK leaves the EU.

Clause 9 stand part.

New clause 7—Consultation—
“The Government shall follow the principles set out in the Cabinet Office Code of Practice in respect of public consultation in advance of regulations being made under powers granted by this Act.”
This new clause would commit Ministers to abiding by the existing Cabinet Office code of practice on consultations in respect of regulations to be made under the Bill.

New clause 12—Social, employment and environmental protection—
“Any rights, protections, liabilities, obligations, powers, remedies and procedures which exist immediately before exit day in the fields of—
(a) social and employment law, and
(b) environmental law
will not be amended through any regulations made to deal with deficiencies or withdrawal unless approved by a resolution of each House of Parliament or by Act of Parliament”
This new Clause would ensure that social, employment and environmental laws cannot be changed only through affirmative procedure.

New clause 57—Citizens’ Jury on Brexit Negotiations—
“(1) A citizens’ jury shall be established to enable UK citizens to be consulted on the progress of negotiations between the UK and the EU on the withdrawal of the UK from the EU, and the approach outlined in UK Government White Papers.
(2) The citizens’ jury shall in total be composed of exactly 1501 persons.
(3) Members of the citizens’ jury shall be randomly selected by means of eligibility from UK citizens on the current electoral register as registered on the date of this Act receiving Royal Assent, with allocation across the nine UK Government Regions, Scotland, Wales and Northern Ireland weighted by population, and a stratification plan, with the aim of securing a group of people who are broadly representative demographically of the UK electorate across characteristics including whether they voted Leave or Remain.
(4) The jury will be broken down into individual sittings for each of the nine UK Government Regions in England, as well as Scotland, Wales and Northern Ireland.
(5) The sittings will be for no more than 72 hours at a time, facilitated by independent facilitators, and if required, by electing forepeople from within their number.
(6) Membership of the jury will be subject to the same regulations and exceptions as a regular jury, but membership can be declined without penalty.
(7) The citizens’ jury will be able to require Ministerial and official representatives of the UK Government and the Devolved Administrations to give testimony to them to inform their work, and to have the power to invite other witnesses to give evidence as required.
(8) The citizens’ jury shall publish reports setting out their conclusions on the negotiations and UK Government White Papers.
(9) The first report from the citizens’ jury shall be published within two months of this Act receiving Royal Assent, and subsequent reports shall be published at intervals of no more than two months.
(10) Costs incurred by the citizens’ jury shall be met by the Exchequer.”
Clause 16 stand part.

Amendment 226, in schedule 7, page 39, line 29, at end insert—
“(g) makes changes to the application of the 2012 Energy Efficiency Directive in the UK.”
This amendment would make any changes to the application of the 2012 Energy Efficiency Directive in the UK subject to approval by resolution of each House of Parliament.

Amendment 235, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning the rights of workers in the UK.”
This amendment would require that the rights of workers currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.

Amendment 236, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning rights for disabled people in the UK.”
This amendment would require that the rights of disabled people currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.

Amendment 237, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning annual leave rights,
(h) makes changes to EU-derived domestic legislation concerning agency worker rights,
(i) makes changes to EU-derived domestic legislation concerning part-time worker rights,
(j) makes changes to EU-derived domestic legislation concerning fixed-term worker rights,
(k) makes changes to EU-derived domestic legislation concerning work-based health and safety obligations,
(l) makes changes to EU-derived domestic legislation concerning state-guaranteed payments upon an employer's insolvency,
(m) makes changes to EU-derived domestic legislation concerning collective redundancy rights,
(n) makes changes to EU-derived domestic legislation concerning terms and conditions of employment rights,
(o) makes changes to EU-derived domestic legislation concerning posted worker rights,
(p) makes changes to EU-derived domestic legislation concerning paternity, maternity and parental leave rights,
(q) makes changes to EU-derived domestic legislation concerning protection of employment upon the transfer of a business, or
(r) makes changes to EU-derived domestic legislation concerning anti-discrimination.”
This amendment would list areas regarding workers’ rights where changes to EU-derived law could be made only through affirmative procedure.
Amendment 293, page 39, line 33, at end insert—
“(3A) Regulations appointing any exit day may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”
This amendment would require regulations appointing an exit day to be subject to the affirmative procedure.
Amendment 328, page 39, line 42, leave out sub-paragraphs (6) and (7).
This amendment, and Amendments 329 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.
Amendment 329, page 41, line 15, leave out sub-paragraphs (10) and (11).
This amendment, and Amendments 328 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.
Amendment 155, page 42, line 17, at end insert—
“(3A) A Minister cannot make a declaration under sub-paragraph (2) unless they have satisfied themselves that they have sufficiently consulted—
(a) relevant public authorities,
(b) businesses,
(c) people, and
(d) other organisations
who are likely to be affected by the instrument.”
This amendment would require that, when using the urgent cases provision in the Bill, the Minister must first consult with businesses and other relevant organisations.
Amendment 154, page 42, line 31, at end insert—
“(7) For the purposes of this paragraph “urgent” has the same meaning as “emergency” in Section 1 of the Civil Contingencies Act 2004.”
This amendment would limit the circumstances in which Ministers can use procedures for urgent cases to circumstances in which there is a serious threat of damage to human welfare, the environment or the security of the United Kingdom.
Amendment 51, page 43, line 26, leave out paragraph 6
This amendment is linked to New Clause 3 to require the Government to implement the withdrawal agreement through separate primary and secondary legislation rather than through this Bill.
Amendment 294, page 44, line 37, after “section 17(5)” insert “, other than regulations to appoint an exit day,”
Consequential to amendment 293.
Amendment 295, page 45, line 5, after “section 17(5)” insert “, other than regulations to appoint an exit day,”
Consequential to amendment 293.
Amendment 344, page 45, line 11, at end insert—
The intention of this amendment is that tertiary legislation under the Act should be subject to the same parliamentary control and time-limits as are applicable to secondary legislation.
Amendment 58, page 45, line 23, leave out “urgency” and insert “emergency”
This amendment would remove the wider latitude currently allowing Ministers to make regulations without Parliamentary approval “by reason of urgency” and instead only allow such executive action “by reason of emergency”. An emergency is a situation that poses an immediate risk to human health, life, property, or environment.
Amendment 330, page 45, line 40, at end insert—
“Scrubtiy of regulations made by Welsh Ministers
11A (1) A statutory instrument containing regulations under this Act of the Welsh Ministers must be made in accordance with the procedures from time to time set out in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act.
(2) Sub-paragraph (1) applies to statutory instruments made by the Welsh Ministers acting alone and to statutory instruments made by the Welsh Ministers acting jointly with a Minister of the Crown.
(3) The Standing Orders of the National Assembly for Wales may set out different procedures for the making of different statutory instruments or for different categories of statutory instruments under this Act and, for the avoidance of doubt, may empower the Assembly or a committee of the Assembly to decide which of those procedures is to apply to an instrument or category of instruments.
(4) For the purposes of section 11A of the Statutory Instruments Act 1946, and any other provisions of that Act referred to in that section, the provisions set out from time to time in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act shall be deemed to be provisions of an Act.”
This amendment would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.
Amendment 301, page 46, line 18, at end insert—
“12A Any power to make regulations under this Act may not be exercised by a Minister of the Crown until 14 days after the Minister has circulated a draft of the regulations to the citizens’ jury appointed under section [Citizens’ jury on Brexit negotiations].”
The intention of this amendment is to provide for a citizens’ jury to be consulted before regulations are made under this Act.
Amendment 223, page 46, line 29, at end insert—
“14A Any power to make regulations in this Act relating to the oil and gas sector may not be made without—
(a) consultation, and
(b) an impact assessment, a copy of which must be laid before Parliament.”
This amendment would require consultation and an impact assessment before legislation affecting the relating to the oil and gas sector is changed by regulations made under the Act.
Amendment 331, page 48, line 14, leave out sub-paragraph (4).
This amendment, and Amendments 328 and 329, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.
That schedule 7 be the Seventh schedule to the Bill.
Amendment 29, in clause 17, page 13, line 34, leave out subsections (1) to (3)
This amendment would remove a widely drawn delegated power, which covers anything that happens as a consequence of the Act.
Amendment 99, page 14, line 13, at end insert—
“(8) Regulations under this section may not limit the scope or weaken standards of environmental protection.”

This amendment ensures that the power to make regulations in Clause 17 may not be exercised to reduce environmental protection.

Amendment 100, page 14, line 13, at end insert—
“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.”

This amendment imposes the same restriction on the regulation making powers under Clause 17 as applies to other regulation powers in the Bill.

Amendment 296, page 14, line 13, at end insert—
“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(9) Regulations made under this section may not amend or repeal retained EU law.”

This amendment would place restrictions on the power to make consequential and transitional provision.

Clause 17 stand part.

Yvette Cooper: I rise to speak to new clause 3, which has cross-party support, but also amendment 7, which does something similar to my new clause, albeit, I confess, in a rather more elegant way. I defer to the drafting powers of the former Attorney General in drafting his amendment.

This, on day seven in Committee, is really where we get to the crunch on this Bill. There are two big anxieties about the content of the Bill that finally come clashing together in clause 9. The first is the sweeping use of secondary legislation through Henry VIII powers, which, regardless of one’s views on the overall legislation, have caused some unease in all parts of the House because of the way in which they concentrate power in the hands of the Executive and cut deep into our historic role in Parliament to hold the Executive to account. The second anxiety is about getting the final Brexit deal right and about making sure that Parliament has a real, meaningful say on the deal, which will define our country for generations, and that we decide together what “taking back control” should mean.

Clause 9 is where those two anxieties come crashing together, because it allows a huge concentration of power in the hands of the Executive, and it does so over the final withdrawal agreement on the outcome of Brexit. Notwithstanding the commitments that the Prime Minister has made today and the written statement that we have seen, the reality is that clause 9 would allow Ministers to start to implement a withdrawal agreement entirely through secondary legislation and to do so even before Parliament has endorsed the withdrawal agreement.

Mr John Baron (Basildon and Billericay) (Con): Many of us hear what the right hon. Lady says about the Henry VIII clauses and the power grab, but does she not accept that the quid pro quo of that is that, while many in this House were quite happy for the EU to conduct a power grab, they seem less trusting of their own Government when it comes to these clauses?

Yvette Cooper: The hon. Gentleman makes an important point about parliamentary sovereignty, which was indeed a key issue that was debated in the referendum. In fact, many people argued in the referendum that what they were doing was bringing sovereignty back here, from having shared sovereignty with the EU. I do not think we are arguing that sovereignty should be handed over in a concentrated way to a small group of Ministers instead. That is the responsibility on us. We know that of course there are times when Parliament needs to give Ministers power on our behalf to use through secondary legislation, but we should do so cautiously and sensibly and make sure that the right safeguards are in place. That is the problem with the Henry VIII powers in this Bill, and not just in clause 9 but in clause 7. The challenge, too, is that we are being asked to do that on an issue that will define our country for generations. Each and every one of us will be judged on what we did in this place to get that Brexit deal right.

Sir Oliver Heald (North East Hertfordshire) (Con): Does the right hon. Lady agree that it is most welcome that, since my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) tabled his amendment 7, it has been agreed that there does need to be an Act of Parliament? Is not the weakness of clause 9 that there is still no trigger requiring the consent of Parliament to the withdrawal agreement before the regulations can be laid and used?

Yvette Cooper: The right hon. and learned Gentleman is exactly right, and that is why we have a cross-party interest in these issues. Not only is there no trigger on the face of the Bill—clause 9 will still allow Ministers this huge concentrated power to go ahead and implement the withdrawal agreement without Parliament’s agreement—but there is also a second difference, certainly for me in what Ministers have set out so far, about how a meaningful vote should take place. I want to come on to that as well.

New clause 3 says that Parliament will not yet give the Government permission to use secondary legislation to implement the withdrawal agreement, and that instead the Government must set out their plans for primary legislation to implement the withdrawal agreement. If secondary legislation is needed at that time, as part of the implementation process, those powers should be taken in the withdrawal agreement Bill—the second Bill—so that Parliament is not just handing over a blank cheque, but is deciding what powers are needed and making sure that the proper scrutiny and checks and balances are in place at that time.

I do not think this is really a controversial proposal. It is basically saying that Parliament should hand over no more power to the Executive than it needs to and should not hand over power to the Executive until it needs to and until it knows what is going on. New clause 3 also has the effect of requiring a meaningful vote in primary legislation on the withdrawal agreement before it can be implemented. That is not really a controversial proposal either. It simply says that we should have a proper vote on the most important thing to pass through Parliament in a generation—and a meaningful vote in primary legislation, as is fitting for something so important—and that we should do so before and not after we give Government the powers to start implementing it.

Amendment 7, which was tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), has broadly the same effect. Rather than removing the powers from clause 9, it simply says that they cannot be
used until a statute or primary legislation has been passed supporting the withdrawal agreement. Again, that means that Parliament does not blind hand over powers to the Executive in a trusting way without knowing what the consequences will be or what the agreement looks like.

Mr Bernard Jenkin (Harwich and North Essex) (Con): The whole point of this Bill is that it is taking back power to this country and this Parliament, so that we can decide for ourselves what will happen. All the significant powers in the Bill are subject to the affirmative resolution and those that are not will now be subject to a sifting committee. We are recovering from a situation where, as members of the European Union, we had handed over all these decisions, lock, stock and barrel, to the European Union, so the Bill is a massive improvement, and to dress up this attempt to reverse Brexit as an argument in favour of parliamentary sovereignty is nothing but cant.

Yvette Cooper: Oh my, what Stalinism is this?—that any attempt to disagree with the way in which this Bill is drawn up is somehow a betrayal of Brexit! What rubbish! How insecure are Members who object to any changes in the Bill, if they cannot see that it is Parliament’s job—a job that they argued for when they stood up and tried to defend parliamentary sovereignty—to take some responsibility by scrutinising legislation and proposing amendments to it? That is all we are doing now. We are putting forward an amendment to the way in which the Brexit process—the withdrawal process—should take place. The idea that this somehow undermines the referendum decision is just a load of rubbish and the hon. Gentleman well knows it, and if he had any better arguments, he would put them, rather than using something that is so ridiculous.

Chuka Umunna (Streatham) (Lab): The argument that we have heard from the right hon. and learned Lady give way?

Anna Soubry (Broxtowe) (Con): Will the right hon. Lady give way?

Yvette Cooper: I will, but then I want to make some more progress.

Anna Soubry: I assume that the right hon. Lady has read clause 9. Does she share my concern about the fact that some people seem not to have done so? Am I right to conclude that the clause means that the Government negotiate a withdrawal agreement—arguably one of the most important things that have happened for decades—which will not come to us here, but will be implemented by Ministers? As the Bill stands, that is it: apparently there will be no further involvement of this sovereign Parliament.

Yvette Cooper: I do agree, and I think that goes to the heart of our concern.

It ought to be possible for the Government to agree to my new clause 3, or to amendment 7. Let us think about the points that they have already made. First, they have recognised that there is a problem if too much power is concentrated in the hands of the Executive. They said so yesterday during the debate on clause 7, and I think that they recognise the importance of safeguards on the use of Executive powers. Secondly, they have said that there will be a meaningful vote on the withdrawal agreement. I welcome that, but I think there is still a difference between us on what counts as a meaningful vote. Thirdly, they have said that there will now be primary legislation on the withdrawal agreement, and I welcome that as well. If we put all those three things together in the right way—the commitment to primary legislation, the commitment to a proper vote and say for

Mr Jacob Rees-Mogg (North East Somerset) (Con): The power that the Executive will have in making regulations under the clause will be subject to Parliament, because secondary legislation comes to Parliament. These regulations are of a different order of magnitude from regulations made by the European Union, which can be made by qualified majority vote against the will of the British Government and are automatically British law. So this is, in fact, restoring parliamentary oversight to the making of laws.

Yvette Cooper: The hon. Gentleman has himself been a strong advocate of the responsibilities and powers of Parliament, but it does not take long for him to become completely lost down a sidetrack and start talking about what our relationship with the EU has been for very many years. The point is that this process is about how that relationship will change. We know that it is due to change as a result of the referendum and the article 50 negotiations, but the responsibility for all of us is to determine how it should change. The hon. Gentleman knows as well as I do, and as well as every other Member in the House, that the giving of powers in secondary legislation concentrates powers in the hands of Ministers, and does not receive the same scrutiny. Furthermore, this is not just about the concentration of power through clause 9; it is also about the process through which the Government want to make the decisions on the withdrawal agreement in order to trigger clause 9.

Anna Soubry: Will the hon. Gentleman well knows it, and as well as every other Member in the House, that the giving of powers in secondary legislation concentrates powers in the hands of Ministers, and does not receive the same scrutiny.
Parliament, and concern about the concentration of powers—we get amendment 7 or new clause 3. It is the same thing.

Sir Oliver Heald: Following the point made by my right hon. Friend the Member for Broxtowe (Anna Soubry), may I ask whether the right hon. Lady agrees that the statutory instruments that we are discussing relate to matters of constitutional significance—matters of the sort that we normally only debate on the Floor of the House? It would be wrong for those matters to be dealt with in Committee when the House has not necessarily even agreed to the withdrawal agreement.

Yvette Cooper: The right hon. and learned Gentleman is absolutely right. This is not the Legislative and Regulatory Reform Act 2006, which was all about minor and detailed changes and consolidating legislation through secondary legislation—or that, at least, was its intention. As the right hon. and learned Gentleman says, this is about hugely constitutionally significant legislation and changes that will affect the course of events in this country for generations.

1.15 pm

Tom Brake (Carshalton and Wallington) (LD): The right hon. Lady mentioned the different definitions of a “meaningful vote”. Does she agree that a vote that took place at a point at which, for instance, Parliament could say to the Government, “What you have negotiated is not acceptable” would not constitute a meaningful vote?

Yvette Cooper: The right hon. Gentleman is exactly right. The timing of the vote matters, but so does its constitutional status. That is why I think it immensely important for this to be a statutory vote.

Let me explain why the Government’s words and the Prime Minister’s words—in the written ministerial statement, in various letters and so on—are not enough, and why we need to vote on either amendment 7 or my new clause 3. First, the Government’s unwillingness to put their promises on the face of the Bill is a problem. Parliament needs commitments in legislation before we can give the Executive such strong powers—such constitutional powers—and we need that commitment on the face of the Bill before and not after we do so. Secondly, there is still a difference between us on what counts as a meaningful vote. Without either new clause 3 or amendment 7, it would still be possible for Ministers to offer only a vote on a motion on the withdrawal agreement, and that indeed is the Prime Minister’s intention. The written ministerial statement published this morning says:

“This vote will take the form of a resolution in both Houses of Parliament and will cover both the Withdrawal Agreement and the terms for our future relationship.”

Antoinette Sandbach (Eddisbury) (Con): Does the right hon. Lady share my concern about the fact that the vote on the motion of both Houses will come after the ratification of the treaty, and the fact that this House has no power or ability to change treaty terms under the ratification, which renders any vote on the motion meaningless?

Yvette Cooper: I think the hon. Lady is right. The Minister will be able to clarify this later, but I think it is a key point that the vote on the primary legislation—on the implementation of the Bill—will not happen until after the treaty has been ratified. I think that there is still some confusion about whether the vote on a motion, or a resolution, will happen before or after the ratification of the treaty, but the main point I want to make about the weakness of trying to do this simply through a resolution is that it is the primary legislation that counts, and it is clear from what the Minister has said, and what has been said in the written ministerial statement, that the primary legislation vote, the statutory vote, will not happen until after the ratification and the whole legal process have been completed.

The Minister of State, Ministry of Justice (Dominic Raab): The written ministerial statement makes it very clear that the meaningful vote will come after the negotiations have been concluded, but before ratification. That is precisely why it was published today.

Yvette Cooper: I think that there is a big difference between us on the word “meaningful”. I shall be happy to give way to the Minister again, but I think that he should clarify the position, and confirm that the only vote that we will have before the ratification of the treaty is a vote on a motion.

We are talking about a “take it or leave it” deal, and about a “take it or leave it” vote on the completed deal. That is the only thing that is there, even in the written ministerial statement; and there is no guarantee in the legislation, by the way. The Minister is not proposing to put that on the face of the Bill. Even if we take the written ministerial statement in good faith, and even if we rip up our commitment to putting things on the face of the Bill, all that the Minister has given us is the possibility of a vote on a motion, not a vote on primary legislation before the ratification of the treaty.

Chris Bryant (Rhondda) (Lab): I would not take any consolation from what the Minister has said. The formal process of ratification of a treaty, under the Constitutional Reform and Governance Act 2010, is that the treaty is laid before the House by a Minister, and if the House has not annulled it within 21 days, it goes ahead. However, we can only have a vote on annulment if the Government allow it, and in recent years they have regularly chosen not to do so. It is perfectly possible, consistent with what the Minister has just said, that the only vote we would have—and this may be what he means by a meaningful vote—is the vote on annulment, which is a “take it or leave it”, completely meaningless vote.

Yvette Cooper: My hon. Friend is absolutely right, and that goes to the heart of this: in the end, the power is still concentrated in the Executive’s hands, whether it is the power to give us a vote on the treaty at all or the power over the timing of any of these votes. That is all still in the Government’s hands, without re assurance, in the Bill, but there is still only this proposal simply to have a vote on a motion, not a vote on statute with all the scrutiny that brings.

Several hon. Members rose—

Yvette Cooper: I am conscious of time; I will give way again, but many Members want to speak in this important debate.
Paul Farrelly (Newcastle-under-Lyme) (Lab): Has my right hon. Friend given any thought to the consequences of the possibility, under the Government’s proposed procedure, of this House voting in favour but the other place voting against the motion?

Yvette Cooper: That is clearly a possibility, but I think we should trust in the maturity of Parliament. It is possible for people to vote in different ways, but we have long-standing processes between our two Houses for resolving differences and debating them. My problem is that we are not actually being given the opportunity to have those proper meaningful votes through legislation, and instead we just have these motions, which have no constitutional status.

Anna Soubry: Can the right hon. Lady confirm that it is Government policy that this place will be given, to use their expression, a meaningful vote? For example, as the talks progress, some hon. Members might say, “Well, hang on a moment; my pharmaceutical industry is being excluded from this arrangement on trade under this particular head of agreement.” That is an example of doing something “meaningful”—the ability of those of us in this place, acting on behalf of our constituents, to change some of the drift of the negotiations, to get a deal that suits everybody in our country.

Yvette Cooper: I agree: it is hugely important that this vote has the proper status in Parliament, as well as our being able to debate the detail.

Chris Bryant: The point about a potential difference between the House of Lords and the House of Commons again makes me concerned that the Government are toying with only allowing a vote on an annulment motion, presumably tabled by the Opposition rather than the Government, on the original treaty, because then they would have sanction under the Constitutional Reform and Governance Act 2010, which determines what happens if there is a difference between the Lords and the Commons. So, again, I spy a rat.

Yvette Cooper: My hon. Friend is right, and that again shows the importance of having these commitments in the Bill, so that there can be no doubt and no possibility of the Government using clause 9 to start implementing an agreement on which there has been no meaningful vote.

Mr Jenkin: Can the right hon. Lady explain how the timing will work? If there is to be legislation to approve a withdrawal agreement before March 2019, what happens if the agreement is reached too late to allow that legislation to go through all its stages—[Interruption]—or is this a plan to delay the Brexit date?

Yvette Cooper: I thought part of the way through the hon. Gentleman’s intervention that he was finally coming up with a sensible point. I have no control over the timing of the Government’s negotiations; I hope that they and the EU will get on with this quickly, because in particular we need the transitional agreement pinned down as early as possible, as businesses need certainty—and they need that as much in my constituency as in the hon. Gentleman’s. So I hugely hope there will be plenty of time for all these debates to take place. In the event that, against the Government’s will—they have said they do not want this—it ends up being a late deal, Parliament should have the opportunity to ask the Government to extend article 50 for a couple of months, to be able to implement it properly. In fact, the Government will have to do that anyway, because they will not be able to bring clause 9 powers through fast enough not to have to do so.

Mr Ben Bradshaw (Exeter) (Lab): Is it not far more likely that the Government will have to do that long before then, because everyone, including the Brexit Secretary, recognises that it is simply not possible to get everything agreed within the next year, plus a few months?

Yvette Cooper: That may be the case. It is clearly not what the Government want, and many of us want the certainty early on. Either way, in the end, however, the timing of the article 50 process will be determined by the Government and the EU states together, but Parliament should be able to put its view to the Government, and Parliament so far in this process will be given no choice in that and no opportunity to have its say.

There is another problem with doing this through a resolution. It is not a fit and proper way to decide something so constitutional to simply do it through a resolution or motion of this House, especially when the Government have shown, in their attitude to Opposition day motions and to resolutions they have lost, that they do not give those sorts of motions and resolutions much status and significance at all, and they do not have constitutional or legal status.

It is only fitting, therefore, for us in this Parliament to say that we should do this through statute, but that is also the most important way to make sure the vote is meaningful. As several Members have said, a motion being put to Parliament that, as the Brexit Secretary has suggested, basically says, “Vote for this deal, whatever it is, or leave with no deal at all,” is in the end not a meaningful vote for Parliament. If Parliament is being given the choice of endorsing the deal the Government have come up with, whatever it is, or alternatively saying in effect that we want no transitional agreement, no security co-operation—nothing at all—and we want to just go straight off the edge of a cliff, that in the end is not proper scrutiny and not a proper meaningful vote. It also provides no incentive for Ministers to have to make sure that what they negotiate can get support in Parliament.

At present, the Government have more incentive to come up with a deal that will get the support of the European Parliament than the support of this place. That is not on; that is not acceptable. It is unacceptable that they have more incentive to focus on the interests of the European Parliament than they have to focus on the interests of, and the potential to build consensus in, this Parliament. That is why we need a vote on statute; that is why we need a statutory vote; and that is why we need either amendment 7 or new clause 3, to have a meaningful vote before, not after, the treaty is ratified.

Mr Nigel Evans (Ribble Valley) (Con): The right hon. Lady talked about a delay of perhaps a couple of months, but if the treaty is not right in the eyes of this Parliament, a couple of months could turn into a couple years, and, indeed, some people would like it to
be a couple of decades. Therefore, she talks about a meaningful vote, but what about the meaningful vote of the people of this country, who voted last June to leave the European Union? We need to get this done as quickly as possible, to deliver what the British people voted for.

Yvette Cooper: We had a referendum on whether or not Britain should leave the EU. That referendum has taken place; that decision has taken place; and Parliament has respected that decision. Despite how individual Members might have voted in that referendum, or on which side we might have campaigned, as a whole Parliament has respected that referendum result. The referendum did not decide how we leave the EU, however, or what the Brexit deal or transitional agreement should be. That is the responsibility now for the Government in negotiations, but also for this Parliament.

I point out to Members who claim that somehow we cannot have a parliamentary debate on this because it is an internationally negotiated deal—because, somehow, it is a done deal—that Parliament must be able to have a say in this process and we should trust Parliament to be mature and responsible. A lot of Conservative Members said that if we let Parliament vote on article 50, the sky would fall in because it would somehow stop the Brexit process, rip up the referendum result and get in the way of democracy. But actually, the Members of this Parliament know that we have a responsibility towards democracy. We have a mature responsibility to our constituents to defend the very principles of democracy. That is exactly why many of us, including me, voted for article 50, to respect the referendum result, but we do not believe that we should then concentrate powers in the hands of Ministers to enable them to do whatever they like. We have a responsibility to defend democracy and those democratic principles. It is our responsibility as Members of Parliament to have our say and to ensure that we get the best deal for the country, rather than just give our power to Ministers.

1.30 pm

I want briefly to deal with the Government’s objections to my new clause and to amendment 7. First, they say that we will not have time to pass the proposed primary legislation on the withdrawal agreement. That is such rubbish! We have done accelerated legislation many times in this House. We have done it on issues as sensitive as investigatory powers. We have done it in a responsible way, and we can do so again. If the Government need to bring forward several statutes to break this up, they can still do so; it just means that they would have to have a statute, and we could do this through an accelerated process if we needed to. If the clock really is ticking, as the Government say it is, they still have the scope to ask for an article 50 extension of a month or so, to allow time for Parliament.

Secondly, the Government say that we cannot have a legislative process around an internationally negotiated deal, but of course we can. This is what parliamentary sovereignty is all about, and this is about us being mature. Thirdly, they have said that this would somehow stop Brexit. Again, that is rubbish. This is about how we should do this and how we can get the legislation right. Fourthly, I know that some Conservative Members have been told that if they vote for amendment 7 and do not stick with the Government’s line, it will somehow undermine the Prime Minister’s position and be a disloyal thing to do. All I would say to them is that the Prime Minister has proved to be remarkably resilient in the face of things that are considerably worse than losing one vote on one amendment in this place. Much as I would like it to be different, the fact that she is still standing at the Dispatch Box despite the result of the election and the result of a series of other things means that she really will not be knocked over by this one amendment.

Mr Dominic Grieve (Beaconsfield) (Con): The right hon. Lady might agree with me that what causes more consternation overseas among those observing what is going on are the signs that we as a Parliament and as a Government seem from time to time to completely lose our marbles and get involved in polemical arguments that are far removed from the actual matters that we are supposed to be discussing.

Yvette Cooper: The right hon. and learned Gentleman is exactly right, and I will defer to him to set out his amendment and describe its impact. The idea that we should make a confidence issue out of every single adjustment to the Brexit process or to the withdrawal Bill is just nonsense.

If we have a Bill before Parliament, it has to be possible for Members of Parliament to table amendments to it and to vote on them. In a hung Parliament, that is even more the case. The Prime Minister asked for a mandate to do all this her own way, but she did not get it. She got a hung Parliament. That puts even more responsibility on us all to work together to find something that will build consensus across Parliament and across the country. In a hung Parliament, the Government sometimes lose votes because Parliament has to do its job to build the right kind of consensus and to get the right kind of outcome.

In the end, this is all about Parliament and democracy. Each and every one of us has a responsibility to our constituents not to hand over, share or give up our authority and our sovereignty, but to exercise our responsibility to get the very best deal. For centuries, Members of Parliament have fought tooth and nail to defend democracy and the powers of Parliament against Executive power. We cannot be the generation that just rips that up and hands over all the power to the Executive. We have a responsibility—now more than ever, given the gravity of the decisions before us—to use that power responsibly and to try to build consensus. To be honest, if the Government cannot build a broader consensus in Parliament, there is no chance of their building a broader consensus in the country, and if they cannot do that, we will end up with everybody rowing over the Brexit deal for a generation to come. For the sake of all of us who want to get back to discussing our schools, our hospitals and all the other issues that face our Parliament, I urge Ministers to accept either amendment 7 or new clause 3, and to start trying to build a consensus that can get us a sustainable Brexit deal.

Mr Kenneth Clarke (Rushcliffe) (Con): I rise to support new clause 3 and amendment 7. As mine is the second name attached to amendment 7, which was tabled by
my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), who is mainly responsible for it, I also incline to the view that it is slightly the better drafted, but I will support either proposal if one or both are put to the vote.

I might well succeed in being reasonably brief, because I agreed with every word of the speech made by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and I will not repeat what she said. A welcome note of cross-party consensus exists across a large part of the House, and it represents the cross-party consensus that is in favour of what is lazily called a soft Brexit and of having the best possible close relationship with the European Union after we leave.

The main issue in this debate seems to turn on what we mean by a “meaningful vote”, which relates to our discussion on the role of parliamentary sovereignty in a situation of this kind. I accept that today the Prime Minister—not for the first time—promised us a meaningful vote, but she later went on to qualify that slightly by talking about the need for statutory instruments to be brought forward during the period of the Bill, within the extraordinary powers that the Bill gives Ministers to enact, by regulation, even changes to British statute law.

We have to be clear what a meaningful vote is, and the key is the timing. It is quite obvious that if the British Government are to be responsible to the British Parliament, the vote must take place before the Government have committed themselves to the terms of the treaty-like agreement that is entered into with the other member states. Any other vote will not be meaningful.

Mr David Lammy (Tottenham) (Lab) rose—

Mr Rees-Mogg rose—

Mr Clarke: I will give way in just a second, but let me finish this point.

That means that a meaningful vote cannot take place until a detailed agreement has been arrived at about certainly the precise nature of our trading and economic relationships with the single market of the European Union, and actually quite a lot else besides, because we still have to embark on the security discussions, the policing discussions and the discussions about which agencies we are going to remain in and which agency rules we are going to comply with. This is, we all agree, a huge and complex agreement, and it is going to determine this country’s relationships with the rest of the continent of Europe and the wider world for generations to come. Can that happen before March 2019?

We face the genuine difficulty that it is quite obvious that we will not be remotely near to reaching that agreement by March 2019, and we have to think through what that actually means. The negotiators have been very optimistic in saying that they will have first a transition deal and then a deal by 2019. I am sure that they will try, but they have not a chance. I think that what they are actually saying—certainly the continental negotiators—is that they might be able to have some heads of agreement on the eventual destination by March 2019, which we can all carefully consider. They will certainly have to agree a transition deal of at least two years within which the rest of the process will have to be completed.

I agree with the right hon. Member for Normanton, Pontefract and Castleford that everybody wants things to be speedy, because one of things that this country is suffering from most at the moment is the appalling uncertainty caused by the fact that we have taken a ridiculous length of time to reach three obvious conclusions on the three preliminary points that had to be determined as the basis of our withdrawal. At the moment, however, we do not quite know what the British Government are going to be seeking as their end goal in the negotiations that are about to start, because the British Government, within the Cabinet, have not yet been able to agree exactly what they are seeking.

If I may say this to my desperately paranoid Euro-sceptic friends, it is not as if I am somehow trying in some surreptitious remainder way to put a spoke in the wheels of the fast progress of the United Kingdom towards our destination. The Government do not know what leave means. Nobody discussed what leave meant when we were having the referendum. Our overriding duty is not just to our political allegiances and so on; it is to provide this country with a good, responsible Government who face up to the problems of the real world and, accountable to Parliament, can produce the best new order that they can for the benefit of future generations.

Mr Lammy: The right hon. and learned Gentleman is demonstrating why he is Father of the House, so I hesitate to interrupt him, but on his point about having a meaningful vote prior to the Prime Minister of the day making the deal, does he agree, with his wealth of experience, that if we are to keep the country together, it is important that that Prime Minister has in the back of her head when trying to pull off that agreement, “I have to get this through my Parliament”?

Mr Clarke: The right hon. Gentleman makes one of the points that I was going to make. The most important effect of passing either new clause 3 or amendment 7—is there actually more to this than a meaningful vote, if we consider the various stages—and achieving proper parliamentary accountability is that that would affect the tenor of the negotiations. Like every other Head of Government in the European Union, our Prime Minister would need to have at the back of her mind, “Can I deliver to the House of Commons what I am thinking of conceding?” Every other political leader in Europe will do that, because they will have to sell what they sign up to to their own Parliaments. If we do not have a meaningful vote, we will be the only member state whose negotiators are not under a legally or constitutionally binding commitment to sell the deal, because they will be able to make the deal and then come back to the House of Commons and the House of Lords and say, “This is it. What do you think of it?”

Chuka Umunna: The Father of the House is absolutely right that the Bill essentially gives the Government a blank cheque. On timing, the only commitment I can see in today’s written ministerial statement from the Secretary of State for Exiting the European Union about what will happen before we leave the EU is that the proposed withdrawal agreement and implementation
Bill will be introduced before we leave. That is clearly unacceptable. Any piece of legislation seeking to do what that Bill has in mind must be passed before we leave the European Union, even if that means extending the process to maintain parliamentary sovereignty.

1.45 pm

Mr Clarke: I agree entirely, and my next point is linked to that. The nature of the parliamentary approval cannot just be a motion; it must have statutory basis, which is the route that the Prime Minister has followed. There are various reasons for that, but the obvious one is the extremely uncertain status of resolutions of this House under current parliamentary practice. The Brexit Secretary is only the latest example of someone saying that anything that is not statutory is not legally enforceable, but just a “statement of intent”. The House of Commons keeps passing all kinds of motions with which I fiercely disagree, but they get carried by this House and make all kinds of criticisms of what the Government are doing. We have moved into a new era in which the Government are allowed to keep saying, “Parliament may pass motions, but they are worthless expressions of opinion. They are not part of our being accountable to the elected body of the House.”

Sir Oliver Heald: Of course the original plan was not to have a Bill, but to rely on statutory instruments under clause 9 to effect changes of constitutional significance. It was then made clear recently—I think on 17 November—that we will in fact have a Bill. Does my right hon. and learned Friend agree that to try to make such changes by secondary legislation just is not on? It is very unlikely that the courts would say that such constitutionally significant changes could be made under secondary legislation.

Mr Clarke: Again, I agree entirely, and that takes me back to something that has occurred all the way through this process. I am obviously standing here in disagreement with the Government of whom I am critical in many respects, due to both the policy and how it has been conducted, but I have had some sympathy with them since the election, because they are trying to carry out this enormous, controversial and historic measure when they do not have a parliamentary majority, except when they can persuade the Democratic Unionist party to turn up and support them.

The process started with the extraordinary suggestion that the royal prerogative would be invoked, that treaty making was not going to involve Parliament at all, and that leaving did not require parliamentary consent. Rather astonishingly, that matter had to be taken to court, and it came to a fairly predictable conclusion. The next idea—I will not repeat what my right hon. and learned Friend said earlier that other Parliaments across Europe will have a say and we will not, but I posit that that is not true. This is about the withdrawal agreement, which will be agreed under qualified majority voting by the European Council, so it is not true that every Parliament across Europe will get a say on this subject.

Mr Marcus Fysh (Yeovil) (Con): My right hon. and learned Friend said earlier that other Parliaments across Europe will have a say and we will not, but I posit that that is not true. This is about the withdrawal agreement, which will be agreed under qualified majority voting by the European Council, so it is not true that every Parliament across Europe will get a say on this subject.

Mr Clarke: Qualified majority voting is an excellent innovation achieved by the Thatcher Government when we were explaining to the other Europeans how they could have an effective free trade agreement. The number of times that British Governments have ever been outvoted under qualified majority voting is tiny. Qualified majority voting could be extremely important in these negotiations, because otherwise a Government of some small state—I will not name any, because they are all friendly—could suddenly decide they have some great loony group at home that does not want to concede to the British something that the British Government have set out to achieve. The whole thing could then be held up.
Mr Kenneth Clarke

The agreement will have to go to all the Parliaments. The Parliament of Wallonia will no doubt be allowed to have a say, which, if this Government have their way, this Parliament will not. The Parliament of Wallonia will be allowed to have a say, and I am not sure whether the Scottish and Welsh Parliaments will—that remains to be seen. European Governments will all have to take a view and defend that view to their own Parliament in each and every case.

Mr Fysh: On a point of order, Dame Rosie. I seek your guidance on whether this is misleading the Committee. It is simply untrue to say that each Parliament will have a vote.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): It is disorderly to say that an hon. Member is misleading the Committee. I suggest that the hon. Member for Yeovil (Mr Fysh) settles down and allows the Father of the House to continue.

Mr Kenneth Clarke: Qualified majority voting means that each Government cast a vote and, if we get a qualified majority, that is the effective decision. Each Minister who takes part in that vote is, of course, accountable to their own Parliament, to which they go home and defend their vote. If it is on a difficult, controversial subject, any sensible Minister—all those Ministers—will take the view of their Parliament before going to cast their vote on behalf of their country. It is utterly ludicrous to say that this Parliament should be denied a vote and not allowed a role because qualified majority voting somehow replaces it. My hon. Friend the Member for Yeovil (Mr Fysh) says that what I say is untrue and, with great respect, I would say that his argument is an absurdity.

Mr Baron: I respect my right hon. and learned Friend's consistency on this issue. He is on public record as having once said that he looks forward to the day when the Westminster Parliament will be nothing more than a council chamber of the European Parliament.

When my right hon. and learned Friend says that leavers did not know what they were voting for, he risks sounding very condescending, because we knew exactly what we were voting for: to reclaim our laws and to reclaim our finances. Although one accepts his point that one cannot predict the future in any detail, that is as much true for the EU as it is for this country.

Mr Clarke: My hon. Friend is not the sort who usually repeats the more scurrilous right-wing rubbish that fanatical Eurosceptics come up with about what I have and have not said in the past. I am not, and never have been, a federalist. I would not pursue a united states of Europe. It is social media stuff to start throwing in that kind of thing when we are in the middle of a serious parliamentary debate.

When the public were invited to vote in a referendum, they were invited to take back control, which was not defined. It was mainly about the borders and about the 70 million Turks and all the rest of it. They were told in the campaign that our trade with the European Union would not be affected in any way. Indeed, that is still being held out as a prospect by the Brexit Secretary and others, who seem to believe that they will get unfettered trade without any of the obligations.

The discussions we have had in Committee on previous days about the details of what “single market” and “customs union” mean, and so on, would have been a mystery to anybody whose knowledge of the subject is confined to the arguments reported in the national media on both sides. Those arguments are largely rubbish, and it is now for this House to turn to the real world and decide in detail what we will do.

Anna Soubry: The Father of the House is right that there will be a qualified majority vote on the withdrawal agreement. That agreement will not go to each individual Parliament in the same way that the actual trade agreement will. Does he share the concerns of many people, as that now dawns upon them? They had thought that this place would have some sort of say on the trade deal—the actual final relationship that we will have with the European Union—but, actually, we will have no such say because the deal will not be finalised until after we have left the European Union. Does he agree that that is now concerning many citizens across the length and breadth of this land who did indeed apparently vote to take back control?

Mr Clarke: I agree entirely. My right hon. Friend eloquently underlines the point that the right hon. Member for Normanton, Pontefract and Castleford raised and that I am trying to make. We must have a meaningful vote before the final trade deal—indeed, the whole deal—is agreed by the Government.

Let me try to lower the temperature by going back, as I rarely do, to reminisce for a moment.

Sir William Cash: My right hon. and learned Friend and I believe, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), both concede that amendment 7, at this crucial moment, is defective and would not work for a variety of reasons. I have indulged what my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) has said about scrutiny and responsibility and the rest, but does he agree that it is not appropriate to press such an amendment to a vote when, in fact, it would make a nonsense of itself? It would be a meaningless vote about a meaningful vote.

Mr Clarke: No doubt my hon. Friend will catch your eye, Dame Rosie, when he will be able to explain why he thinks the amendment is technically defective, but this is the kind of argument we have had against every proposition that has been put forward throughout the passage of the Bill. I heard the Prime Minister personally promise us a meaningful vote and then go on to explain how the Bill would have to be used to make statutory instruments; so we are talking about the very wide powers in the Bill being used probably even before the end of the article 50 period—I think that is what he said. This amendment would prevent that; it would prevent those powers from being used until a statute has been passed by this House confirming its approval and also giving legal effect to whatever final agreement has been arrived at. I bow to my hon. Friend’s legal skill—he was indeed in parliamentary law when he practised—but I cannot for the life of me see why this is defective.
The key vote at that time was a vote in principle on the agreement that had been reached—it was different then, because we were applying for membership. The first thing was to get parliamentary approval. No one said that it was going to be non-binding or just a resolution, but there was a key resolution that determined whether we could go ahead at all. Some Conservatives voted against it, but a much bigger number of Labour Members voted in favour, giving it a very satisfactory majority. Then the whole process was subjected to debate on a Bill, at much greater length and in much greater detail than anything this House of Commons will ever be allowed, before there was the slightest prospect of the British Government thinking they would be able to ratify the agreement and commit us to European membership.

The current situation is a sad contrast with all that in many ways. It comes at a time when there is the utmost confusion about what our policy is, as we seek whatever destination we are eventually going to take when we reach agreement. Either new clause 3 or amendment 7 is the absolute minimum the Committee should be passing with that agreement, there is simply no need for the procedures and to prepare the statute book in accordance with our own constitutional arrangements in accordance with our own constitutional

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure, once again, to serve under your chairmanship, Dame Rosie, just as it is to follow the right hon. and learned Member for North East Hertfordshire (Sir Oliver Heald), who is not in his place—a course of action for which there is no justification, given that the phase 1 joint report published last week sets out in black and white the intention to provide a withdra wal agreement—whether or not ratified, agreed with the EU under article 50, meaning that the powers in clause 9 could be used before a withdrawal agreement was ratified, as the clause makes clear, after exit day for the purposes of the Bill, because the power will expire at that point.

In the light of the Secretary of State's announcement on 13 November that the Government intend to bring forward a withdrawal agreement and implementation Bill in order to give the agreement and any agreed transitional arrangements domestic legal effect, an announcement, it should be noted, that was confirmed in writing in the joint UK-EU report published last Friday, it is entirely unclear why the Government still require the powers provided for by clause 9.

Let me set out why we believe that to be the case. In that announcement on 13 November, the Secretary of State made it clear that the major policies set out in the withdrawal agreement, including those reached last week on citizens' rights, Northern Ireland and the financial settlement, along with any agreement on transitional arrangements, would be implemented by means of the withdrawal agreement and implementation Bill and not by secondary legislation provided for by the Bill before us. So barring some unforeseen delay in the concluding of a withdrawal agreement, if the Government are not to create significant legal uncertainty following our departure with regard to the major policies covered by such an agreement, the withdrawal agreement and implementation Bill will have to have come into force by 29 March 2019 at the latest. My hon. Friend the Member for Streatham (Chuka Umunna) covered that point.

In legal terms, any transitional arrangements agreed to could not bridge a post-exit gap, because even if some elements of the withdrawal agreement come into effect at the end of any such period, an agreement on transition itself will have had to have been given legal effect in the UK by means of the very same primary legislation, namely the withdrawal agreement and implementation Bill. As such, unless the Government are proposing to begin the process of implementing the withdrawal agreement and any agreed transitional arrangements immediately after the final terms of such an agreement are reached, but pre-ratification, by means of secondary legislation in this Bill—a point made earlier by the right hon. and learned Member for North East Hertfordshire (Sir Oliver Heald), who is not in his place—a course of action for which there is no justification, given that the phase 1 joint report published last week sets out in black and white the intention to provide a specified period to approve the agreement and transitional arrangements in accordance with our own constitutional procedures and to prepare the statute book in accordance with that agreement, there is simply no need for the powers provided for by clause 9, including the broad power under that clause to amend the Bill itself.
Mr Jenkin: I am listening carefully to what the hon. Gentleman is saying, but it is really unreasonable that the Government might need to avail themselves of these powers in clause 9 while the withdrawal and implementation Bill is proceeding through the House of Commons? If the timetable is compressed, that Bill would not be on the statute book and the powers there would not be available. So clause 9 is necessary for that purpose. Of course the withdrawal and implementation Bill could circumscribe the powers in clause 9 and indeed close them off once that Bill is on the statute book.

Matthew Pennycook: The hon. Gentleman has pre-empted a point I was going to come to. In the scenario he gives, there is no need for the timetable necessarily to be compressed. If it were squeezed, what would that say about the role that Parliament will have on the withdrawal agreement and implementation Bill? In his scenario, there would also be no need for the secondary legislation in this Bill, which could be included in a similar form in the withdrawal agreement and implementation Bill, when we would have a better idea about what it will be needed for and can more adequately circumscribe its scope. As for this idea that we have a withdrawal agreement and implementation Bill making its way through this House at the same time as secondary legislation implementing elements of that agreement hang over this place, such an approach would create serious confusion.

Anna Soubry: Has it come to the hon. Gentleman’s attention that, were the Bill passed without either amendment 7 or amendment 4 being made, and were there then a change of Government to one who believe in a hard Brexit, we could leave the European Union on absolutely no agreement, with no deal and no recourse whatever to this Parliament to have any say in that, because the Bill is completely silent about what would happen in the event of no deal?

Matthew Pennycook: The right hon. Lady makes a very important point. Although I concede that amendment 7 provides for an additional check because it requires primary legislation, our new clause 66 highlights an important point: we would wish to bind the Government so that Parliament would get a say even in the event of a no-deal scenario. I shall return to that point later.

Mr Rees-Mogg rose—

Matthew Pennycook: I cannot resist.

Mr Rees-Mogg: The hon. Gentleman is concerned about the potential for a compressed timetable and the consequences of what may flow from that, but is that not actually following from the will and vote of Parliament? Parliament passed into law article 50, which it agreed to by bringing the Lisbon treaty into law, so this is the natural consequence of what Parliament itself has determined.

Matthew Pennycook: The hon. Gentleman is right that the European Union (Notification of Withdrawal) Act 2017 and the article 50 notification gave effect to their own timetable. That is why it is so important that we have transitional arrangements on current terms that allow us flexibility to negotiate the final deal. I will return to this point later, but there is no way that, before we leave in March 2019, we will have agreed the future relationship. We will have agreed heads of terms at best.

Mr Jenkin: Will the hon. Gentleman give way on that point?

Matthew Pennycook: If it is all right, I am going to make a bit of progress because many Members wish to speak.

As I have said, I do not think there is a need for the powers in clause 9 because secondary legislation of a similar type could be included in the withdrawal agreement and implementation Bill. Why the need for such powers? We do not think there is any justification for them. I look forward to hearing the Minister’s justification for why the clause needs to stand part of the Bill but, unless amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), is passed, the Opposition will vote for the clause to be struck from the Bill.

If clause 9 remains part of the Bill at the end of the parliamentary process, its constitutional potency and scope must be highly circumscribed. I do not intend to dwell extensively on what limits should be placed on the clause 9 power because, in general, the same arguments apply as those that I set out at length in the Committee’s deliberations on clause 7 yesterday. I will say, though, that amendment 27 to clause 9, similar to our amendment 25 to clause 7, would constrain the capacity of the powers in clause 9 to reduce rights or protections.

The powers in clause 9 are different from the powers in clause 7 in a particular way: namely, the extraordinarily wide power specifically provided for by clause 9(2) gives Ministers the power to modify—a term that clause 14 makes clear covers amendment and repeal—the Bill itself once enacted. As my hon. Friend the Member for Rhondda (Chris Bryant) pointed out on Second Reading, there is no example throughout the history of the 20th century of a Bill that has ever sought to do that—not in time of war and not in time of civil emergency. In fact—this is a point that my hon. Friend continues to make, and should—every single emergency powers Act has specified that there should not be a power in such legislation for Ministers to alter primary legislation. We do not believe the power is justified, and amendment 30 would limit the potency of the delegated powers in clause 9 by preventing them from being used to amend or repeal the Act itself.

Let me turn briefly to the purpose, scope and limits of clause 17, which gives powers to Ministers to make any consequential provisions that they consider appropriate in consequence of the Act and to make any transitional provisions that might be needed as a result of the Bill coming into force. In contrast to our position on clause 9, we acknowledge that there is an established precedent with regard to consequential and transitional provisions, so we will not be voting against clause 17 standing part of the Bill, but it must be circumscribed.

A clause as widely drawn as clause 17—it is arguably the most widely drawn of all—set in the context of a Bill of such constitutional and legal significance that it covers almost every element of the UK’s withdrawal from the EU and, it could be argued, nearly every facet of our national life, means that the power to make consequential provisions under clause 17 is not as tightly
limited as it might be in other pieces of legislation. As such, it inevitably throws up the possibility that the powers in subsections (1), (2) and (3) of clause 17 could be used to make changes to vast swathes of secondary and primary legislation, including legislation in this Session up to May 2019.

When he responds, the Minister will no doubt cite other statutes that provide for not dissimilar powers, but having looked closely at a fair number of them, I am not convinced that any are so widely drawn as this one, and none are contained in legislation as constitutionally significant as this Bill. The Hansard Society was right to refer to clause 17 as a “legislative blank cheque” for the Government, and the power must be restricted. Amendment 29 would achieve that aim by removing subsections (1), (2) and (3) of clause 17. If the Government believe that that is the wrong way to restrict the sweeping powers in the clause, they can of course come forward with their own suggestions, but the principle of circumscribing the powers in the clause must be accepted.

2.15 pm

I shall finish by dealing with new clause 66 and Parliament’s role in approving the final terms of the UK’s exit from the EU and any associated transitional arrangements that might be agreed with the EU27. Labour has argued from the outset of this process that it is essential for Parliament to have a say on the final terms of our withdrawal from the EU. It is worth bearing in mind that the final terms of the UK’s withdrawal from the EU will contain the agreement the Government reached last week, hopefully an agreement on transitional arrangements, and also a framework declaration covering trade, security, foreign affairs, climate and all other areas of co-operation. That declaration may be extensive and it may be detailed, but it will not be, as Ministers know full well, an agreed comprehensive preferential trade deal.

If it is concluded at all, such a deal, alongside other agreements that cover different aspects of the relationship, will have to be concluded after the UK has left the EU and the withdrawal agreement has already been ratified, as this morning’s written statement from the Secretary of State makes crystal clear. During the passage of the Bill on the triggering of article 50, the Government made a welcome concession from the Dispatch Box to the effect that both Houses would get a vote on a motion on the final draft withdrawal agreement as soon as possible after it has been reached, and before the European Parliament votes on it. The Secretary of State’s written statement, published this morning, has some extending our powers in subsections (1), (2) and (3) of clause 17. If the Government believe that is the wrong way to restrict the sweeping powers in the clause, they can of course come forward with their own suggestions, but the principle of circumscribing the powers in the clause must be accepted.

Sir Oliver Letwin (West Dorset) (Con): I just want to clarify whether the hon. Gentleman means what I think he means by what he just said. Does he mean that if the House did not approve a withdrawal agreement, his view is that the Government should have to ask for an indefinite extension of article 50 until the House has approved a set-up that it finds acceptable?

Matthew Pennycook: I do not think that is necessarily the case, for several reasons. First, there is no reason why a withdrawal agreement cannot be reached, perhaps even sooner than October 2018—

Mr Geoffrey Cox (Torridge and West Devon) (Con): You told us it would take a long time.

Matthew Pennycook: I think it will take a long time. The Minister can confirm this, but I assume the Government would be pleased to conclude the withdrawal agreement before October 2018, if possible. However, there are several things that might happen, one of which is that the Government go back to the negotiating table and try to improve on the deal. I cannot see what is unreasonable about filling in the gaps or asking for revisions, were that the expressed will of the House.

Sir Oliver Letwin: I am grateful to the hon. Gentleman for giving way yet again. I think that he has just confirmed not that it would necessarily follow that the Government would have to extend indefinitely, but that it would be possible that the Government, in his view, should have to extend indefinitely because this House had not agreed to the withdrawal agreement. In other words, he is saying, is he not, that, if this House does not approve the terms on which we leave, until and unless it approves the terms on which we leave, we should not leave. Is he saying that, or not?

Matthew Pennycook: What I am saying is that there is any number of options that might happen, but let us bear in mind there is a period after October 2018 for the Government to return to the negotiating table and seek to revise or improve the terms. It does not necessarily mean an extension of article 50—I know that the right hon. Gentleman is trying to draw me down that path.
Several hon. Members rose—

Matthew Pennycook: I wish to make a little progress. That is why we tabled new clause 66, which would guarantee, by means of prescribing when exit day for the purposes of this Bill can be appointed, that both Houses have a meaningful vote on the terms of the UK’s withdrawal from the EU and, just as critically, a vote in the event that no such agreement is reached and the Government are determined to take us out of the EU without a deal—a catastrophic scenario that would result in legal chaos, significant damage to our economy, the erection of a hard border in Northern Ireland and serious harm to Britain’s standing in the world. We have consistently called for the Government to make it clear that no deal is not a viable outcome.

Geraint Davies (Swansea West) (Lab/Co-op): In the event of a no deal, people are concerned about falling into World Trade Organisation rules and tariffs, but will my hon. Friend confirm that, of course, the WTO does not cover services, which are the majority—in fact, 80%—of our exports and which require intricate, detailed negotiations? In the case of a car, two thirds of it are now services and often parts of the car go across borders. Therefore, does he not accept that having no deal would not be a disaster—it would be a catastrophe?

Matthew Pennycook: I agree with my hon. Friend’s point about services. I say to all hon. Members who are happy to contemplate a scenario in which the Government walk away from the negotiations and this House is merely a spectator in that outcome, that that is not acceptable and this House should not accept it.

Kate Hoey (Vauxhall) (Lab): Will my hon. Friend give way?

Matthew Pennycook: I will make some progress, I am afraid, because a number of hon. Members wish to speak. Perhaps my hon. Friend the Member for Vauxhall (Kate Hoey) will do so.

New clause 66 would ensure that there is a vote on a motion, not just in the event of a withdrawal agreement being concluded, but, crucially, when no such deal has been concluded, should that be the case. That outcome appears less likely following the agreement the Government reached last week and the clarification that the default position in the event of no deal will be regulatory alignment, but it remains a possibility, and Parliament must have a say.

As I have said, there are many, many ways of ensuring that Parliament has a meaningful vote. Amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), is very well drafted. I do not think that it is deficient. We would definitely support it and we would not press new clause 66 if he pressed it to a vote.

Mr Grieve: May I say now that that amendment either has to be accepted by my hon. Friends on the Treasury Bench, or it will be put to the vote?

Matthew Pennycook: I am very, very pleased to hear that. We will support the right hon. and learned Gentleman and the amendment in that eventuality.

I will conclude by saying that, subject to the kind of constraint that would be put in place if amendment 7 were incorporated into the Bill, we remain of the view that the power to appoint an exit day for the purposes of the Bill should be placed in the hands of Parliament, not Ministers, and also that the flexibility inherent in clause 14 with regard to exit day should be retained, because it is essential to finalising in some scenarios a withdrawal agreement and any transitional arrangements that need to be agreed to. We need only look at the mess last week to justify the need for such flexibility. As such, we believe that amendments 381 and 382 tabled by the Government with the aim of putting a specified exit date, and indeed time, in the Bill are an ill-conceived and unnecessary gimmick and on that basis we intend to oppose them if they are pushed to a vote.

This whole debate is about whether right hon. and hon. Members are content for Parliament to be a spectator, a passive observer, of one of the most important decisions that has faced our country in generations. Parliament must have a grip on the process, which is why we have tabled our amendments and new clauses.

Mr Grieve: I am most grateful to have the opportunity to participate in this debate and to follow the hon. Member for Greenwich and Woolwich (Matthew Pennycook). I agreed with virtually every word that he said.

In speaking to amendment 7, in the name of my hon. Friends, myself and other hon. Members, I am conscious that it has taken on a life of its own. When the Committee stage of the Bill started, it was my intention—and I hope one that I have observed and honoured throughout—to try to approach the amendments that I tabled in the spirit in which they are intended, which is to try to improve difficult legislation while entirely recognising the many challenges that the Government face. Brexit is full of risk and full of complexity—legal and otherwise—and the Government are entitled to my support, wherever possible, to carry Brexit out as smoothly as they can and with the least impact on the well-being of the citizens of our country. That has been my aim throughout.

I very much regret that—as often tends to happen in these matters—while some sessions in Committee have led to sensible amendment and the Government considering matters, or going away to look again and making some helpful suggestions, in the case of amendment 7 we seem to have run out of road. What happens in those circumstances, I regret to say, is that all rational discourse starts to evaporate. The purpose of the amendment, the nature of it, is entirely lost in a confrontation in which it is suggested that the underlying purpose is the sabotage of the will of the people, which it most manifestly is not. That is then followed by a hurling of public abuse; of the will of the people, which it most manifestly is not. That is then followed by a hurling of public abuse; of the will of the people, which it most manifestly is not. That is then followed by a hurling of public abuse; of the will of the people, which it most manifestly is not.

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Mr Baron: My right hon. and learned Friend will know that I have never participated in any of that sort of language. May I gently put it to him that amendment 7 leaves open at least the possibility that, given that the EU does not want any member to leave and that there is therefore no incentive for it to negotiate a good deal that would be acceptable to this Parliament, we could find ourselves in a permanent state of limbo, deadlocked in unproductive negotiations?

Mr Grieve: I note what my hon. Friend has said and I am very grateful to him for the way in which he put it, but I happen to disagree with him. If he listens to me he will understand why I think that I am right on that point.

The consequence is that we completely lose sight of what the key issues are, and if I may say so before I move on, that matters a lot, because in the course of this, we also lose sight of the fact that we are the Parliament of a deeply divided country on this issue. When I go and lecture to sixth-formers occasionally and talk to them, I point out that the parliamentary process is not just about the imposition of the will of the majority on the minority; it is the process by which we obtain consent for what the majority chooses to do.

The difficulty with this referendum is that, having invoked the public will, which, I regret to say, is not entirely tempered in its expressions of view by some of the courtesies that we extend to each other here, we run the risk of losing sight of the fact that 48% of the electorate did not wish for the policy that we are currently pursuing and have deep concerns about, not trying to reverse it, but the extent to which it will have an adverse impact on their well-being, and request us as a Parliament to pay as much attention to what they are saying as we undoubtedly have to do to those who voted in the referendum and said that they wanted to leave. The most worrying aspect of the debate, as it has progressed, is how we become polarised and fixated on ends that we fail completely to look at means. We look at the top of the mountain, but not at where we are going to put our foot next. As a consequence, we run serious risks of badly letting them down—all of them, collectively—by enacting bad legislation and taking very foolish decisions.

Of course, when this confrontation comes along, the negotiations immediately stop, the conversation ceases, the Government’s steamroller is invoked, and the atmosphere can suddenly get really quite unpleasant; and I regret it. As a consequence—I will come back to this in a moment—I have to tell my hon. Friends on the Treasury Bench that I think they have lost a series of undoubted new constitutional order that we will need to be primary legislation to implement the deal by primary legislation.

Nevertheless, I greatly welcome the written ministerial statement, which sets out what appears to be a constitutionally tenable process for Parliament approving or considering the deal by motion, and then moving on to implement the deal by primary legislation.

Of course, the Government know that they must proceed by primary legislation because, in view of the comments during the Miller case, it is blindingly apparent that there must be a serious risk of legal uncertainty if anything other than a statute were to be used to take us out of the EU at the end. That is the last thing that my right hon. Friends on the Treasury Bench should want, because that will cause even more trouble and difficulty than they already have in the challenges they have to face.

Mr Rees-Mogg: I hope that my right hon. and learned Friend will forgive me if I appear pedantic, but does not this Bill and the enactment of article 50 take us out of the European Union at the end, whereas the withdrawal agreement and implementation Bill legislate for the consequences?

Mr Grieve: Yes. If, indeed, we were leaving with nothing further to do, that might be a good point. But it seems to be a pretty universal view, even on the Government Benches—although this perhaps does not apply to my hon. Friend—that simply leaving to jump off the top of the tower block is not the best thing to do. Therefore, there will need to be primary legislation to implement the undoubted new constitutional order that we will have after 29 March 2019.

Sir Oliver Letwin: Will my right hon. and learned Friend give way?

Alex Chalk (Cheltenham) (Con): Will my right hon. and learned Friend give way?

Sir Oliver Letwin: I happen to agree with my right hon. and learned Friend that it would be undesirable for us to leave without an agreement. Indeed, I think that the Government agree with that. But I will go back to the point made by my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) a moment ago. Does my right hon. and learned Friend agree that, in the event that it were not possible to reach a further
agreement, it would then be the case that the actions of Parliament already taken—including in triggering article 50—would constitute a proper answer to the Supreme Court’s point that Parliament, and Parliament alone, can remove us from the EU?

Mr Grieve: Yes, I think I agree with my right hon. Friend that the action of Parliament in triggering article 50 would do that. But it is not, I think, the intention of the Government to do any such thing, and never has been. Indeed, if it is the intention of the Government to do such a thing, I hope very much that they will tell me as soon as possible, because I think I might be withdrawing my support from them.

Mr Jonathan Djanogly (Huntingdon) (Con): Is not the point that, everything else being equal, even if nothing else happens, article 50 has been triggered so we are leaving the European Union on a set date, unless 27 other countries decide to extend the date? Therefore, this argument is about the UK’s internal process. It is not a question of the EU or anyone else holding things up.

Mr Grieve: There are a series of processes. I do not wish to get too diverted from my main point. We are intending, and will require, a further statute in order to achieve what the Government have set out. I hope very much that we do not leave with a no deal on anything, because we would not be able to fly off to Rome on the day after, we would have no security co-operation and we would, indeed, be mired in complete and utter chaos.

The reality is that clause 9 is incompatible with the programme that the Government have set out. At the time that clause 9 was inserted, I think that the Government had not yet fully worked out the implications of how withdrawal had to take place.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Will the right hon. and learned Gentleman give way?

Mr Grieve: In a moment. I do not wish to take up too much of the Committee’s time.

My point brings me to the specifics of clause 9, which is an extraordinary and wide power to remove us from the EU by statutory instrument, and moreover—this is the most telling point—to ask the House to give the Government effectively a blank cheque to draft statutory instruments to achieve something when at the moment we do not know what that is.

Mr Jenkin: I am listening very carefully, but clause 9 is not about implementing our leaving the European Union; it is about implementing a withdrawal agreement. My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) did not vote for article 50, but my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) did. That is when he voted to leave the European Union and that is decided, so he is incorrect to say that clause 9 is deciding when or how we leave the European Union.

Mr Grieve: If I may say so, I think my hon. Friend has misunderstood what I said. The fact is that clause 9 provides a power, exercisable once this Bill comes into force before exit day, to implement something when we do not at present know what that is. Therefore, it is a very strange thing to ask Parliament to sign off.

Angus Brendan MacNeil: Is not the supreme irony the fact that clause 9 is actually the child of article 50 of the Lisbon treaty, which the Government are now supporting? This provision is the Lisbon treaty timetable. It is not in any way trying to give power or control back to this House to amend that in any way or to ensure that the UK leaves the European Union at the time that is fortuitous. The UK is just accepting what is in the Lisbon treaty and the Government have welded themselves to that very idea.

Mr Grieve: The hon. Gentleman makes a good point. Ultimately, the centre of this point is that we are being asked to give the Government a power that can be exercised on something, but we do not know what that something is. Logically, the moment to make the statutory instruments to enact our withdrawal would come when we have this further statute—whatever it happens to be called—and have debated it in this House. We will then have structured the powers conferred by statutory instrument to achieve what Parliament wants and thinks is necessary to carry out withdrawal. That is the point, and pre-empting matters in this fashion is odd. Indeed, it is so odd that I heard one Minister—I will not reveal who—informally saying that they questioned whether the clause 9 power was in fact still needed, in view of how the Government were progressing this matter.

Mr Rees-Mogg: Will my right hon. and learned Friend give way?

Mr Grieve: In a moment.

On my key issue and what I was trying to tease out in tabling amendment 7, I could, I suppose, have simply said that I will not support clause 9. Indeed, if my amendment is not accepted, I am afraid I shall be voting against clause 9 this evening—I have no option—but rather than do that, the purpose of my amendment is to try to explore what it is that the Government want clause 9 to do that, in fact, we should not be doing when we enact the legislation at the end.

It is for the Government, in those circumstances, to explain themselves; it is not for Parliament simply to roll over and accept something because the Government say that that is what we should do. Indeed, if we all get told that we must support the Government out of loyalty because to do otherwise would undermine the Prime Minister—I think that is cuckoo, for the reasons given by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper)—we need to know why.

Last week, I engaged in a whole series of dialogues with the Government, trying to understand what was bothering them. At one point, I thought we might be getting to the point where we would reach an agreement that some power might be needed in the Bill before we came to the final Bill, although I will come back to that in a moment. It started to dawn on me that one possibility was that this power might be exercisable, but only provided it could not be used to bring anything into force—we might lay some statutory instruments, but they could not be brought into force in any way until the end statute had been passed.
Mr Grieve: Ultimately, as my right hon. Friend knows, this Parliament is sovereign, although its sovereignty does not extend to concluding agreements with other parties in international relations that the Government do not wish to adhere to or sign up to. I have no idea what the circumstances are going to be in 12 months’ time. I agree entirely with the hon. Member for Greenwich and Woolwich: we are dealing with a whole series of hypothetical questions. I get a bit fed up when I keep on being asked, “What is it? Surely, it is a choice between the deal on offer and no deal.” I do not know. There is no way that any of us can know, and that is why the process matters so much. If we get the process right, we will answer correctly each question as and when it arises. Far from that hurting or damaging the Government, it will enhance their power. To come back to the point I made in an intervention, it will convey an impression of purpose and method to our EU partners in negotiation, whereas, at the moment, the major thing that has been undermining our negotiations is the impression of chaos in our procedure and our aims.

2.45 pm

Sir William Cash: I am extremely intrigued by the line that my right hon. and learned Friend has taken, with which I largely agree in relation not to the substance, but to the deficiencies he now seems to have accepted could, in some shape or other, be tidied up, as he put it, on Report if we were to get to that unfortunate situation. I simply ask him: is he able to elucidate how his amendment would actually work in practice?

Mr Grieve: I have been pleading with the Government throughout the past four weeks, pointing out to them that this is a really important amendment, and asking them please to respond to it. I have asked them what alternative they might have that could persuade me that they had a working proposal that should command the approval of the House and my own approval. I have been doing that repeatedly, and I was striving to achieve those things last week, but the blunt reality is—I am sorry to have to say this to the Committee—that I have been left in the lurch as a Back Bencher trying to improve this legislation, because silence has fallen. There has simply not been a credible explanation. The last explanation was, “Here is your written ministerial statement. That ought to be enough for you. In loyalty, you should now support the Government.” However, that does not answer the question.

Anna Soubry: Has my right hon. and learned Friend also looked at this issue: does he think that, should the Government decide that the best deal is the European Free Trade Association—we would effectively be Norway—some right hon. and hon. Government Members have worked out that, without his amendment or the new clause moved by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), this country would become like Norway and go straight into EFTA, without this Parliament having a say on whether that is what leave meant?

Mr Grieve: It would indeed be a remarkable outcome. Certainly, I think that Parliament ought to have a say. Those reasons highlight the difficulty of clause 9. There are other difficulties with the Bill, but clause 9 really has it.

I want to bring my remarks to an end, and I simply say that I do want the Government to listen. The opportunity is here for them to accept the amendment and then to come back on Report and explain themselves further or to tidy the amendment up, and I will listen and try constructively to help them if, indeed, any of this power is needed, but I am not prepared to sign off clause 9 in its present form.

The one merit of amendment 7—I tailored it very carefully and I tried quite deliberately to avoid the no-deal scenario, which is a very legitimate issue, but it is not what I went for—is that I wanted to make sure that these powers could not be used to pre-empt a statute that we should probably be considering this time next year. It is plainly wrong, and if it is to be departed from, the Government have to provide a credible reason for it.

Alex Chalk: May I ask my right hon. and learned Friend about a point I am struggling with and that others may be struggling with, too? On the one hand, given that the Government have conceded that there will need to be a statute to implement any agreement, it is difficult, for me at any rate, to see what the point is of clause 9, and Parliament should not legislate in vain. That is point one. On the other hand is the key point not that we will get a vote on that statute, so does this really matter? That is the part I am struggling with, and I would very much welcome my right hon. and learned Friend’s views.

Mr Grieve: I think that this does matter. If I understand the reason why the Government want this power, it is that, at the time when we may be considering the next
statute, they will also be pushing through this House statutory instruments setting up structures for our departure from the EU that may be, or that we might consider to be, at variance with what we need in the fresh statute that we are considering. I think that that is a form of constitutional chaos, actually. I cannot see how it produces any clarity at all. For that reason—a reason of good process—this is a mistaken course of action, particularly because it is not necessary.

We have heard the argument, “We’re going to run out of time in leaving the EU.” I simply repeat what I have said previously. I realise that this is hugely objected to by some of my right hon. and hon. Friends because they are so fixated on getting us out. The article 50 mechanism provides for a sensible structure to enable us to leave smoothly, yet for reasons that I do not understand, the aim of some of my right hon. and hon. Friends seems to be to mess it up as much as possible. There is the famous amendment 381, for example, which we are going to come back to next week and which I have already indicated I will not support under any circumstances whatsoever. If we actually stick to a sensible process, I say to my hon. Friend the Member for Cheltenham (Alex Chalk), then we will get the right answers. As I say, if the Government are to justify keeping clause 9, they have to provide us with chapter and verse—and they simply have not done so. I have asked, and I have not had it.

In those circumstances, the only proper course of action—I say this with the greatest reluctance—is that I am going to have to vote for my amendment, and, if necessary, if it is not passed, I will vote against clause 9, because without my amendment, clause 9 becomes a really very worrying tool of Executive power that does not appear to have any reasonable presence in this legislation. Apart from on HS2, I do not think that I have ever rebelled against the Government in my 20 and a half years in this House. I do find it quite entertaining that some who criticise me for speaking my mind on this matter are individuals who appear to have exercised the luxury of rebellion on many, many occasions. But that said, there is a time for everybody to stand up and be counted. As Churchill said, “He is good party man—he puts the party before himself and the country before his party.” And that is what I intend to do.

Several hon. Members rose—

The Temporary Chair (Sir David Amess) : Order. The Chair obviously recognises the importance of this debate. There is a very, very long list of colleagues wishing to speak, so unless colleagues keep their remarks to about seven or eight minutes, without interventions, there will be many disappointed Members.

Hilary Benn (Leeds Central) (Lab): I rise to speak to amendment 47, which stands in my name. It has shown great resolution, fortitude and reason in the face of unreasonable criticism. We admire him for it.

We are debating the single most important question in the Bill: how the House can exercise its view on the withdrawal agreement in a way that gives us control.

“Control”—there is a word we have heard before. It resonated throughout the referendum campaign, but when Members start to argue that Parliament should have some control over this process, it seems to send shivers down Ministers’ spines.

Amendment 47 arises from an exchange that I had with the Secretary of State on Second Reading. When I asked him to give us a very simple assurance that clause 9 will not be used to implement the withdrawal agreement until Parliament has had the opportunity to vote on it, he replied:

“It seems to me to be logical”.—[Official Report, 7 September 2017; Vol. 628, c. 354.]

What has been set out in today’s written ministerial statement appears to give that undertaking, but if that is what Ministers are prepared to do, why not put that into the Bill? I similarly welcome the Secretary of State’s announcement that there will be separate legislation to implement the withdrawal agreement, but if Ministers are prepared to give that commitment, we want to see that in the Bill, too, which is why I shall vote for amendment 7.

The question has been asked—I want to ask it, too, because it has exercised the Select Committee—“What is clause 9 now for?” It is a very simple question indeed. Timing and the order in which these things are done are absolutely crucial in this debate, and that point was made forensically and forcefully by the right hon. and learned Member for Beaconsfield. May I suggest a new principle? We often heard it said during reports back from the negotiations that nothing is agreed until everything is agreed, so I suggest that we agree that nothing should be implemented until everything is agreed.

The written ministerial statement says something interesting, and rather puzzling:

“The Bill will implement the terms of the Withdrawal Agreement in UK law…Similarly, we expect any steps taken through secondary legislation to implement any part of the Withdrawal Agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.”

My simple question for Ministers is this: secondary legislation where, and arising from what? Does this refer to clause 9, which a lot of Members think should no longer be in the Bill, or is it advance notification that there will be provision for secondary legislation under the withdrawal agreement and implementation Bill that we have been promised? We need some clarification.

My hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), who spoke so ably from the Front Bench, drew attention to the statement by the Secretary of State on 13 November in which he said, in announcing that Bill:

“This confirms that the major policies set out in the withdrawal agreement will be directly implemented into UK law by primary legislation”.—[Official Report, 13 November 2017; Vol. 631, c. 37.]

That is very interesting. I must confess that I did not understand the full significance at the time, so will Ministers also enlighten us on this? What are the major policies and what are the minor policies, and in which Bill, and by what means, will those minor policies be implemented?

The next issue of timing is the idea that exit day should be set as 11 o’clock in the evening of 29 March 2019. The Government amendment to implement that proposal would cause all sorts of trouble, not least
because of the way that this Bill was originally drafted, as the Select Committee heard in evidence from Ministers, who confirmed that they would be able to set different exit days for different purposes. The Committee thought that that seemed to provide a great deal of flexibility, but the amendment would bring that possibility to an end, and in the process bind the Government’s hands to an hour of the clock on a day at the very moment when they may well need maximum flexibility so that they can bring the negotiations successfully to an end. The amendment really makes no sense.

As the Committee said in its report, the proposal would cause “significant difficulties” if the negotiations went down to the wire. Of course, we had the famous evidence from the Secretary of State in which he suggested that the negotiations might go to the 59th minute of the 11th hour, although since then there has been a certain amount of rowing back, because that would not be consistent with the pledge that we have been given. That was why the Committee said that it would not be acceptable for Parliament to be asked to vote after we had actually left the European Union. The timing of all this is absolutely fundamental to making the vote meaningful. A vote may be meaningless unless at some point in the procedure the timing ensures that it is meaningful. We have to get the order right.

Michel Barnier said at the start of the process that he wanted to bring the negotiations to an end next October. We have 11 months to go to deal with a very long list of issues that we have not even started to broach. The agreement that was reached last week, which we welcome, is the easy bit of this negotiation—the really difficult bit is about to begin. Those who had thought that leaving the European Union would be about keeping all the things they liked and getting rid of all the things they did not like are now in for a rude awakening as they come to realise that choices have consequences and trade-offs will need to be made.

3 pm

Hon. Members, including the right hon. Member for Broxtowe (Anna Soubry), have referred to the question of no deal. We have no doubt, there is no majority in the House of Commons for no deal. Of course we hope that there will be a deal, because we want the best outcome for our country, but in the event that it all went wrong and Ministers came back to say, “I’m sorry, but no deal is on the horizon,” and all Parliament could do was to say, “We are going to reject this,” and be left with no other recourse, that would not constitute a meaningful vote, would it, not least because the clock would be running down?

**Sammy Wilson** (East Antrim) (DUP): The right hon. Gentleman is getting to the nub of the issue. If a meaningful vote, by his definition, means that Parliament should be able to say to the Government, “We don’t like the deal that you have got, and we’re not accepting no deal, so go back to the EU and negotiate another deal,” what chance does he think there is that those who do not want to leave in the first place will ever offer a deal that this House could buy into?

**Hilary Benn**: The hon. Gentleman anticipates precisely the point that I was going to make—[Interruption.] I was. As we have already heard, all the Ministers and Prime Ministers who negotiate in this process will say at some point, either in the main forum or in other discussions, “I’ll never get this through my Parliament.” That is the accountability we are talking about. It is called democracy, and it is really important that Ministers, Prime Ministers and negotiators have that thought in their minds when they are negotiating on behalf of the country and the House. In such circumstances, I think the House would first want to ask why we were facing no deal, and it might well wish to give the Government fresh negotiating instructions. The House might want to tell the Government to go back in and say, “On reflection, we would like to suggest that we do the following.” There must be sufficient time for that to take place if we are going to get a reasonable deal.

Another point I want to make—I am conscious, Sir David, of what you said about the time—is that Ministers need to understand why they are having such difficulty with this fundamental debate on the Bill. It has to do with the history of the Government’s handling of the whole process. At every single stage, this House has had to demand our role and our voice. I remember the answer when people first asked what the Government’s negotiating objectives were: “Brexit means Brexit.” When a follow-up question was asked, we were told—

**Paul Farrelly**: A red, white and blue Brexit.

**Hilary Benn**: I am still wrestling with the concept of a red, white and blue Brexit, and I did not find it very enlightening.

The second answer was, “No running commentary,” but that eventually had to give way to the Lancaster House speech and a White Paper. Then we asked, “Will Parliament get a vote?” Almost exactly a year ago, when the Prime Minister last appeared before the Liaison Committee, I asked her that question. She was unwilling to give me a commitment on that occasion, but we all pressed, and in the end the Government conceded that there would be a vote.

We argued that there would need to be separate primary legislation to implement the withdrawal agreement, but what did the Government do? They produced this Bill, which says, “No, no. We’ll just do it all by statutory instrument.” That was until amendment 7 appeared on the horizon, at which point the Government changed their mind. If the Committee insists, as I hope it will, on amendment 7 later today, that will be because of our experience of the Government’s handling of the Bill so far. They have not acted in the spirit of seeking consensus, even though the Prime Minister said earlier that that was what she wanted to achieve.

The final point I want to make is simply this. Parliament has no intention of being a bystander in this process. We intend to be a participant, as I have said on a number of occasions, because this decision affects every part of the country, every business and every family. Today’s debate and vote are all about control, which must ultimately rest not in Ministers’ hands but in our hands. It is up to us to make sure that that happens.

**Sir Oliver Letwin**: Until now, with the exception of some interventions, I believe that all contributions have been, in one way or another, in support of amendment 7 and its correlative amendments. I hope, Sir David, that
you will allow me a little leeway with timing to address my points, because I do believe that the debate has so far been one-sided.

I want to start by talking about the speech made by the right hon. Member for Leeds Central (Hilary Benn), who was characteristically good-humoured and articulate, and the fine speech from the Opposition Front-Bench spokesman, the hon. Member for Greenwich and Woolwich (Matthew Pennycook). I will then turn to amendment 7 and the fine speech from the Opposition Front-Bench who was characteristically good-humoured and articulate, the right hon. Member for Leeds Central (Hilary Benn), far been one-sided.

The right hon. Member for Leeds Central and the Opposition spokesman are suggesting.

...
Sir Oliver Letwin: I am not going to give way to anyone except my hon. Friend the Member for Chelmsford.

Vicky Ford: May I take my right hon. Friend back to what he said about article 50? It is true that that says: “The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless”—

I repeat, unless—“the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

That is exactly the point. If we are close to a deal but, for example, struggling to get the last vote through the European Parliament, the 28 countries may wish to take a little more time.

Sir Oliver Letwin: My hon. Friend makes my point for me. The very point I am making is that no UK Government and no UK Parliament can guarantee that the other side would agree to any such thing.

Angus Brendan MacNeil: Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will not give way.

Matthew Pennycook: Does he want to make about the amendment tabled by my right hon. Friend the Member for Greenwich and Woolwich?

Sir Oliver Letwin: I will give way to the Opposition spokesman in a moment.

There therefore can arise circumstances in which the choice, in the end, is between accepting leaving with no deal and not accepting leaving. I continue to believe—it is important that there is honesty on this point—that Opposition Members are essentially arguing that this House should have the ability to derail the process.

Matthew Pennycook: I do not think that that is a fair characterisation of my argument. The right hon. Gentleman has said that there is a possibility, in certain circumstances, of sending the Government back to ask for the deal to be changed. It is possible that that might be turned down, so it is not certain, but it is possible. Does he think that that should be an option, and if so, if he votes against amendment 7, what other mechanism might we use to send the Government back to at least try to improve a deal that this House felt was sub-optimal?

Sir Oliver Letwin: I am very happy to answer that question, and it will bring me neatly on to the point I want to make about the amendment tabled by my right hon. and learned Friend the Member for Beaconsfield. The answer, of course, lies in the combination of the proceedings on the resolution that will have to be agreed by this House, during which it will be perfectly possible for this House, both in debate and in the way it votes, to tell the Government, if there is time, to go back and try again; and of the proceedings on the withdrawal and implementation Bill, during which again, if there is time, the House could reject the proposition and ask the Government to go back.

We then come to the nub of what happens if there is no time anymore because the Government cannot get a renegotiation and cannot get an agreement—a further prolongation—of the kind that my hon. Friend the Member for Chelmsford describes. The question arises of whether Opposition Front Benchers are recommending, in those circumstances, that leaving without a deal is the possibility it needs to be for article 50 and the referendum to be respected. That is a crunch question that the hon. Member for Greenwich and Woolwich cannot avoid.

Matthew Pennycook: I will be brief, and then leave it there, but I want to pick up on two of the right hon. Gentleman’s points. First, I think there will be time. Last week’s joint agreement makes it clear that there must be time, in accordance with our own procedures, to look at the withdrawal agreement and then ratify it.

The right hon. Gentleman said that there is a possibility, on the basis of the Government’s commitment to a motion, to send them back to renegotiate, but that is not what his Secretary of State says. The Secretary of State says of the motion it is an up/down deal, and that a no vote would be the end of it—leaving without an agreement; not going back to the negotiating table.

Sir Oliver Letwin: There is no possibility of precluding Parliament from making such a resolution one way or the other. That is up to Parliament, and it is up to the Government of the day at that point to respond as they choose. No Government would sensibly respond in the way the hon. Gentleman describes, so I do not think that that is a realistic possibility.

Mr Djanogly: Does he agree that there is a possibility of what he describes?

Sir Oliver Letwin: I will give way to each of my hon. Friends, but let me say that I will not then give way again before I turn to the main part of my speech, which is about amendment 7.

3.15 pm

Mr Djanogly: My right hon. Friend will be aware that all parties are aiming for next October for the negotiation of the final deal, but the Secretary of State has said that he will keep negotiating until March 2019 and that, if necessary, he will go on after that into the implementation period, so there should be time one way or another.

Sir Oliver Letwin: I agree with my hon. Friend. There may well be time; I am not in any way denying that. The point I was trying to make is that Labour Members have alleged that it is proper for Parliament to be able to have what they have described as a meaningful vote. They have made it perfectly clear that what they mean by a meaningful vote includes the ability to tell the Government that they cannot continue to leave the European Union if the terms on which they wish to leave are not acceptable to Parliament. That is a logical fact, and people can agree with it or disagree with it. I do not in any way impugn the motives of Labour Members; it is a perfectly reasonable thing for them to think. It is just that we ought to be honest about the fact that that is the proposition they are putting forward, which is in marked contrast to the point made by my right hon. and learned Friend the Member for Beaconsfield in his amendment 7.
Mr Baron: May I suggest that amendment 7, as presently drafted—this is central to my right hon. Friend’s point—has a major deficiency, because it could leave things in a permanent state of limbo? There is no incentive on the EU’s side to help to negotiate a good deal that is acceptable to this Parliament, which means that we could be left in deadlock for a period of years. I raised that point with my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), but he did not cover it in his speech.

Sir Oliver Letwin: I am grateful to my hon. Friend. Friend for that point, which I will come back to in a moment.

In turning to amendment 7, let me start by saying something on a personal level. I have been in the House for exactly the same length of time as my right hon. and learned Friend the Member for Beaconsfield—I think we entered it on the same day, as it happens—and I have served with him in a number of capacities both in opposition and in government, and I have the highest personal regard for him. I have invariably found that when he says something he means it, and I have never found him to be one of those who plays games. Moreover, although I profoundly disagree with him about his amendment, for reasons that I will put forward, I think his motives in producing it are totally honourable and straightforward, and deserve the respect of everyone in the House of whatever persuasion they may be.

There is a reason, however, why I think the amendment is a very bad one. I want to expose an extremely important point about it, which began to come out in the remarks of my right hon. and learned Friend and others. It would not have the effect that the right hon. Member for Leeds Central, but just a question of trying to get the withdrawal agreement in place. Moreover, although I profoundly disagree with him about his amendment, for reasons that I will put forward, I think his motives in producing it are totally honourable and straightforward, and deserve the respect of everyone in the House of whatever persuasion they may be.

What amendment 7 would prevent is the issuing of orders under this Bill until another Bill that the Government intend to bring forward has been enacted. If it was agreed and we had not been able to pass the withdrawal and implementation Bill, it might in certain circumstances create the inconvenience of our not being able to issue orders to implement a withdrawal agreement to which the Government had signed up. However, not being able to implement the provisions of an agreement in domestic law does not prevent us from signing and ratifying the agreement and does not prevent us from leaving the European Union. Anybody on either side of the House who imagines that amendment 7 would have the effect of creating what the right hon. Member for Leeds Central called a meaningful vote is under a severe logical illusion. It would do no such thing. The Opposition have tabled, I think, new clauses that would have the effect of giving that power to Parliament, but amendment 7 would not do it.

Mr Kenneth Clarke: My right hon. Friend perfectly clearly sets out that a serious constitutional impasse is possible if this House does not pass an agreement, because article 50, even if it is delayed a bit, will eventually lead to our leaving. That assumes—he does not do so, but some of the more hard-line Eurosceptics do—that there are people in the EU who want no deal. I have never met any such person, because actually they would suffer from having no agreements on flights, security, policing and all the rest of it. As has been said, we are inevitably dealing with hypotheses and nobody, whatever their views, really has the first idea where we will be in 18 months’ time, but his suggestion is a most unlikely consequence. If this House rejected a deal, the British Government would go back and say, “We’ve got to have a better one.” I personally would guess that the other 27 nation states would reconsider and see whether they did not have to give a better one in order to get the deal that they had already tried to sign up to.

Sir Oliver Letwin: I think that is a very possible eventuality, which takes us back to our earlier discussion. I certainly agree that if, upon a resolution, the House refused to accept the withdrawal agreement suggested by the Government and agreed by the EU, it is very likely that the Government would go back and try to renegotiate it, and it is very possible that they would succeed in doing so. I do not deny any of that. My point is that amendment 7 would not force that result, because all it would do is, under certain circumstances, stop certain kinds of orders being issued under this Bill.

Mr Grieve: I picked this amendment with some care, precisely because I wanted to avoid the suggestion that by tabling it I was trying to sabotage Brexit. I was trying to prevent the potentially abusive use of a power in clause 9 when the Government were saying that they were going to do something different. That was the purpose behind the amendment. It was also, if I might say so, to prod the Government into responding, which I very much regret they have failed to do.

Sir Oliver Letwin: I am delighted by my right hon. and learned Friend’s intervention, because I agree that he has succeeded in doing that. He has not created the so-called meaningful vote that the right hon. Member for Leeds Central and the Opposition want. He has instead pointed out an issue with the use of the order-making power in this Bill. The question is: is it a good amendment in those terms? We have accepted that it is not a question of creating or not creating a meaningful vote, to use the term used by the right hon. Member for Leeds Central, but just a question of trying to get the Bill into good order—a pursuit in which my right hon. and learned Friend the Member for Beaconsfield and I have joined on many occasions during Committee proceedings. However, I think that on this particular occasion, this particular amendment is not a particularly good way of doing that. I will explain why I think that is the case, and I hope that the Government will instead come forward with another way of achieving the same effect.

It is a very odd situation indeed to have an amendment to what will become a section of an Act that refers to another piece of primary legislation as the basis for an order-making power in the first piece of legislation. In fact I think it is virtually unprecedented.

Mr Grieve: The Bill is unprecedented, because it is asking us, in the light of what the Government themselves say they are going to do, to sanction a power that
undermines a further statute that the Government intend to pass, which should be the source of power for removing us from the EU.

Sir Oliver Letwin: Now I am beginning rather to agree with my right hon. and learned Friend. Therefore, my suggestion is that if that is the purpose of his amendment, it would be far better that it come back as a Government amendment on Report that achieves that effect in a different way and directly, without the gross inelegance of referring to another piece of legislation. It should mainly limit the power in clause 9 to things that are urgent and immediate, and perhaps even specify what sorts of things they might be.

As a matter of fact, I rather share my right hon. and learned Friend’s inclination to believe that clause 9 in its present form came forward before the Government were clear about the need for the implementation and withdrawal Bill, and that Ministers and officials have so far been quite hard pressed to identify exactly which powers are required in clause 9 under the new dispensation of that forthcoming Bill. The Government therefore have a good opportunity to promise from the Dispatch Box today that they will come back on Report with an amendment that is correctly phrased in such a way as to limit the order-making power in clause 9. That would avoid the possibility—this is the point that I want to make to my right hon. and learned Friend and other hon. Friends—of suggesting that we are in any way creating a launch pad for the efforts of the right hon. Member for Leeds Central and Opposition Front Benchers to create what they call a meaningful vote, which is in fact an ability to trigger us not leaving.

Mr Grieve: There will undoubtedly be an opportunity at the end of this process, if this House were so minded, to reject a deal. I have to say—my right hon. Friend may agree with me—that ultimately the House could bring this Government down, if it had to or wanted to do so. That is our constitutional ability.

My right hon. Friend’s main point does not find favour with me, because the only way we will get something sensible on Report is by getting amendment 7 on the statute book and on the face of the Bill. I asked repeatedly for an engagement along precisely the lines that my right hon. Friend has identified, and it was consistently rejected. That is why I will vote for amendment 7, and if I may say so, I would encourage him to do likewise.

Sir Oliver Letwin: I am surprised by that, because my right hon. and learned Friend has a long and distinguished record of voting for good law. I do not think that this is good law, for the reasons I have identified. I think it really would be better if we had a correct amendment at a later stage of proceedings.

Sir Oliver Heald: Does my right hon. Friend agree with the current plans create the risk of parallel legislation, with an Act of Parliament dealing with our withdrawal agreement going through at the same time as all sorts of orders, because there is no trigger mechanism for, or constraint on, the order-making power? Therefore, is not my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), the former Attorney General, doing the House a service by seeking to avoid the risk of parallel proceedings, which is something that this House never does?

Sir Oliver Letwin: I agree with my right hon. and learned Friend that we ought to avoid the possibility of parallel proceedings, but my suggestion would certainly achieve that. If the Government were to come forward at a later stage with an amendment that made it clear that clause 9 could be used only for urgent things of a specified kind, that would prevent the possibility of parallel proceedings.

Anna Soubry: May I suggest another way forward, which is that we agree to the amendment and then, given that this is Committee stage, the Government can go away and fine-tune it, which is what they thought it needed? They had the opportunity to the table their own amendment, but they did not see that commitment through and table one by 3 o’clock on Friday. There is another way. Let us vote on and accept the amendment today and put a meaningful vote in the Bill; and if it needs a twiddle and a tweak, we can come back on Report and I am sure we will all agree to that.

Sir Oliver Letwin: But if my right hon. Friend agrees with me that our purpose in this case is not to create a so-called meaningful vote but simply to ensure that clause 9 is not used to create parallel proceedings or to give carte blanche, it would clearly make sense for the Government to make that undertaking rather than to accept an amendment that has an unnecessary effect.

Charlie Elphicke (Dover) (Ind): Looking at this matter independently, as one does these days, it strikes me that my right hon. Friend’s argument raises a serious question about why clause 9 needs to be in the Bill at all. We are going to have a withdrawal agreement and implementation Bill, and if the Government cannot say what it is that might be urgent, why should we have this clause at all?

Sir Oliver Letwin: Now that there is to be an implementation and withdrawal agreement Bill I do not personally yet understand the need for clause 9. However, the right way to deal with that is for the Government either to say that they will consider getting rid of clause 9 or to make the kind of restricted amendments on Report that I was describing. In any of those ways, the problem would be resolved without the need for this kind of tension, and that would surely be desirable.

3.30 pm

Mr Grieve: I am most grateful to my right hon. Friend for giving way again. In a sense, he unmasks my strategy. I have spent the whole time trying to be sotto voce about this, trying to get some common sense into the Government, which I have been unable to do. It is for that reason that, I very much regret, there really is no alternative to amendment 7. It may be inelegant—although I do not think it is—but it does the business. It would stop the Government doing something that they should not be doing. I could not agree with him more that clause 9 could be removed entirely. It would very sensible if the Government were to do that, but if I had suggested that they would have been upset with me, and it would have made the relationship and the negotiation even harder. In the spirit of conciliation I avoided that brutality and came up with something different.

Sir Oliver Letwin: Speaking personally, I do not think there would be anything very brutal about the Government
deciding on Report that it would be sensible to not have clause 9 in the Bill, given that there will now be a separate piece of legislation to achieve the same effect.

Chris Bryant: I hope that means the right hon. Gentleman is now calling on the Government not to move that clause 9 stand part of the Bill, and that, if they do not do that and instead insist that clause 9 does stand part of the Bill, he will vote against it. That is the obvious logic of what he is saying.

Sir Oliver Letwin: I was with some regret that I gave way to the hon. Gentleman. I have never known him to take a position that was not partisan and slightly ludicrous, and that was a classic example. Here am I irrecogically trying to achieve a result that would be in the interests of the nation—good legislation that has the effect my right hon. and learned Friend the Member for Beaconsfield agrees he is trying to achieve, but which would not have the disadvantage of enabling the Opposition Front Benchers, the right hon. Member for Leeds Central and others, including the hon. Member for Rhondda (Chris Bryant), to achieve the meaningful vote they want to achieve. But what does he want to do? He wants to create some trouble. Well, that is fine—that is what happens in Parliament. My suggestion, however, is not that the Government should be defeated tonight or engage in some huge reversal, but that they should make the sort of change they often make in Committee and on Report—there is, after all, much time to consider the issue on Report if necessary. I want them either to make an adjustment to clause 9 or remove it. That would overcome the difficulty without creating a platform for ending our withdrawal, which is I think the subterranean motive of many on the Opposition Benches—although not, I stress, of my right hon. and learned Friend the Member for Beaconsfield.

Heidi Allen (South Cambridgeshire) (Con): Will my right hon. Friend give way?

Angus Brendan MacNeil: Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will give way two last times and then I really must sit down, because I have said everything I wanted to say and I am now just responding.

Heidi Allen: I am afraid I am little overwhelmed by the legal expertise all around me—I will just speak very plainly. Does my right hon. Friend not understand the difficulty and the trust issue when my right hon. and learned Friend the Member for Beaconsfield has been trying for weeks and weeks, with all good intentions, to engage the Government in this process and has failed? There comes a point when enough is enough and the voice of Parliament has a role in saying, “Put this in the Bill.”

Sir Oliver Letwin: I understand what my hon. Friend is saying, but I do not agree with her. There is a well-established process for Bills in this House that includes a Report stage. If one wishes to table an amendment in the House of Commons that the Government will not accept, it is perfectly possible to do so on Report.

There is no reason to force the issue in Committee. As a matter of fact, the Bill will proceed through the other place, where there will be many, many proceedings. I do not have the slightest doubt—I am sure all my hon. Friends would agree—that it will send messages back to this place, so that will give us another opportunity. I do not stress that, though; it is enough that we have the Report stage. I quite agree that there is a mischief here, but I think it is a restricted mischief and I do not think the amendment is needed to deal with it. There are other means of dealing with it. It could be done on Report, and I therefore do not think that “enough is enough” applies now.

Angus Brendan MacNeil: The right hon. Gentleman has been digging a hole for himself on clause 9 quite successfully. The way he has been speaking, he seems not to understand that the amendment would only give the House the possibility of a vote. Given the way the Brexiteers have been winning every vote, if a vote was held on a deal the only reason it would be lost is if it was a terrible deal for the UK. His argument is the equivalent of somebody setting sail on the Titanic and refusing to take any lifeboats.

Sir Oliver Letwin: It is very odd—it is as if the hon. Gentleman has not been here, but I have seen his body here all the time. The fact of the matter is that the House has had a series of votes, it is going to have a further series of votes, and then it is going to have a whole pile of votes on, inter alia, the new implementation and withdrawal Bill. In fact, my right hon. and learned Friend the Member for Beaconsfield is totally in agreement with that. There is no question of whether we give the House a vote. It is going to have a vote. The question is: what is the articulation of that with clause 9? That is what those of us who are being serious about this have been trying to discuss.

I really feel that I have come to the end of my remarks. I apologise, Sir David, that I am long past time. I hope you will accept that it is because I was answering points from other Members.

Dr Philippa Whitford (Central Ayrshire) (SNP): We have been discussing new clause 3 and amendment 7, which is about process in this place and, as has been said, whether there is any point in clause 9 if there is going to be a withdrawal agreement Bill. The problem is that, if clause 9 remains in the Bill, the Government will still have powers in the interim to make changes, including to the Bill itself. That means that, when the Bill completes, the Executive could simply change it in any way they wanted.

On the issue of having a vote that is meaningful, if the only option we have is the deal that comes back or no deal, frankly, that is Hobson’s choice. What should have been happening is what the Prime Minister categorically refused: a running commentary. Other Governments in Europe have sent people back to the negotiating table to try to make changes when legislation has been enacted. It is important that we remember the paucity of the debate running up to June 2016. We did not explore all the impacts. There was one debate in this Chamber on the EU and the economy. There was no debate in this Chamber on the health or social impacts,
or on the loss of rights and opportunities. We did not have that. We did not air these issues—it is like having the Brexit debate now.

I want to speak to amendment 143, tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas), which looks for a signed agreement to protect EU citizens in the UK and UK citizens in the EU.

Antoinette Sandbach: On a point of order, Sir David. I am not able to hear what the hon. Lady is saying because behind me there seems to be an inordinate racket being made by one of my colleagues. I wonder whether it would be in order for you, Sir David, to make the point clear that this is an incredibly important debate and Members of Parliament should be able to hear what is being said.

The Temporary Chair (Sir David Amess): The hon. Lady is entirely right. We should be courteous to each other. I should also add, while I am on my feet, that I said at the start that with so many people wishing to speak, if people spoke for seven or eight minutes each, everyone would be called. It is now down to three or four minutes.

Dr Whitford: Thank you, Sir David. I hope, as my party’s Front-Bench representative, and perhaps as the only SNP Member who will get to speak, that that timing does not apply to me.

I also wish to speak to amendment 241, which stands in my name and those of my colleagues, and which would preserve reciprocal healthcare and social security rights under the social security co-ordination regulations 883/2004 and 987/200, and to amendments 270 and 271, which stand in the name of my right hon. Friend. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and which would prevent the Executive from using clauses 8 and 9 to reduce the rights of EU citizens in this country.

There was supposedly a breakthrough last week. The phase 1 agreement having been achieved, some level of agreement was meant to be fixed, but unfortunately it was then unpicked on “The Andrew Marr Show”. Moreover, we are still hearing the phrase, “No deal is better than a bad deal”, which completely undermines the agreement made last week. I make this plea: having reached a phase 1 agreement having been achieved, some level of agreement was meant to be fixed, but unfortunately it is not enough to come to the Dispatch Box every couple of months with warm words of welcome to EU staff, when in between women who are raising families here, with British partners or partners of EU origin, are being turned down for permanent residency because they have not taken out private comprehensive health insurance. We have had 100 EU nationals sent “prepare to leave” letters. Friends of ours tried to get citizenship for their three children, who were born and grew up in Scotland: the eldest and youngest were given passports; the middle child was refused. I am sorry but the experience of EU nationals on the ground over the past year and a half has been horrendous. If the phase 1 agreement last week is to mean anything, we must incorporate it into the immigration Bill to give them certainty now, instead of telling them they might have to wait another year before they find out what their future will be.

To exercise the right to live anywhere, access to healthcare and social security is crucial. It has made such a difference, not just to EU nationals here, but to our pensioners who have settled in the sunny uplands of the northern Mediterranean. What position will they be in if they cannot access healthcare? We must recognise that freedom of movement was not a one-way street; our young people and professionals have been able to take advantage
of it for the past 40 years. We are taking that away from the next generation, which is something that I find terrible.

The Government say, and it is in the phase 1 agreement, that they accept keeping regulations 883 and 987, so let us bring that in. Let us get that down on paper and get it passed, because saying to EU nationals, “You’re welcome to stay, but there might be no deal, which means you’ll have no legal standing and you won’t be able to use the NHS,” is no use to anyone.

3.45 pm

The other thing that the EU has brought us, as well as rights and opportunities, is co-operation. The agencies of which we are members are probably the prime example of that. Sadly, more than half of the EU agencies do not have a constitutional position for third countries. Twenty-one of them allow participation and 12 of those allow what is called co-operation, which does not involve payment in the way that participation would. It is therefore important that the Government utilise those and keep us in, or as close as possible to, the agencies that were bringing benefit to the UK. It is also important to recognise that this affects all constituent parts of the UK—all four nations. These decisions cannot be made by delegated legislation, down in an office, with no discussion with Parliament or the devolved nations, which will have to mitigate and face the ramifications.

With an airport and the northern air traffic control in my constituency, naturally I support amendments 245 and 246, on staying in the single European sky agreement, which is the reform of airspace, and the European common aviation agreement, which is what allowed the budget airlines to literally take off and people to travel cheaply. However, the European Aviation Safety Agency is also important, and that is a body of the EU and EFTA. It is important to recognise that there are things we can be in, there are things we cannot be in, and we lose these because we seem to have negotiated with ourselves to move to a hard Brexit instead of a soft Brexit. People here are saying, “Oh yes, this was all aired in the debate.” I remember hearing leavers saying, “Of course we won’t leave the single market. Don’t be ridiculous.” Yet that is the plan and that is where we are heading at the moment.

Martin Docherty-Hughes (West Dunbartonshire) (SNP):

In relation to the points and the amendments from the right hon. and learned Member for Beaconsfield (Mr Grieve) and the right hon. Member for Leeds Central (Hilary Benn), does my hon. Friend agree that, without the transparency of knowing what we are progressing to, many of the items that she is talking about cannot be agreed in the House? We leave ourselves open to the accusation made by Kathy Sheridan in The Irish Times this morning that the Government are “failing to establish in advance what questions should be asked. Of utterly disdaining an alternative, uniting vision while obsessing about trade, blue passports and colonial nostalgia.”—[Interruption]

Dr Whitford: Okay, I am just going to move swiftly on. It was a speech, so my hon. Friend has had his chance to get that in.

There are multiple agencies that are important for the nations across the UK, but my particular interest is of course health. We know that the European Medicines Agency is moving to Amsterdam, but the much bigger issue is the UK coming out of the European Medicines Agency. This is a body that has massively reduced bureaucracy, streamlined the launch of new drugs and meant that the pharmaceutical industry has to go through only one registration process for 500 million people. That is why drugs are launched in Europe at much the same time as America and about a year before Canada and Australia. Given some of what is going on in NHS England—including the budget impact assessment, which can allow expensive drugs to be delayed for three years—what I am hearing from those in the pharmaceutical industry is that they see the UK as a hostile market and that they may not come six months later or a year later. It may take longer than that because they only see the point in paying the extra cost to register when they have a chance of their drug being used in the NHS.

John Woodcock (Barrow and Furness) (Lab/Co-op):
The hon. Lady is making an important point. Is she also mindful of the fact that, at a critical time for the future of the pharmaceuticals industry, there is currently no certainty even on cross-border production, which many of our companies are involved in, including GlaxoSmithKline in my constituency?

Dr Whitford: I agree. Processes such as quality control, batch certification and lot release must take place in the EU. Several centres in Scotland and, indeed, throughout the United Kingdom will have to move.

Several hon. Members rose—

Dr Whitford: I must make progress. A long queue of Members are waiting to speak.

The EMA also leads on research, especially on rare and paediatric diseases. It simply is not possible for a single country to carry out such research. My amendment 351 is intended to ensure that we continue to participate in clinical trials under the clinical trials regulation that will come into effect in April, and maintaining standards of data protection is crucial to that. If we rush into a race to the bottom, we will end up as pariahs and we will simply not be able to co-operate with others.

I support amendment 300, which was tabled by the right hon. Member for Wantage (Mr Vaizey) and which concerns Euratom, but I want to clear up one point. The issue of access to a secure supply of medical radioisotopes was raised by the Royal College of Radiologists, but was dismissed by the Government because the isotopes are non-fissile. It is true that they are non-fissile, but we had a catastrophic shortage between 2008 and 2010 as a result of which I, as a breast cancer surgeon, could not carry out my bone scans. The new technique of sentinel node biopsy which was being rolled out had to be delayed and stalled, and I would have to choose which of my patients might have access to the one dose of technetium that we had to do a bone scan. That is why the Euratom Supply Agency set up the European Observatory on the Supply of Medical Isotopes, and it managed the situation.

We face real challenges in the coming years. The reactors that produce molybdenum, from which we get
technetium, are not in the UK. We do not produce any of that stuff, and we do not yet have a replacement technique as those reactors go offline. It is important for the Government to realise that, if we are not part of the observatory, if we are not participants, the Euratom Supply Agency will have no obligation to us. It might help us, but we will be at the back of the queue, and that will affect patients.

New clause 44, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), calls for an assessment of the impact of Brexit on health and social care and on workforces, especially social care workers. The percentage of EU nationals working in social care is even higher than the percentage in the NHS, but they will not qualify for tier 2-type visas. They are often not highly paid, but we rely on them utterly.

Staying in the single market and the customs union would solve all our problems, including the problem of the Irish border, but consideration of that is still being ruled out. I call on the Government to step back from creating all these difficulties, and reconsider the possibility of our staying in the single market and the customs union. The EU is not just about trade; it is also about rights and opportunities, and about co-operation.

Mr Edward Vaizey (Wantage) (Con): I am very grateful, Mr Amess—[HON. MEMBERS: “Sir David Amess.”] I am so sorry. I should remember that nearly everyone who is speaking in this debate has a knighthood.

I am very grateful, Sir David, for the chance to speak in this important debate. It has been extraordinarily interesting and, actually, enjoyable. I want to make a brief detour on amendment 7, because the dialogue between my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my right hon. and learned Friend the Member for Beaconsfield, to a certain extent—to meetings that I had with him when I was a Minister. You could not go in and order a cup of coffee without engaging in a two-hour debate about exactly what was meant.

In the end, however, the answer emerged, and it emerged in this exchange. Notwithstanding all the technical debate, it is extremely simple. Clause 9 was written before the Government realised that they would have to put the withdrawal agreement into a statute, and now that they have to put it into a statute, both clause 9 and, potentially, amendment 7 have reached their sell-by date. The offer from my right hon. Friend the Member for West Dorset is serious and real; to come back, effectively, with a rewritten clause 9 which tells Parliament exactly what the Government need to do as we implement the withdrawal agreement in legislation. Do they need some powers—I could understand that—to do some things that are essential preparatory work? I thought my point was good enough to stimulate—

Mr Rees-Mogg rose—

Mr Vaizey: Yes, it has stimulated my hon. Friend.

Mr Rees-Mogg: What my right hon. Friend is saying is spot-on: clause 9 gives some powers that trouble even Eurosceptics. I have never felt comfortable with the self-amending part of the Bill, and the solution advocated by my right hon. Friend, and proposed by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is very attractive.

Mr Vaizey: I can barely stand up again, because I am slightly overwhelmed by the outbreak of consensus.

I shall end this section of the speech with some unashamed flattery, as I look at the triumvirate of titans on the Treasury Front Bench: three Ministers for whom I have the utmost admiration, including my constituency neighbour, the Solicitor General, my hon. and learned Friend the Member for South Swindon (Robert Buckland). They have heard this debate, and they are thoughtful and effective Ministers and I am sure they will have taken the mood at least from a certain part of this House about the brilliant opportunity for a solution to this Gordian knot.

Mr Kenneth Clarke: Will my right hon. Friend give way?

Mr Vaizey: My cup runneth over.

Mr Clarke: Before my right hon. Friend tries to urge us all into withdrawing these amendments and waiting for the Government to bring forward their own amendments on Report, let me say that we have been trying to do that through 70 hours of Committee stage. It is no good regarding the Committee stage of this House as an interesting opportunity for Members of Parliament to talk to each other and for Ministers to get up and say they will think about it; we have two days for Report and Third Reading, and the plain aim of the Government is to just enjoy going through this slightly tumultuous and interesting debate and sail on to the House of Lords with the Bill largely intact as it stands. That has been their obvious tactic from a very early stage.

Mr Vaizey: I bow to my right hon. and learned Friend’s wisdom and experience on that point. I am a consensus merchant and simply thought there might be a way forward, but I totally understand that votes might have to be exercised tonight in order to stiffen the Government’s backbone to provide a solution. But nevertheless it has always been the case proposed by my right hon. and learned Friend the Member for Beaconsfield that the Government will have an opportunity on Report potentially to alter his amendment.

Mr Grieve: If they can justify it.

Mr Vaizey: If they can justify it, of course.

The second part of my remarks, which will be as brief as possible because so much time has been taken up, is about amendment 300, standing in my name, which has the largest number of signatories of any amendment to this Bill. I am astonished that only four of them are Conservatives, but I think that reflects the standing in which I am held in my own party; I could not even persuade the leader of the rebel alliance, my right hon. and learned Friend the Member for Beaconsfield, to sign my Euratom amendment, and I really do not want my right hon. Friend the Member for West Dorset to talk about bad law when he comes to look at it.

The point of the amendment is simply to put the issue of Euratom under parliamentary scrutiny, and I note the comments made by the hon. Member for Central Ayrshire (Dr Whitford) in her excellent speech about the importance of Euratom in our medical life,
Mr Vaizey: The hon. Lady and her Committee have published an excellent 45-page report this morning, and I read it when it was hot off the press. It makes all the points that I want to make about the need to have as close an association as possible with Euratom, particularly in regard to safeguarding. What worries me about the Office for Nuclear Regulation is that, while the will and desire are there, this is another job that cannot be done overnight. It will need to triple the number of inspectors over the next four years, for example. Training a qualified inspector takes between 12 and 18 months; it takes five years to train an unqualified one. The ONR already needs another £10 million just for recruitment and IT, not even for specialist equipment. Some people argue—in fact, I think it is in the BEIS Committee report—that the specialist equipment at Sellafield, which is currently owned by Euratom, would have to be replaced, at a cost of £150 million.

We need clarity on the nuclear co-operation agreements, clarity on the safeguarding regime and who will conduct it, and clarity on whether we will reach International Atomic Energy Agency standards, which the ONR is currently aiming for as a realistic target—Euratom’s
standards are higher. We also need free movement of nuclear workers in the broadest sense, and I am not talking about nuclear scientists; I mean the people who actually build nuclear power stations. For example, I think the UK has 2,700 registered steel fixers, half of which will be needed to build Hinkley Point C. That kind of specialist construction worker will come under the category of nuclear workers. As for the future of our continued international co-operation, a particularly live issue at the moment is the extension of funding for the Joint European Torus, which is currently going through the Council for the fiscal years 2019-20, and the European Union is keen to get clarity from the Government on our intentions.

Layla Moran (Oxford West and Abingdon) (LD): The key point about that work programme is that Austria will be taking over the presidency of the Council of the European Union next year. That is incredibly worrying and means that the timeframe to which we are working is July 2018, not later, which is one of the reasons why we need parliamentary scrutiny of what is happening.

Mr Vaizey: The hon. Lady is entirely correct because Austria is an anti-nuclear state, and there is some suspicion that some difficulties may emerge if the matter is not wrapped up before the Austrian presidency.

The amendment’s purpose is to provide parliamentary scrutiny of the important process of replicating the effect of a treaty that nobody wanted to leave. My challenge to Ministers is to engage with the amendment, and I look forward to hearing from the Dispatch Box whether the amendment is acceptable or whether they have an alternative way of providing the House with a strategy. On that note, after 14 minutes, I will sit down.

Chris Bryant: Sir David—for you are indeed beknighthed—it is good to take part in this debate immediately after the right hon. Member for Wantage (Mr Vaizey). However, I am slightly saddened that he was so disparaging of all the Opposition Members who have signed his amendment. If we are just cast aside with such casual, reckless, gay abandon, we are never going to do that again, are we?

The British way in parliamentary matters has always been that we govern by consent, not by Government fiat, so Parliament should never be conceived of by a Government as an inconvenience that has to be avoided if possible. Parliament should be seen as an essential part of how we carry the whole nation with us. The Government should have more strength in Parliament than they do if they try to circumvent Parliament.

Getting the process right, as several hon. Members have already said, is absolutely essential. We are going to be deciding what many assume will be a long-term settlement for this country for generations to come. We cannot simply try to go ahead with a railroaded version of that settlement that only carries 52% of the country, or perhaps even less by then—who knows?—because we will in the end undermine the very institutions that people have been trying to say should be sovereign. I say to the Government that no amount of jiggery-pokery will sort things out. At the end of the day, parliamentary shenanigans will do far more harm to this country’s political institutions than we should countenance.

The Government already have phenomenal power and—I have used this figure before, but it is true—this is the first time in our history that more than half of Government Members are now either Ministers, trade envoys or Parliamentary Private Secretaries and are beholden unto the Government in some way or other. We have more Ministers than Italy, France and Germany put together, so the Government’s hold on Parliament in our system is already phenomenal, yet they have introduced clause 9, which is truly exceptional. I have tabled several amendments, which I will not address because I do not think there is any great point. The honest truth is that I would prefer to see the whole clause out of the Bill.

The moment I saw clause 9, I thought, “If there is a real reason for this, surely by now the Government would have argued why they have to have these powers.” Now the Government say a Bill will be introduced on the agreement and its implementation. If there really is a need for those powers, clause 9 should be in that Bill and not in this Bill at all.

I love all four of the Ministers sitting on the Government Front Bench to death, and obviously the safest thing to do today is for one of them to stand up—they could stand up one after another, as in “Spartacus”—and say, “We will not support this. We will not urge the Committee to consider taking on this clause as part of the Bill, because we know we do not really need it.”

People might ask, “If the Government do not really need clause 9, why does it matter if the clause is in the Bill at all?” The problem is that every single Government in the history of the world have always used every power they have to the umpteenth degree. It is a temptation, and we should take temptation out of the Government’s hands if they are not prepared to take it out of their own hands. Let us bear in mind that the Bill will allow the Government to change the Parliament Acts and the Representation of the People Acts. [Interruption.] The Minister of State, Ministry of Justice is standing up! Oh, he’s not.

Admittedly, changes to the Parliament Acts and the Representation of the People Acts by secondary legislation would have to be made via the affirmative process and there would be a vote in both Houses.

Mr Rees-Mogg: Will the hon. Gentleman give way?

Chris Bryant: I will give way to the 16th century, but I cannot imagine for an instant how the hon. Gentleman could support such a change.

Mr Rees-Mogg: As I have said, I have my doubts about parts of clause 9, but it says that a Minister of the Crown may, “by regulations,” do things “for the purposes of implementing the withdrawal agreement”. It is hard to see how that could change the Representation of the People Acts. The hon. Gentleman slightly overstates his case.

Chris Bryant: The hon. Gentleman entices me down the road of one of my amendments. Previous legislation allowing Governments such extensive powers, such as the Civil Contingencies Act 2004, has made it clear that, when tabling statutory instruments, Governments have to argue the case for why those statutory instruments
are necessary. In this case, the Government have not even added that provision to the Bill, which is what makes me suspicious.

A doubting Thomas is a good man, but he should follow through on his doubts. I hope that means the hon. Gentleman will be joining us in the Lobby tonight, although I have a sneaking suspicion the smile that just crept across his face indicates that he has no intention of doing so.

There has been much talk about what is a meaningful vote. I read theology at university. My theology professor, John Macquarrie, was a wonderful man who had a rather strange half-American, half-Scottish accent. He was asked by a student, “What is the meaning of God?” And he answered, “You should not ask me, ‘What is the meaning of God?’ You should ask me, ‘What is the meaning of meaning?’” That is the kind of existential debate we are having today.

What does it mean to have a meaningful vote? First, I would say that the vote cannot simply be on a fait accompli. It is not meaningful to vote on something after it has already happened and it has already been decided. It cannot just be a vote on a treaty because, as I have already tried to explain, the provisions on treaties in the Constitutional Reform and Governance Act 2010 state that the Government do not have to provide for a vote on treaties, because it is not an affirmative process. They merely state that, if the House says within 21 sitting days that the treaty should not be agreed, the Government have to have another go, if they want to. That is a problematic process for us.

In addition, a treaty is unamendable. One thing everybody has been arguing in this debate is that we need to be able to send the Government back to negotiate again if we think the deal is not good enough. This cannot be simply on a take-it-or-leave-it basis. That is what Hobson, the 17th century stable owner said: “You can either take the horse closest to the door or you will not take a horse at all.” It is like Henry Ford’s saying: “Any customer can have a car painted any colour that he wants so long as it is black.”

My fear is that the Prime Minister will want to be a stable owner trying to persuade everybody to take the horse closest to the door, and I do not believe that will be a meaningful vote.

4.15 pm

We have to have something that is properly amendable, so that it is effective. The Government have talked about the possibility of some form of resolution—a motion before the House. The right hon. and learned Member for Rushcliffe (Mr Clarke) said earlier, “That is a bit debatable these days, as the Government seem to be quite content to ignore any resolution of the House when they are defeated and sometimes to not even bother to turn up to vote on them.” More importantly, we would need to know whether such a motion could be amended in several different ways. Would it be susceptible to just a single amendment? What will be troubling the nation when the negotiation is completed is the detail. People will want to crawl over the endless individual details.

[Chris Bryant]

Philip Davies (Shipley) (Con): Does the hon. Gentleman not concede that there was a meaningful vote on 23 June 2016, when people voted to leave the European Union? The problem with the amendment tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) is that it could be, and no doubt is designed to be, used to try to overturn and frustrate that meaningful vote. [Interruption.] My right hon. and learned Friend laughs, but it is a shame he does not have the courage of his convictions to admit that that is what his game is. If people in this House use that amendment for those purposes, the backlash from the British public will be like none seen before, and he should beware of that consequence.

Chris Bryant: Plenty of Members have plenty of courage about their convictions and have demonstrated it effectively in recent weeks. I do not think the hon. Gentleman should be deriding others because they have chosen to take a different direction. I am not sure whether he has been here for the whole debate—he might have missed a few minutes or indeed most of the hours. He is right that I am a remainer and I would prefer the country to remain in the EU—I admit that openly—but my constituents voted to leave and the country voted to leave, and we are going to leave. But we have to make sure we take the whole country with us, and we will not do that by a parliamentary process that gives far too much power to the Government and does not allow for proper scrutiny in this House.

Wera Hobhouse (Bath) (LD): Will the hon. Gentleman join me in my call to the Secretary of State, which I have made in this House, to set out a timetable whereby we understand what the process is and how he conceives the process of decision making being? That would give us all some certainty about when we would have that meaningful vote and whether we could amend things.

Chris Bryant: I would love to, but the truth is that the Government do not have the foggiest idea when anything is going to happen. They have suggested that something might be available in October 2018—perhaps it will, but perhaps it will not. This reminds me of the hymn we used to sing:

“God is working his purpose out, as year succeeds to year”

The Government are trying to work out what their purpose is, day by day, hour by hour. They have no idea at the moment, which is why we have to make sure we get the process right before we engage in it; otherwise there is a danger that we will be railroaded without making proper, good decisions.

Kevin Hollinrake (Thirsk and Malton) (Con): The hon. Gentleman said earlier that he was focused on getting the best possible process. Should we not be focused on getting the best possible deal in our negotiations? We know the EU does not want us to leave, so if he puts a process in place where the EU can simply knock a deal back to this Parliament, does that not give the EU the incentive to give us the worst possible deal, on the basis that we are more likely to reject it? We will simply have endless negotiations.

Chris Bryant: That is where we disagree. I believe that we will get the best possible deal only if we have the best possible process; the two go hand in hand. Indeed, if the Government introduced a Bill to implement an
agreement and they started to lose votes on individual elements, they would probably then go back to Brussels and say, “You know what? I cannot get this through Parliament, so you’re going to have to give me a better deal.” At that point, I think that our colleagues and friends in other countries in Europe would improve the deal. I believe we would end up with a better deal.

Sir Nicholas Soames (Mid Sussex) (Con): Oh yeah right!

Chris Bryant: I am glad that the right hon. aristocrat agrees with me.

Mrs Anne Main (St Albans) (Con): I am listening to the hon. Gentleman’s argument with great interest, because I was waiting for the “or”. He has just asserted what would happen if we did not have a good deal, Parliament rejected it and the negotiators were sent back, but then what? If it is felt that the best deal has been offered, what is his fall-back procedure? We would leave with no deal whatsoever.

Chris Bryant: Obviously, if the Government cannot get their deal through Parliament, they may be in trouble. That is a certain truth. However, if the Government get nearly all their deal but key amendments are carried by the House—for instance, on immigration, the financial deal or the rights of EU citizens in this country or elsewhere—we could help to strengthen the Government’s arm, not weaken it at all. When I was Europe Minister, my experience was that when something was on the table in Brussels that I disagreed with and did not want to see implemented, the strongest argument I had with Brussels was, “I won’t be able to get that through the British Parliament.” If we have a system in which a deal does not have to go through the British Parliament in line-by-line detail, the Government will be weakened in the negotiating process.

Anna Soubry: Is not that the whole point about what happened last week? After what happened on the Monday, when things all fell apart and were ghastly, we saw an absolute desire and it was clear that everybody, including the EU, came together to make sure that our Prime Minister got a deal. Does the hon. Gentleman agree that when we talk to people, we hear that it is now simple as all that, but they have accepted that we are leaving. People really have to stop the conspiracy stories and the myths.

Chris Bryant: I agree. As I have said before, I also believe that there is a significant degree of agreement among all parties in this House, and probably in the House of Lords as well, about what the final agreement should look like. If the Government abandoned the strategy that they have so far adopted and decided to search for that consensus—“We’re going to try to get 650 MPs through the Division Lobby in favour of the final deal”—they would stand a better chance of getting the best deal for Parliament.

Philip Davies: Will the hon. Gentleman give way?
partners for the whole United Kingdom against the very acute time pressure set out under the article 50 process imposed on us.

Clause 9 enables regulations to be made for the purposes of implementing the withdrawal agreement. It is now, as hon. Members have said, a supplementary provision to give us agility in the negotiations and the flexibility of legislative procedure to deliver the best deal under time pressure. The Secretary of State for Exiting the European Union announced to this House on 13 November the Government’s intention to bring forward new primary legislation in the form of the withdrawal agreement and implementation Bill to give effect to the major elements of the withdrawal agreement. That will include citizens’ rights, the implementation period, the financial settlement and the other issues wrapped up within the exit negotiations.

Dr Whitford: Will the hon. Gentleman give way?

Dominic Raab: May I just make a little progress?

I am not sure whether every hon. Member has had a chance to read the written ministerial statement that was published today—it is entitled “Procedures for the Approval and Implementation of EU Exit Agreements”—but it is worth taking a look at it with regard to some of the concerns that have been expressed. We intend to introduce the withdrawal agreement and implementation Bill after there has been a successful vote on the final deal in Parliament. Notwithstanding that, it remains essential that clause 9 stands part of this Bill. We do not yet know the precise shape or outcome of future negotiations, and it is important that the necessary legislative mechanisms are available to us so that we fully implement the withdrawal agreement in time for the exit date.

Mr Pat McFadden (Wolverhampton South East) (Lab) rose—

Dominic Raab: I will make a small amount of progress but then, of course, I will take the right hon. Gentleman’s intervention.

There will be a wide range of more technical separation issues that will need to be legislated for in time for our exit on 29 March 2019. Some will be better suited to secondary legislation, and it would not be practical to account for the sheer volume of all these issues in primary legislation. It is of course not uncommon for the principles of an international agreement to be implemented, at least to some degree, through secondary legislation. To give just one example, the Nuclear Installations (Liability for Damage) Order 2016 implements the 2004 protocol to the convention on third party liability in the field of nuclear energy.

As for how we implement such secondary legislation, clause 9—this is the crux—offers a material benefit in terms of timing. We would be able to start—not complete—laying some of the statutory instruments soon after reaching agreement with our EU friends alongside the passage of new primary legislation. It is impossible to say with 100% precision at this point all the technical regulations that will be required to implement the withdrawal agreement before the full terms have been negotiated. That is obvious, and is accepted by Members on both sides of the House. However, some regulations might be required, and some will require a lead time of several months, so we need to reserve the ability to use clause 9 as soon as practically possible after a deal has been concluded. If we waited for further primary legislation to receive Royal Assent, that might be too late and we could be too squeezed for time, even in the scenario in which we reach an agreement in October, as is our current aim.

Dr Whitford: Does the Minister recognise my point about the situation that EU nationals are in now? Will the Government consider moving their issue into the immigration Bill, which should be coming imminently, rather than leaving them in limbo for another year?

4.30 pm

Dominic Raab: All hon. Members should heartily welcome the agreement we have reached on the principles that will protect the 3 million EU nationals in this country—we want them to stay and to know they are valued—and the 1 million British expats abroad. Of course, there is still a significant amount of detail in the withdrawal agreement that will need to be worked up, so the hon. Lady may be putting the legislative cart before the diplomatic horse. Can we at least recognise that we have made substantial progress—and substantial progress from the EU’s point of view—which is why we are proceeding to trade talks?

Mr McFadden: Will the Minister give way?

Dominic Raab: I will come back to the right hon. Gentleman shortly. He has been very patient and I did say that would take his amendment. Sorry, I meant that I would take his intervention, not his amendment—just teasing.

Clause 9 is not intended to be used to implement major elements of the withdrawal agreement. Its role will be to assist with making regulations to deal with the more technical separation issues that are better suited to secondary legislation. There will be a large number of such regulations and they will need to be in place in time for exit day.

Mr McFadden: The Minister said that the House would vote on a resolution. This morning’s written ministerial statement also refers to the House voting on a resolution on the final agreement. What would the Government’s response be if the House were to vote against that resolution? What would it mean for Parliament and for the country?

Dominic Raab: I will come to that. It is very clear that we would not be able to proceed with the withdrawal agreement, but that does not mean that we would stop Brexit from happening. That is set out very clearly in the written statement, which also repeats points that have been made before in statements at the Dispatch Box.

George Freeman (Mid Norfolk) (Con): Will the Minister give way?

Dominic Raab: I am just going to make a bit more progress. I will address the point raised by the Labour spokesperson, the hon. Member for Greenwich and Woolwich, because I think he was on to something.
regarding the need to spell out and illustrate, albeit not necessarily exhaustively, the kinds of scenarios in which clause 9 remains relevant in the light of the proposed primary legislation. Let me offer a few illustrative examples.

Clause 9 may be required to legislate for the position of ongoing administrative proceedings when we leave the EU. This is a broad basket of technical issues, including the technical aspects of ongoing proceedings on competition and anti-trust issues under regulation 1/2003, for example, which sets out the co-ordination between the Commission and national competition authorities. Another example is the ongoing procedures on concentrations between undertakings in mergers under regulation 139/2004, and the allocation of jurisdiction between the EU and national authorities. These detailed and technical issues do not need to be put on the face of a Bill, but they must be legislated for in time for exit.

Another area for which clause 9 could be used relates to the privileges and immunities afforded by the UK to the EU—its institutions, bodies and staff—post exit. Privileges and immunities are a standard feature of international law, and are generally considered necessary for the proper functioning of international organisations. Privileges and immunities for the EU are currently implemented under protocol 7 of the treaty on the functioning of the European Union. After exit, the EU will continue to require privileges and immunities to cover any functions it has, although the precise contours may differ according to the deal that we strike. Our agreement on privileges and immunities will need to be implemented in domestic legislation.

Antoinette Sandbach: The point is that clause 9 is so widely drafted that it could apply to absolutely anything that could be linked with EU withdrawal. I am sure that the Department for Exiting the European Union has done a great deal of analysis—indeed, the Minister is showing that in his speech—of the areas that may be affected at the point of withdrawal. Surely that is the point at which the Government need to come to the House and, rather than speculating about what might be affected, actually identify that to us so that the Government need to seek to make them entirely through the mechanism of clause 9 before we have had the opportunity of considering what we actually want. That is why clause 9 is, I have to say to my hon. Friend, so mischievous. While I would be prepared to listen to some great exception, abandoning the normal legislative process in this way seems to be utterly undesirable, so I would press my hon. Friend on what is going to happen with this withdrawal agreement Bill. Are we going to have secondary legislation under it?

Dominic Raab: I thank my right hon. and learned Friend the Member for Eddisbury that I will come on to talk about the restraints on the exercise of clause 9 later. However, in relation to my right hon. and learned Friend’s point, if we waited for the withdrawal agreement Bill not just to be introduced after the withdrawal agreement has been signed but to be fully enacted—if we waited for it to complete its full passage—we would not have time to deal with the volume of technical secondary legislation that we need to put through.

Matthew Pennycook: Six months.

Dominic Raab: No, that is not right. We would be required to wait for the withdrawal agreement Bill to be enacted, so that is not right.

Anna Soubry: Will my hon. Friend give way?

Dominic Raab: No, I am going to make some progress.

I know that my right hon. and learned Friend the Member for Beaconsfield is engaging with this very seriously and constructively and that he is frustrated, but there is no getting around the timing issue that we have.

Mr Grieve: I want to understand this, because it is rather important. We are going to enact a withdrawal agreement Bill—I think that is what it is called. I would expect that to have statutory instrument powers—the very statutory instrument powers we can consider in relation to the scope of the withdrawal agreement when deciding what we then enact by secondary legislation to take us out. I begin to wonder whether, in fact, it is the Government’s intention not to have any statutory instruments made under that agreement at all, but to seek to make them entirely through the mechanism of clause 9 before we have the opportunity of considering what we actually want. That is why clause 9 is, I have to say to my hon. Friend, so mischievous.
Yvette Cooper: Will the Minister give way?

Dominic Raab: No, I am going to make some progress.

Nor is there any getting around the long tail of technical, regulatory secondary legislation that we will need to get through if we want to provide the legal certainty that will make for a smooth Brexit.

Anna Soubry: Will my hon. Friend give way?

Dominic Raab: I will give way to the right hon. Lady later. If she will just be patient, I want to make a bit of progress, given the time available.

It is worth looking very carefully at the limitations and parameters constraining the exercise of clause 9. It can only be used to implement the withdrawal agreement, and even then subsection (3) makes it clear that it cannot be used to levy taxation, to make retrospective provision, to create relevant criminal offences, or to repeal or amend the Human Rights Act 1998. Paragraph 6 of schedule 7 further requires the affirmative procedure in a whole range of scenarios, from the establishment of new public authority functions to the imposition of any fee exercised by any such authority. Critically—I am not sure that all hon. Members have picked this up—the power endures only until exit day. Its operation is shorter than that under clause 7. On the Government’s current expected timetable, it would, in practice, be used for only about six months, so it is not the open-ended power that some have suggested.

In addition, the Government have accepted the amendments tabled by my hon. Friend the Member for Broxbourne (Mr Walker) to establish a sifting committee to advise on the scrutiny procedures used for secondary legislation under the Bill. That will apply to this clause. That is on top of the Government amendment tabled last week that mandates Ministers to provide explanatory material for all the statutory instruments made under the principal powers of the Bill. We are listening. We are committed to making sure that Parliament plays a crucial role—a fully transparent scrutiny role—in the exercise of clause 9.

In sum, the power under clause 9 is required to legislate domestically for the large number of more technical separation issues that must be settled in time for exit day if we are to have the smooth Brexit that, whether we voted leave or remain, we all agree is crucial from here on in. The regulations—

Anna Soubry: Will my hon. Friend give way?

Dominic Raab: I will just finish this point before I finally give way to my right hon. Friend, who has been very patient.

The regulations will be subject to the established methods of parliamentary scrutiny, with additional scrutiny provided by the new sifting committee. This is a time-limited and constrained power, but it is also an important power to help us to prepare for a smooth Brexit.

Anna Soubry: Will my hon. Friend confirm that the Bill was drafted before the general election on 8 June? If I am wrong about that, could he please tell us when the Bill was drafted?
Dominic Raab: As someone who was brought into government reasonably recently and on to the Committee even more recently, I would have to check. I am happy to provide that clarity by the end of proceedings. I suspect that the process has been an iterative one, but let me see whether I can come back to my right hon. Friend on that.

Clause 9 is not just an important part of the procedural toolkit; it serves a much bigger function that we must not overlook. It sends a message of clarity and confidence to our EU partners that we are ready, willing and able to conclude and implement a deal. By the same virtue, it sends an equally important message to our citizens and businesses that we are equipped to secure a smooth legal transition. I understand the concerns raised through the various amendments, and we should debate them. I will come on to them, and I hope that I will be able to give hon. Members some further reassurance.

4.45 pm

Let us be in no doubt: if we want a deal with our EU partners—I think the vast majority, if not all, do—we need to be ready, able and willing to deliver it on time. There are some perfectly reasonable critics of this clause who also passionately extol the need to strike and secure a deal with our EU friends. We need to reconcile that tension and those concerns, because it is no good willing the diplomatic ends if we are not willing to support the legislative means.

Chuka Umunna: May I ask the Minister two questions? First, in respect of the statement made by the Brexit Secretary this morning, can the Minister confirm that the withdrawal agreement Bill is not guaranteed to come before the House for a vote before exit day? All the statement says is that the Bill will be introduced before exit day.

Secondly, why do the Government find so objectionable the idea of activating, if necessary, the third part of article 50, which allows for the Government to ask for an extension if we run out of time as a result of the many unforeseen practical problems? Ministers are talking from the Dispatch Box as though that third part of article 50 did not exist. Why was it included, if not to allow for an extension if the time expires and we have not achieved what we want?

Dominic Raab: I have enjoyed having proper debates with the hon. Gentleman both during the referendum and since. I point out that, as the written ministerial statement makes clear, “the substantive provisions will only take effect from the moment of exit.”

I know that he wants to drag me down into the territory of the no deal scenario and Parliament’s ability to send the Government back to renegotiate. As a former Foreign Office lawyer who spent six years in that Department and worked on EU matters, in practice I think it unlikely that that would be meaningful in any way, shape or form. The point has been made in the debate that if that looked likely, we would be positively incentivising the EU to give us, and we would end up with, worse terms.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. [Interruption.] Order. The hon. Member for Aberavon (Stephen Kinnock) should not have been shouting in the first place, and he definitely should not have been shouting over me as I called for order. We are having a very detailed discussion here, which does not lend itself to shouting from Members on one Bench or the other.

Dominic Raab: Thank you, Mrs Laing. Many of the amendments that have been tabled have focused on the exact nature of the regulations that will be made under the power in clause 9. The exact use of the power will, of course, depend on the content of the withdrawal agreement that we reach with the EU. That agreement will be debated and voted on by this Parliament. The Government have made a clear commitment on that, and it should not be prejudiced or pre-empted now. There has been a lot of talk about a meaningful vote in this House, and the hon. Member for Streatham (Chuka Umunna) has raised the matter again. I will come on to that, and to the key issue of timing. May I say to hon. Members gently, and with the greatest respect, that such a vote would be pretty meaningless in any event if we were not ready to implement on time the deal that we want to do with the EU?

Mr Kenneth Clarke: I thought a moment ago that the Minister was rejecting the idea of a meaningful vote, but I am delighted to hear that he is getting on to it. Does he accept that it is perfectly likely that as the negotiations come to an end, the Government will want to enter into a deal, but they will have given in to pressure from the right wing of the Cabinet and Back-Bench Members of the party and rejected various things on offer from other EU members? That is a far more likely scenario than no deal being the other EU members’ preferred option. In such a case, it would be absolutely essential that the first thing we had was a parliamentary decision on a meaningful vote. We could then legislate, once that particular British issue had been resolved where it should be resolved—in Parliament.

Dominic Raab: From my experience, I must say that I think that is a rather rose-tinted perspective on EU negotiations. I should also say that the same arguments were made about my right hon. Friend the Prime Minister going into the phase 1 negotiations, yet we are on the cusp of formal ratification of the joint report dealing with the first phase issues. The Prime Minister has made some difficult compromises and shown flexibility precisely to get the deal that I think my right hon. and learned Friend welcomes—I also welcome it—even though we were on different sides during the referendum campaign.

I turn to new clauses 3 and 75, which attempt to remove clause 9 wholesale from the Bill. They would undermine one of the important strategic objectives of the Bill, which is to provide the legal means to implement the withdrawal agreement thoroughly in domestic law. I hope I have explained the important, albeit residual, role that clause 9 stands to play in light of the separate primary legislation covering the withdrawal agreement. To remove clause 9 would increase the legal uncertainty, and I hope that the new clauses will not be pressed.

I want to spend a little bit of time focusing on amendments 7, 47 and 355 and new clause 68, but particularly on amendment 7 in the name of my right hon. and learned Friend the Member for Beaconsfield.
May I say at the outset that I do not think he has any ulterior motive in tabling the amendment? I have had a number of constructive conversations with him, and I look forward to more in the future. By dint of that, I hope he accepts that I have followed through on every assurance I have given him, and that I have not failed to live up to the undertakings I have given him. It is in that spirit that we on both sides of the debate need to proceed as the Bill goes through the House.

Amendments 7 and 355 call for a separate statute to be enacted approving the withdrawal agreement before the powers in clause 9 can be used. There are a number of problems with doing so. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) mentioned the constitutional issue, and I agree with him about that. From a practical point of view, however, the crucial problem is the effect that amendment 7 would have in significantly curtailing the timely advantage that we will gain from clause 9. One of the key benefits of the clause is the ability to start to use it reasonably swiftly after the withdrawal agreement has been reached.

To add an unnecessary Bill to the parliamentary agenda—in addition to Parliament’s meaningful vote, as set out in today’s written ministerial statement, and on top of the new withdrawal agreement and implementation Bill—would be restrictive enough. However, to make the first use of the powers in clause 9 wait until the additional legislation has fully passed through Parliament would unduly compress the time we will have to prepare the legislative groundwork, and would risk greater uncertainty. With the greatest respect in the world, I am afraid that is why the amendment tabled by my right hon. and learned Friend for Beaconsfield is defective.

Mr Grieve: Will my hon. Friend give way?

Dominic Raab: If I may, I will finish my comments on this amendment, and I will then let my right hon. and learned Friend critique them in the round. I suspect such a critique is coming.

In rare and exceptional cases, we may need to exercise the powers in clause 9 to pass statutory instruments before the final enactment of the primary legislation, which will be on the date of exit. Let me give an illustration of why it may be necessary for operational changes to be in place before that point. An example is where specific statutory authority is needed for a monitoring body to supervise the implementation of the terms of the agreement on citizens’ rights, if that cannot be done in advance under other primary legislation. Such a body would need to be set up beforehand so that it was ready to operate on day one, but we may not know its precise content and contours until relatively late on in the negotiations.

Yes, the potential scope for reliance on clause 9 has been reduced by the Government’s commitment to primary legislation to implement the withdrawal agreement and the implementation period, but it is still important to retain it. The fetter imposed by amendment 7 would risk materially damaging responsible preparation for exit, including in sensitive areas such as citizens’ rights. I know that that is not the intention of my right hon. and learned Friend, to whom I am very happy to give way.

Mr Grieve: I am again most grateful to my hon. Friend for giving way. He will know—I touched on this in my comments—that when this issue was first raised, I suggested that one possibility might be to allow statutory instruments to be laid and voted on by this House prior to the enactment of the further statute, but not allow them to be brought into force until that further statute had been enacted. That would allow the House to stop the statutory process if it was not happy with it. As I understand it, the further statute has to be enacted before the date we leave, because without it we do not have the powers to pull out. In those circumstances, I find it impossible to understand why my suggestion might not solve his problem. I think he will agree that that is where our dialogue stopped. If he actually wants to do something even before that, I have to say to him that, as a matter of principle, I object.

Dominic Raab: My right hon. and learned Friend is right about almost everything: the only point he is not right about is that I think he will find that my suggestion to him was the appropriate way to deal with that. I will come on to give him precisely the assurance he is asking for, although we have not had a chance to get it on to the face of the Bill. I would argue that a political assurance, which I will give him on top of the others that have been given, ought adequately to address his concerns.

With the genuine and material risk of my right hon. and learned Friend’s amendment in mind, I hope I can go further, bridge the gap and reassure hon. Members, and assure any residual concerns they may have about the operation of clause 9 in practice. I want to provide three very clear assurances to the House.

First, secondary legislation passed under clause 9 will either be affirmative or considered by the Committee established under the amendment tabled by my hon. Friend the Member for Broxbourne. Secondly, the Government are committed to publishing such statutory instruments in draft as far as possible, as early as possible, to facilitate maximum scrutiny, which is another point we have discussed.

Thirdly, we expect that the vast majority of statutory instruments enacted under clause 9 will not come into force until exit day, when the withdrawal agreement comes into force. But I can give my right hon. and learned Friend the Member for Beaconsfield, and the Committee, the concrete assurance that, following the timeframe set out in today’s written ministerial statement, none of the SIs introduced under clause 9 will come into effect until Parliament has voted on the final deal. I hope that that provides important reassurance and is sufficient for hon. Members to withdraw their amendments.

That approach has two advantages. First, it retains our ability to use clause 9 in time to fully implement the withdrawal agreement. It also squarely addresses the concern, fairly and honestly reflected in amendment 7, that there should be a meaningful vote—the critical point made by my right hon. and learned Friend—and that we should not bring new law implementing the withdrawal agreement into effect if Parliament votes that agreement down.

Kate Hoey: I am sure that a lot of people are looking at this debate and seeing it as being conducted very much in legal terms, with lawyers versus lawyers. Will the Minister outline in very simple terms why there is no necessity for amendment 7 to be voted on tonight?
**Dominic Raab:** The hon. Lady, as ever, sums up the situation very neatly. Clause 9 is absolutely necessary to make sure that we can fully implement the withdrawal agreement and provide legal certainty. The problem with amendment 7 is that it emasculates that ability because of the time pressure it places on us. That is why, with the greatest respect to my right hon. and learned Friend the Member for Beaconsfield, it is not an effective amendment and we cannot accept it.

**Several hon. Members rose—**

**Dominic Raab:** We have only two hours left, and I want to make some progress, but I give way to my right hon. Friend the Member for West Dorset.

**Sir Oliver Letwin:** I think that my hon. Friend is suggesting a route to solving the problem raised by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). Could not the requirement that the resolution be sanctioned by the House before the implementation of those orders be put into a revised version of clause 9 on Report?

**Dominic Raab:** I would hope that the assurances we have made, along with the written ministerial statement, are adequate, but there is nothing stopping any hon. Member coming back and having another go. We have—[Interruption.] The hon. Member for Rhondda is sitting there tapping knowingly. He has been talking about the separation of powers between the legislature and the Executive, and now I am being asked to correct homework for hon. Members. That is not necessarily the course on which to proceed. What I will do, as we have done all along and as I think as my right hon. and learned Friend the Member for Beaconsfield knows, is to continue to discuss all these matters with my right hon. and hon. Friends as we progress. The important point to understand—we have not had a huge amount of time to go into the details of what the compromise assurances might be—is that at the moment amendment 7 is defective and would have very real consequences for our ability to deliver on the deal we do with our European partners.

5 pm

**Jeremy Lefroy** (Stafford) (Con): Does that mean, therefore, that the Government would accept an amendment on Report that put on the face of the Bill that there would be a vote, as is stated in the written statement, on a resolution in both Houses of Parliament that would cover the withdrawal agreement and the terms of our future relationship? Is that what the Minister is saying?

**Dominic Raab:** What I am saying is that my hon. Friend has had an assurance, given by me at the Dispatch Box, that I hope addresses his concern. If hon. Members want to come back on Report with further amendments, I will continue to give them proper consideration. I think all hon. Members who have dealt with me directly have found that I have been true to that commitment.

**Chris Bryant:** Will the Minister give way?

**Dominic Raab:** No, I am not going to give way again.

Amendment 47, tabled by the Chair of the Exiting the European Union Committee, is slightly different in that it would make the use of clause 9 dependent on approval of the withdrawal agreement by both Houses without specifying statute. Similar timing concerns apply. We would need to retain the option to ready statutory instruments before such approval, but I have made clear, and I make clear again, that they would not enter into force until Parliament had held its meaningful vote.

New clause 68 replicates the provisions of amendment 47, with the addition that the Government must seek the approval of Parliament no later than three months before the date of exit. We cannot bind ourselves to such strict sequencing constraints when the latter stages of the negotiations remain unknown. To do so, in fact, would be irresponsible. It is also a vague and arguably defective new clause, I say with the greatest respect, because it is not clear whether by the “conclusion” of the agreement the hon. Member for Swansea West (Geraint Davies) means finalisation of the text, signature, ratification or entry into force. For those reasons, I hope hon. Members will not press their new clauses and amendments.

**Geraint Davies:** Will the Minister give way?

**Dominic Raab:** I am going to make some progress. Amendment 116 would require a referendum on accepting the deal or remaining in the EU before the clause 9 power could be used. I do not think that is feasible, and it is not desirable. The Government are clear that the British people have voted to leave the EU. We will deliver on their direction. We will deliver on their mandate. Frankly, this is a pretty thinly veiled attempt to block Brexit and defy the result of the referendum, in contrast to some of the other, legitimate, concerns raised across the House. If hon. Members wanted to hold a second referendum on the terms agreed with the EU, the proper time and place to argue for such a requirement was when the EU Referendum Act 2015 was passed. I therefore urge that the amendment not be pressed.

New clause 4 would require separate legislation to set the exit day, and new clause 66 states that the exit day cannot be set before Parliament has given its approval for the terms of the withdrawal agreement. The Government accept the case for legislative prescription of the exit day for the sake of finality and legal certainty, so I hope that the new clause has been rendered unnecessary.

New clause 19 and amendment 55 mandate that the power in clause 9 cannot be used until the publication of the withdrawal agreement, and that it should not be available until all other exit Bills have passed. It is clear that regulations cannot be made under clause 9 until an agreement exists and its contents are known. It is not necessary, then, to require on top of that that the agreement be published and placed in the House of Commons and House of Lords Libraries before the power can be relied on. It is of course standard practice to lay international treaties before Parliament under the Constitutional Reform and Governance Act 2010. Equally, it is not right to tie the use of this power to the publication of other primary legislation passed in this Session. I therefore urge the hon. Member for Nottingham East (Mr Leslie) not to press the amendment.

Amendment 361 was tabled by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), who is the Chair of the Justice Committee.
The amendment would create a separate power to legislate for the implementation period. I hope that the Government’s announcement of a separate Bill—primary legislation—covering the withdrawal agreement and the implementation period addresses his concern.

Robert Neill (Bromley and Chislehurst) (Con): I am grateful for that. It was intended as a probing amendment, particularly to ensure that these issues were ventilated. Given the assurances in previous days of the debate, I obviously will not push it. While I am on my feet, however, may I ask the Minister to reflect again on the point made by my hon. Friend the Member for Stafford (Jeremy Lefroy)? I really think that the Government would find a means of resolving these matters if they were to bring forward their own amendment in the form suggested.

Dominic Raab: I thank my hon. Friend for his comments. I hope he understands how, in good faith, I am seeking to engage with hon. Members on all sides of the House. It was my suggestion that the assurance would be made to him. W e will reflect further as we lead into Report—

I turn now to amendment 19, which was tabled by the hon. Member for Rhondda. I understand his position and what he is trying to establish, but if the regulations made under clause 9 were to lapse two years after exit day, it would set a very rigid legislative timeframe for the Government and risk unnecessary disruption. If the two-year deadline expired unmet, it would create holes or risk creating holes in the statute book. I sympathise with the intentions behind the amendment, and I just wonder whether it was intended to tempt Eurosceptics on the Government Benches, but it is too rigid a fetter on Parliament’s ability to manage its legislative priorities between now and 2021, and it would risk exacerbating the very uncertainty that the Bill is designed to reduce.

Amendments 74 and 75 attempt to tie the use of clause 9 to our continued membership of the single market and the customs union. The Government have been clear that we are leaving the EU, and that necessarily means we are leaving the single market and the customs union. The amendments rehash old ground. The Government are clear that we are seeking a deep and special partnership with the EU, including as frictionless free trade as possible, and that will inevitably be linked to the withdrawal agreement. It is good news that we are moving to the negotiations on that area, following the success of my right hon. Friend the Secretary of State for Exiting the European Union and the Prime Minister. The amendments, with the greatest respect to their SNP authors, would be counterproductive on their own terms, because they would undermine our ability to secure and implement the withdrawal agreement, which itself will be necessary for agreeing the future partnership agreement and maintaining barrier-free trade.

Charlie Elphicke: I have listened carefully to my hon. Friend’s point. I turn now to amendment 19, which was tabled by the hon. Member for Rhondda. I understand his position and what he is trying to establish, but if the regulations made under clause 9 were to lapse two years after exit day, it would set a very rigid legislative timeframe for the Government and risk unnecessary disruption. If the two-year deadline expired unmet, it would create holes or risk creating holes in the statute book. I sympathise with the intentions behind the amendment, and I just wonder whether it was intended to tempt Eurosceptics on the Government Benches, but it is too rigid a fetter on Parliament’s ability to manage its legislative priorities between now and 2021, and it would risk exacerbating the very uncertainty that the Bill is designed to reduce.

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made it clear that securing the rights of EU citizens resident in the UK on exit, and equally the rights of UK nationals living on the continent, was a top priority. I am sure the whole House will join me in welcoming the fact that the joint report by the UK and EU negotiators published last Friday forms the basis of the agreement after the first phase of negotiations, which will cover the rights of EU citizens here and British citizens on the continent, giving them the security, the assurances and the confidence they need.

Again, I acknowledge the vital contribution that EU citizens make to our economy and our social and national life. We will ensure that EU citizens living in the UK at the date to be specified in the light of the negotiations will be able to apply for settled status under UK immigration law once they have completed five years’ residence here. In the light of the agreement reached, I hope that hon. Members will not press those amendments.

New clause 38 and amendment 156, meanwhile, cover the specific issue of Irish citizens’ rights. Maintaining the common travel area with Ireland, protecting the reciprocal rights of British and Irish citizens, is a primary objective for the UK and has been since the Prime Minister’s Lancaster House speech in January. The common travel area arrangements between the UK and Ireland and the Crown dependencies, and the associated rights, have existed for many years. They pre-date the UK and Ireland’s membership of the European Union. Although it extends to the whole of the UK, the value of the common travel area and associated rights is clearly most felt in Northern Ireland. These arrangements facilitate, among other things, the north-south co-operation provided for in the Good Friday agreement and daily life on the island of Ireland.

There is a strong appetite on both sides of the border and in all parts of the UK to maintain those rights. They are distinct from EU membership and are already provided for by domestic legislation. The joint report by UK and EU negotiators safeguards these interests. Given that agreement and the strong commitment from both the UK Government and, in fairness, the European Commission that these arrangements are protected and will be protected, new clause 38 and amendment 156 are unnecessary, and I respectfully ask hon. Members not to press them.

**Lady Hermon** (North Down) (Ind): I am very grateful indeed to the Minister for allowing me to intervene. I just want him to clarify a very important issue. We are talking about clause 9 and amendments to it. The Minister and his colleagues will know that any regulations that could be made under clause 7 are restricted, in that they cannot create new criminal offences, cannot have retrospective effect and cannot affect the Human Rights Act. Those exemptions are mirrored in clause 9, apart from the reference to the Northern Ireland Act 1998 and the protections given to the Good Friday agreement. In the light of the Prime Minister’s statement to the House on Monday about the commitments to the Northern Ireland Act and the Belfast/Good Friday agreement, why is there such a glaring omission in clause 9, in terms of the protections offered to the Northern Ireland Act?

**Dominic Raab:** I thank the hon. Lady for her intervention. There is absolutely no intention to use clause 9 in any way that would disrupt the Belfast agreement. The short answer to her is that these are just different technical devices, dealing with different technical aspects of withdrawal.

**Lady Hermon:** Forgive me for correcting the Minister. I do not mean to be rude, but clauses 7 to 9 extend to Northern Ireland, so these powers will also be extended to Northern Ireland—schedule 2 extends them to Northern Ireland—so if we had an Executive up and running again, Ministers in a devolved Assembly could make regulations that affected the Good Friday agreement. The protection to the Good Friday agreement—the Belfast agreement—has to be written into clause 9, so I suggest that the Government take it away tonight, redraft it and come back on Report with something that satisfies everyone in this House, including the Minister.

**Dominic Raab:** It is important that any changes that may need to be made to the Northern Ireland Act 1998 to ensure that the UK can honour its international commitments can be made. Any such changes could be made only to ensure ongoing compliance with our international obligations, and could not substantively change the agreed devolution settlement or deviate from the terms of the Belfast agreement. I should be happy to write to the hon. Lady and spell that out in more detail.

5.15 pm

**Vicky Ford:** As a new Member, I have listened intently as many Members on both sides of the Committee—some who voted to remain and others who voted to leave—have talked about the fundamental flaws in clause 9. The rest of the world is watching how we regulate at the moment. Will the Minister give an undertaking that the Government will come up with amendments to clause 9 on Report?

**Dominic Raab:** As I said earlier, clause 9 retains the residual necessity to provide us with agility in these negotiations. I think that I have given the assurances on substance that Conservative Members and, I believe, some Opposition Members wished to hear. If other Members want to table amendments on Report, I will of course continue the dialogue in which I have engaged all along.

**Chris Bryant:** Will the Minister give way?

**Dominic Raab:** I am going to make some progress, because I have been on my feet for some time.

**Chris Bryant** rose—

**Dominic Raab:** I will not give way to the hon. Gentleman, because I have given way to him already. I am going to make some progress.

**Chris Bryant** rose—

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing):** Order. The hon. Member for Rhondda (Chris Bryant) knows better—and he also knows better than to raise his eyebrows because I have called for order. He does it often enough, and it is not his job.

**Dominic Raab:** A number of Members have tabled amendments seeking to maintain the UK’s membership of EU agencies, institutions and international agreements, as well as our participation in EU programmes and
access to EU systems and databases. They also seek to ensure that measures are put in place so that we are ready domestically to thrive when we leave the EU. Those amendments include amendments 196 to 199, 241 to 261, 276, 224 and 225, and a number of others.

The Government recognise that a large number of the UK’s relationships with non-EU partners and international organisations are linked to our membership of the EU, and specifically to the Euratom treaty, which deals with nuclear co-operation. Maintaining close links after we leave is important, and in many cases will be in the interests of both the UK and the EU.

Mr Vaizey: I know that my hon. Friend has been on his feet for 50 minutes. We should be happy to have another 50 minutes, because he is doing brilliantly. He has just mentioned Euratom. As he knows, amendment 300 was signed by more Members than any of the other amendments. I hate to keep asking him to come back with proposals on Report, but will he give a commitment that the Government will at least publish a strategy for their future relationship with Euratom by then, and that the strategy will be updated quarterly so that we can maintain progress? As I said in my speech earlier, Ministers have been brilliant on this issue, but we do need to partner with them.

Dominic Raab: The Government intend to present a written ministerial statement to Parliament before Report which will set out our vision, or strategy, for a close association with Euratom. I hope that the commitment to that statement will reassure my right hon. Friend, and that he will not feel the need to press his amendment to a vote.

Rachel Reeves: Will the Minister give way?

Dominic Raab: I want to make some progress, but I will give way once to the hon. Lady.

Rachel Reeves: On the subject of amendment 300, will the Minister confirm that the Government intend any implementation period for leaving the EU to apply to leaving Euratom as well?

Dominic Raab: That will be addressed in the written ministerial statement and the strategy that will be forthcoming very shortly, and the hon. Lady will have an opportunity for scrutiny then.

We will work with the Commission on addressing those international agreements when the parties have a shared stake, and a shared interest, in continuity. Similarly, the Government recognise the need to maintain a strong relationship with the EU in the future. We are seeking to forge a deep and special partnership with our EU friends, and our relationship with the EU’s agencies and bodies on exit will be evaluated on a case-by-case basis. No final decisions have yet been made on our future relationship with the EU’s agencies and bodies after leaving the EU, and we are carefully considering a range of options. Where there is a demonstrable national interest in pursuing a continued relationship with an agency or other EU body, the Government will look very carefully at whether and how we can pursue that, and of course it is a matter for negotiations.

That brings me to why these amendments are, while well-intentioned, unhelpful. The first reason is because negotiations are ongoing and we cannot allow our negotiating position to be prejudiced or pre-empted. The Government are working to achieve the best possible deal with the EU. We welcome the constructive and thoughtful amendments from hon. Members, but we cannot accept any that might undermine the Government’s negotiating position or restrict our room for manoeuvre, not least in terms of striking the kind of arrangements that hon. Members in tabling these amendments want to see.

Stephen Kinnock (Aberavon) (Lab): I am going to make some more progress, if I may.

Secondly, the Government have committed to ensuring that the withdrawal agreement with the EU can be fully implemented in UK law by exit day. The clause 9 power to implement the withdrawal agreement will be crucial in achieving this in the way I have described. This power will help to ensure we are in a position to swiftly implement the contents of the withdrawal agreement required to be in place for day one, ensuring maximum legal certainty upon exit. Again, I respectfully remind hon. Members that, if the UK is unable to implement the withdrawal agreement in time, that risks us being unable to meet our obligations under international law and scuppering the prospects of the very deal I think Members on all sides want to achieve.

To ensure a smooth and orderly exit, it is essential that appropriate legislative changes have been made by the point of exit. We want to give ourselves the capability to make those appropriate changes swiftly, and to support businesses and individuals and make sure the country is ready. The power in the Bill enables that, and those aims will be put at risk by these amendments.

I now turn briefly to amendments 227, 228 and 229, which prevent the clause 9 power from being used until a number of economic assessments have been published. The Government have been undertaking rigorous and extensive analysis to support our exit negotiations, to define our future partnership with the EU and to inform our understanding of how EU exit will affect the UK’s domestic policies. The Government have already established a process for providing economic and fiscal reports. The OBR independently produces official forecasts for the Government and is required to produce detailed five-year forecasts for the economy and public finances twice a year at autumn Budget and spring statement. Those forecasts reflect publicly stated Government policy at the time that those forecasts are made, and that includes policy on leaving the EU.

We have been very clear that we will not disclose material that might undermine the UK in the negotiations. In particular, in any negotiation, information on potential economic considerations is very important to the negotiating capital and negotiating position of all parties.

The Government want to get the best deal for the UK and hope—and, indeed, are confident—that this House is united in that goal, even if the means to achieve it may differ on some aspects of detail, and we do not want the UK’s negotiating position to be undermined. For that reason, we cannot support those amendments.
Amendment 230 requests an assessment of the broader responsibility of the Treasury. That is unnecessary. The Treasury’s core purpose is to be an effective finance and economics Ministry. As a finance Ministry, the Treasury will continue to account for public expenditure and manage the public finances. As an economics Ministry, it will continue to prioritise policy that reduces obstacles to growth, and manage key relationships with finance Ministries overseas. The Government do not see the UK’s withdrawal from the EU changing those core responsibilities of the Treasury, and an assessment to confirm that would be a waste of valuable public finances and is unnecessary.

I turn now to amendments 262 and 263. The Government recognise the huge importance of the legal services sector to the UK economy; it contributed £24 billion in 2015. The Government also recognise that legal services underpin many other important parts of the UK economy, including financial services, manufacturing and the creative industries. We propose a bold and ambitious partnership between the UK and the EU, and we will prioritise securing the freest trade possible in services. The Government are committed to minimising uncertainty, both for our EU partners and for businesses and citizens in this country. I hope that I have addressed as many of the amendments relating to clause 9 as possible, and that clause 9 will now stand part of the Bill unamended.

I shall now turn briefly to clauses 16 and 17 and schedule 7. Clause 16 gives effect to schedule 7, which provides for the parliamentary scrutiny of the secondary legislation made under the powers in the Bill, including under clause 9. The Bill attempts to strike a balance between the need to prepare our statute book in time for the end of the article 50 process and the need, on the other side, for Parliament to undertake proper scrutiny. The Bill does this using long-established parliamentary procedures. These are the usual procedures that have been used by all Governments for decades with no dilution of the normal scrutiny process.

However, the Government have always said that we would listen and reflect on the concerns raised by the House. We understand the concern that there might not be enough scrutiny of the instruments made under the Bill. That is why the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), made it clear in the Committee yesterday that the Government would support the amendments tabled by the Chair of the Procedure Committee, my hon. Friend the Member for Broxbourne (Mr Walker), which I hope will be supported by the whole of this Committee.

These amendments draw on the Procedure Committee’s expertise and its recent interim report, and will ensure that the House has an opportunity to challenge the appropriateness of the use of the procedure for instruments made under the three main powers in the Bill. The amendments do this without undermining the certainty that we wish to provide. For instruments brought forward under clause 9, as with the other powers in the Bill, this means that where the Government propose the negative procedure for an instrument, the House will be able to recommend that it should instead be debated and voted on as an affirmative instrument, giving an even clearer voice to this House in scrutinising how these powers are used. Other instruments, if not made using the urgency procedure—which I will come to—will be affirmative, guaranteeing the opportunity for a debate on the instrument.

Schedule 7 sets out a series of triggers for the use of the affirmative procedure. These are for some of the substantial uses of the power or for those where more complex decisions are required—for example, creating a new public body, creating new fees or other charges, or creating new powers to legislate. The Minister responsible for the instrument can also choose the affirmative procedure even where the instrument does not meet any of the tests in schedule 7. We have taken the same approach to changes to either primary or secondary legislation. Some changes to primary legislation can be mechanistic and minor, and adopting the affirmative procedure for small corrections to primary legislation would be impractical. Instead, the requirement for affirmative procedures is based on the type of change rather than the type of legislation in which the change is being made.

In rare cases, there are urgency procedures, both in the Bill as introduced and in the amendments tabled by the Chair of the Procedure Committee. I can assure the Committee that we would only use those procedures very sparingly—for example, in cases where there was a clear practical reason to have a correction made in time.
for exit day or for a particular other day when limited time was available. Such a situation could arise, for example, because the content of a particular statutory instrument was dependent on a negotiation that took place nearer the end of the exit process. I know there are amendments on the paper today, such as those in the name of the hon. Member for Nottingham East. Member for Nottingham East (Mr Leslie)—I am trying to see whether he is still in his place, but no, he is not at the moment—which seek to restrict the use of this power to “emergency” situations. I hope the Committee will understand that the word “emergency” is not quite right in these circumstances, and that “urgency” is the more accurate description if we are to ensure that we have legal certainty.

Finally—I am grateful to the Committee for its patience—clause 17 is designed to make consequential and transitional provision to other laws as a result, not of our exit from the EU, but of the operation of the Bill. It contains powers to ensure that the Bill is properly bedded into the statute book and could be used, for instance, for housekeeping tasks such as revoking designation orders.

5.30 pm

Mr Kenneth Clarke: This debate started with an extremely eloquent and passionate contribution by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) on the meaningful vote that this House has been promised, on the timing of that vote, and on how we can ensure that the Government do not proceed with the detail of the withdrawal agreement, and probably the ultimate trade agreement, without the consent of this House. My hon. Friend the Minister has spent an extremely valuable hour taking us through the proceedings to ensure that all amendments from all Members have been fully discussed. I appreciate spoken and taken a great many interventions, many of which contain consequential amendments, but some more may be needed, and it will take time for departmental experts to identify and correctly resolve others. For example, the Bill amends the definition of “enactment” in the Interpretation Act 1978, and Departments will need to review all the references to “enactment” across the whole statute book to identify any that need amending as a consequence of the Bill. That is not a novel use of a consequential power, because the definition of “enactment” was inserted into the 1978 Act by the Scotland Act 1998, and the consequential power in the 1998 Act was then used to amend other references as a consequence. The Government are therefore taking a normal power to make these and other important but technical consequential amendments as they are identified.

Hon. Members will know that transitional, transitory and saving provisions are standard ways to smooth the introduction of change to the statute book. As with clause 9, it is important that we can provide legal certainty to everyone in the UK, from businesses to individual citizens. For example, the Bill removes the UK from the direct jurisdiction of the Luxembourg Court, but the UK will remain a full member of the EU up until the very moment of exit. The power could therefore make specific provision for court cases still before a court on exit day. Again, schedule 8 introduces some of those measures, but Government will need some residual flexibility to ensure that we do not create uncertainty as we leave. I can reassure the Committee that the Government cannot abuse such powers. Case law and an array of legal authorities provide a very narrow scope for the exercise of the powers, which are necessary to ensure that we can enable a process of exit from the EU that promotes maximum certainty. I commend clauses 16 and 17 and schedule 7 to the Committee.

Several hon. Members rose—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. Now that the Minister has spoken and taken a great many interventions, many of the issues before us have been fully discussed. I appreciate there are a lot more amendments to be spoken to, but the Committee will know that a lot of people have just risen to indicate that they wish to speak, and we have less than an hour and a half left.

I cannot impose a time limit in Committee, but if hon. Members speak for more than three minutes, they are depriving someone else of the opportunity to speak. That might indeed be the intention of some hon. Members, and there are many hon. Members who prefer to listen to their own voice than to give any time to others. We shall see in the next hour and a half which is which.

I am sure I can rely on Seema Malhotra to behave properly.
Seema Malhotra (Feltham and Heston) (Lab/Co-op): Thank you, Mrs Laing. I will do my best but, with short notice, I may struggle to bring my speech down to three minutes.

It is a pleasure to follow many hon. Friends and hon. Members in lending my support to new clause 3, amendment 7 and new clause 66, which speak to the intention of Members on both sides of the Committee to engage constructively and thoughtfully on the role of Parliament and on when, and how, Parliament has a say on the fundamental issue of the withdrawal agreement.

I am grateful to have the opportunity to address my new clause 69 and to thank the 40 hon. Members from both sides of the Committee who put their name to it. New clause 69 seeks to lay out a simple road map to provide clarity on the role of Parliament in the final months before Brexit.

The Government put out a statement today, setting out the role of Parliament in approving the agreements and how the agreements will be put into force. Notwithstanding the Minister’s comments, I will lay out why the statement does not go far enough in addressing this fundamental issue—the Minister also did not adequately address these points.

The Brexit Secretary said in his written statement—that there is no disagreement with this—that:

“A Withdrawal Agreement will be negotiated under Article 50 of the Treaty on European Union…whilst the UK is a member of the EU. It will set out the terms of the UK’s withdrawal from the EU…as well as…any implementation period agreed between both sides.

Article 50(2) of the TEU sets out that the Withdrawal Agreement should take account of the terms for the departing Member State’s future relationship with the EU.”

We believe that partially parallel process is soon to be under way.

Michel Barnier has said that he wants to have the withdrawal agreement finalised by October 2018, which is indeed the Government’s stated intention. The Prime Minister said today that she fully expects the vote to be “well before March 2019.” The Government have committed to holding a vote on the final deal as soon as possible after the negotiations have been finalised, and the Brexit Secretary’s statement says:

“This legislation will be introduced before the UK exits the EU”.

I very much hope that all goes according to plan. It is in the interest of the country for there to be an orderly, stable and predictable Brexit process that enables businesses and families to plan ahead and do all they can to manage the risks of transition. If the Government are as confident of that as they would wish us to believe, I hope they are able to confirm today that they will accept amendment 7 and respond to the points raised in my new clause 69, which seeks to do nothing other than include in the Bill the commitments the Government made in their stated policy intentions. Although I will not be pressing new clause 69 to a vote, I reserve the right to bring back the issues at a later stage.

Legislation is not passed to plan for when things go well but to provide protections and a route map for action when things do not go well. There may well be an honest intention to reach a deal by October 2018, but there is no guarantee. I am not attempting to talk down the Government’s negotiation attempts, but there has been a consistent view—indeed, reiterated by the Prime Minister today—that she fully expects a vote before March 2019. That is not a promise, because we know it cannot be.

I am also representing the views expressed by the Brexit Secretary on 25 October 2017, when he said we could go up to the 59th minute of the eleventh hour. The Government may have sought to row back on that, but the experience suggests and the reality is that it may well end up being the case.

Michel Barnier said this morning that negotiations are difficult and “tough” and that he wants steps to be taken for an “orderly withdrawal”. He has stated today that a full trade deal will not be possible by the time the UK leaves the EU. With only 15 months left to Brexit day, we must recognise that in these complex times the unpredictable can happen, and that in those circumstances, which none of us would wish to see, we need to have planned ahead effectively. We need certainty for Parliament, for our constituents, and for business and industry about how we will proceed.

My new clause states that in the event of no deal being reached by October 2018 or a deal not having been passed by both Houses of Parliament by February 2019, with a month to go the Prime Minister must: seek agreement with the EU to extend the article 50 time period; or seek agreement with the EU to finalise the terms of the withdrawal agreement through the period of transition after the article 50 notice expires and the EU treaties cease to apply to the UK; or seek agreement on any other course of action in line with a resolution of this House. This is important as it gives an opportunity for timely—repeat, timely—engagement of this House, which is critical in order for any vote to be meaningful.

My new clause does not specify which of those the Government should seek to do, but it sets out three clear options that could be vital in keeping order and stability in the weeks and months before exit day. Let me be clear also that this is not about an unnecessary extension of the process; it is about allowing provision for and clarity on the circumstances in which it may be called upon, most likely for a short period of months. That can only be helpful in managing the risks of Brexit, particularly in the event that a deal is well under way but has not been finalised. It would certainly not be against the spirit of the referendum result, and at the time could precisely be in the national interest.

I do not believe that in truth this approach should be any great distance from Government policy, and it simply picks up on paragraph 3 of article 50, which states:

“The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

I do not believe there has been any suggestion from the European Council or elsewhere that such a request would not be agreed to if it were proven to be necessary.

In the light of aspects of stated Government policy, new clause 69 and amendment 7 should be nothing other than helpful. I wish to make a few points on this, Mrs Laing, which I shall summarise. The Government have made it clear that they will want to see a vote of this Parliament—after a challenging journey on that policy, they made that commitment in their manifesto
in May. As has been stated today, however, the challenge is that it is not clear, and there certainly is no consensus on, what constitutes “meaningful”. Indeed, there has been a difference in view on this. First, the Secretary of State said:

“The House will have the opportunity to vote on any number of pieces of legislation before we get to the end and then will have a vote to decide whether what it gets is acceptable. I cannot see how it can be made more meaningful than that.”—[Official Report, 2 February 2017; Vol. 620, c. 1222.]

Yet, five days later, his deputy Minister at the time, the right hon. Member for Clwyd West (Mr Jones), said:

“No, no, no. Let me say this. It will be a meaningful vote. As I have said, it will be the choice between leaving the European Union with a negotiated deal or not. To send the Government back to the negotiating table would be the surest way of undermining our negotiating position and delivering a worse deal.”—[Official Report, 7 February 2017; Vol. 621, c. 273.]

This is surely the crux of the issue about the ability of Parliament to influence this Government and the negotiations to get the best deal for our country.

That brings me to my final point, which is about the issue of no deal. If the Government were to proceed on the basis of no deal, that itself would not be after a vote of this House. No deal obviously would bring huge risks to our economy and it would have a legally questionable status, and those views of stakeholders are of no surprise to Ministers in this House.

I would rather we were not in this position and I would rather not have had to table the new clause, but I believe strongly that it would provide important safeguards for the country and for people in our constituencies, who will be picking up the pieces if we crash out of the European Union. Parliamentary scrutiny and sovereignty are our duty and responsibility. I may not push for a vote today, but I reserve the right to bring my new clause back to the House, depending on what further comments the Minister makes. The House deserves a definite timeline for a vote, and to be confident of the meaningfulness of that vote.

5.45 pm

Mr Jenkin: I have listened to this entire debate with close interest. I think that we are all agreed that we want an orderly process for leaving the EU, which means a sensible withdrawal agreement alongside a clear and detailed commitment to an EU-UK trade agreement and a period of implementation, but I also think we all agree that if no satisfactory agreement arrives, we still all voted to leave the EU. Well, we nearly all voted to leave the EU: I respect my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), but he voted against the triggering of article 50, as did some others. Those of us who voted to trigger article 50 voted to leave on 29 March 2019.

Stephen Kinnock: Article 50 clearly states that an extension can be requested, so when we voted to trigger it, we voted to trigger a clause that included the possibility of requesting an extension.

Mr Jenkin: I will come back to the way Parliament interacts with the process, but it would be really rather foolish for this House and the Government to premise all their plans on the basis that that request would be acceded to, because it would require unanimity. I have not heard a single public statement from the EU or a European diplomat that suggested for a moment that they would contemplate extending the deadline. Of course, why would they? The deadline written into article 50 is to their advantage. I expect that the hon. Gentleman would have voted for the Lisbon treaty, which contains article 50, but I did not vote for it. I have always thought that article 50 was a snare and a trap. It sets a deadline, against which we are now negotiating, and that is the only prudent way to negotiate.

I loathe secondary legislation that amends primary legislation expressed in Acts of Parliament. It is an odious practice that has entered the legislative process in this House—this is by no means the first Bill that contains so-called Henry VIII clauses—but I can justify such powers as a basis for reversing the effects of our membership of the EU. It may seem to be an irony, but it is by the process of secondary legislation that we have been gradually integrated into the EU.

We have seen order after order coming under section 2(2) of the European Communities Act 1972. More often than not, it was a “take it or take it” option: we did not even have a “take it or leave it” option once it was expressed in EU law. The advantages of allowing secondary legislation under this Bill are that, first, the legislation will ultimately be answerable to the House; secondly, the powers are temporary; thirdly, they can be subject to revision or annulment at any future time; and finally, they are underpinned by the democratic authority of a referendum.

On a “take it or leave it” vote, I do not remember debating a single new treaty that was offered to the House on the basis that we could amend the treaty by passing an Act of Parliament. Whether to accept the Lisbon treaty was a “take it or leave it” decision. We were told that if we did not accept the treaty, it would create such chaos that it would force us to leave the EU.

I do not doubt the bona fides of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and others on the Government Benches, but my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) exposed very ably the fact that there are people in the House who want to use amendment 7 as a means to extend the negotiation. My right hon. and learned Friend the Member for Rushcliffe was absolutely explicit on that point. I appreciate that the shadow Minister, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), did his best to avoid answering the question, but he made it clear that he thinks the deadline will have to be extended.

Mr Kenneth Clarke: I thought for a moment that my hon. Friend meant all that stuff about my challenging the result of the referendum.

Mr Jenkin: No, no, no.

Mr Clarke: I am sorry; I misheard my hon. Friend. I do not think for one moment that we will have completed any of these negotiations by March 2019, but I will wait to see. There are perfectly clear arrangements in article 50 for the time to be extended. I have met several other European politicians, including some of those involved in the negotiations, who rather expect that to happen.
Mr Jenkin: As I say, it is not something that we can bank on. May I just deal with this question of what is a meaningful vote? I cannot find anything clearer than the ministerial statement that was issued this morning. It says that “the Government has committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded.”

It continues:

“This vote will take the form of a resolution in both Houses of Parliament and will cover both the withdrawal agreement and the terms for our future relationship. The Government will not implement any parts of the withdrawal agreement—for example by using clause 9 of the European Union (Withdrawal) Bill—until after this vote has taken place.”

That seems to provide the assurances that my right hon. and learned Friend the Member for Beaconsfield is looking for and that the Minister of State, Ministry of Justice has repeated already from the Dispatch Box.

Anna Soubry: Does my hon. Friend agree that, to be meaningful, there has to be some time between that vote and such time as we leave the European Union? That is the whole point. A meaningful vote comes before something that is basically to be rubber-stamped. That is the whole point of “meaningful”. When does he anticipate that we will have that vote?

Mr Jenkin: The right hon. Lady knows as well as I do that the intention is to try to conclude an agreement by October 2018, but, again, there is no guarantee of that fact, in which case the resolution will be tabled soon after 2018. May I just point out that amendment 7, proposed by my right hon. and learned Friend the Member for Beaconsfield, is trying to create a meaningful vote by turning this resolution of both Houses into a statute?

Mr Grieve: Well, we have been promised a statute.

Mr Jenkin: Yes, a statute has been promised, but not as a means of second-guessing the negotiations. At what stage in the passage of the statute does my right hon. and learned Friend expect the Government to use that moment and say, “Oh, well, they haven’t agreed with this bit of the agreement; we’ll have to go back.” Is it during the passage of the statute that the negotiations would have to continue? Making this decision a statute does not alter the discussion about a meaningful vote.

Mr Grieve: I am most grateful to my hon. Friend for giving way. I think that he may misunderstand the position. The House will have an opportunity, at the time that it is asked to move a motion approving the deal, to express its view, but it will also have an opportunity to express its view during the passage of the statute. Both those are necessary pre-conditions constitutionally for our leaving the European Union. I cannot help that; that is just how it is. Let me reiterate: the purpose of my amendment is to prevent the powers in clause 9 being used until this key statute has been enacted. That is the purpose.

Mr Jenkin: Actually, that option is not available, because article 50 has a deadline, and when that deadline runs out, we leave. There is no requirement for a withdrawal agreement or a statute for the United Kingdom to leave the European Union.

John Redwood: Does my hon. Friend agree that this is a process completely driven by Parliament? We have an Act of Parliament to send the letter, an Act of Parliament proposed now to withdraw and then another Act of Parliament to implement any agreement. The whole thing is completely under parliamentary sovereignty. Will he also confirm that we must have the date in the Bill to ensure legal continuity, as, under international law, we are leaving at the end of March because of the treaty?

Mr Jenkin: It is wishful thinking that the deadline will be extended. Where I disagree with my right hon. and learned Friend the Member for Beaconsfield is over the fact that, somehow, he thinks that the withdrawal agreement is necessary for us to leave the European Union and that the statute for the agreement is therefore necessary. Unfortunately, it is not. He voted for article 50, which triggered the process of leaving. Everything else is for our domestic legislation. Let us hope that there is a withdrawal agreement, but, actually, this Bill is what is necessary to provide legal continuity. Unfortunately, requiring another Act of Parliament before provisions of this Bill come into effect is just muddying the waters.

As the Minister has already demonstrated very forcefully, this is not an effective amendment. If my right hon. and learned Friend wants to table a different amendment, as colleagues almost seem to be suggesting, that might be a way to resolve this. I beg my right hon. and hon. Friends on this point. There is a summit tomorrow. This is not the moment to try to defeat the Government—[Interruption.]

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order.

Mr Jenkin: This is not the moment to try to defeat the Government, when there is another opportunity to amend the Bill at a later date.

Angus Brendan MacNeil: On a point of order, Mrs Laing. Are summits now to be sovereign over Parliament?

The First Deputy Chairman: That is not a point of order.

Mr Jenkin: This is not the moment to try to defeat the Government, when there is another opportunity to amend the Bill at a later date.

Anna Soubry: We have been speaking for months.

Mr Jenkin: Well, continue the discussions.

Anna Soubry: Will my hon. Friend give way?

Mr Jenkin: No, I will not give way. I keep hearing my right hon. Friend saying, “It’s too late.”

Anna Soubry: I did not say that; I have never said that.

Mr Jenkin: I have heard my right hon. Friend saying that.
Anna Soubry: On a point of order, Mrs Laing. I will put up with all sorts of things, but I will not have an hon. Member saying that I have said things that I have not said. Will my hon. Friend retract what he said, because I have not said, “It’s too late”? What I have said is that we have been speaking to the Government for months. This matter was first raised in this place in February and we are still waiting for a resolution.

The First Deputy Chairman: The right hon. Lady knows that that is not a point of order. It is a point of debate. The hon. Member for Harwich and North Essex (Mr Jenkin) is about to conclude his speech, and the more that other hon. Members shout at him and interrupt him, the less chance other Members will have to speak.

Mr Jenkin: I will give way to my right hon. Friend the Member for Wantage (Mr Vaizey).

Mr Vaizey: My hon. Friend’s remarks fill me with hope. He seems to accept that this debate is about a point of principle, rather than—as some might think—delaying Brexit, which is absolutely not what it is about. Does he agree?

Mr Jenkin: I think that some people in this House might be trying to delay Brexit, some of whom may be supporting the amendment of my right hon. and learned Member for Beaconsfield (Mr Grieve), and learned Friend the Member for Beaconsfield, but I perfectly accept his bona fides and those of my right hon. Friend the Member for Wantage. I simply conclude that there is an opportunity for the discussions to continue. It is not necessary to bring this matter to a vote this evening.

Chuka Umunna: I could not agree more with the hon. Lady. She is absolutely right.

As my third point, before I quickly wrap up, I want to be absolutely clear about what I believe we mean when we talk about a meaningful vote. For all the technical points that have been made from the Dispatch Box today and for all the high-quality legal debate we have had in this Chamber, the fact of the matter is that we cannot have a meaningful vote on the terms of our withdrawal unless it comes before we leave the European Union. Nothing said from the Government Dispatch Box today or at any other time has committed us to ensuring that we have that vote before we leave.

The Minister of State, Ministry of Justice, who is no longer in his place, talked about time. The reason for the third part of article 50 allowing for an extension is so that people can extend the time if they run out of time to make the practical arrangements for a country’s withdrawal from the European Union. With all due respect to the Minister and his seven years as a Foreign Office lawyer, or whatever his experience, we do not know, unless we ask the question, whether we will be able to get the extension provided for in that article. It is pure speculation on his part to suggest that, somehow, if we run out of time by 29 March 2018, our EU partners will not be reasonable enough to grant us the time to follow the correct procedures in this Parliament.

In a way, my final point was made just now by the hon. Member for Eddisbury (Antoinette Sandbach). We have a duty as legislators to properly scrutinise things that come before us. We will not be forgiven by future generations—if of course, many of these people did not vote for us to leave the European Union—unless we scrutinise what the Government are doing to ensure that we get the best deal for these people. Of course, there are many issues that weigh on our shoulders. Everybody here will say that they are acting in the national interest, and they act on behalf of their constituents, but let us be honest: there are other issues that always play on people’s minds. How will this affect me and my
political journey? How will it affect my party? However, the hon. Lady was absolutely right: this is one of those moments when we have to do the right thing by the country—and nothing else.

Mr Baron: I rise to address amendment 7, in particular, which I hope the Committee will reject if it is put to a vote. However, may I first quickly put on record an exchange I had with the Father of the House—I am sorry he is not in the Chamber. In his usual courteous manner, he suggested that I had misquoted him when I said he had once said:

“I look forward to the day when the Westminster Parliament is just a council chamber in Europe.”

He suggested I had got the quote from social media, but, in reality, it is given in volume 23 of the International Currency Review from 1996. I thought it wise to put that right, if only for the record.

I note the amendment in the name of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), and I see that he is also not in the Chamber. He once suggested that, having been the only Conservative to vote against going into Libya, I was leading the charmed life of a rebel. I think he now knows that when we vote against our Government, we are not leading a charmed life—it is a pretty awkward situation sometimes, and I think he is now finding that out for himself.

Amendment 7 has several flaws. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) set out a number of them. He also spoke about the importance of having clarity of intention when addressing this point that my hon. Friend is making. I thought that he now knows that when we vote against our Government, we are not leading a charmed life—it is a pretty awkward situation sometimes, and I think he is now finding that out for himself.

Mr Baron: I can help my hon. Friend with her confusion, because the point is very simple. If an amendment suggests that the option is left open for the other side in any negotiation not to negotiate in good faith, so that this Parliament does not sanction the deal because it is not a good deal, that will delay our exit. It is very straightforward. It takes two to tango in a negotiation. I suggest that she reflects on that.

While most of us want a deal, those who criticise the Prime Minister’s position that no deal is better than a bad deal create a series of straw men to support their case. The term “no deal” itself is something of a misnomer, because it creates the idea of some sort of cliff edge. Nothing could be further from the truth. Trade flows regardless of trade deals. The UK would simply revert to using the same WTO rules that govern its trade with countries such as the United States, China, Australia, New Zealand and Brazil—hardly unimportant countries.

As for the trade deals themselves, the next straw man is the suggestion that the UK would find it difficult to negotiate them in sufficient time. If Australia can negotiate trade deals with China, South Korea and Japan within 18 months, there is no reason why the UK cannot do likewise. If anything, a trade deal with the EU will be easy to negotiate because many of the trade barriers have already been removed.

The suggestion that inward investment would suffer without a trade deal is another straw man. That is to ignore the fact that investment is about relative advantage, as anybody who has worked in the City or in industry will understand. Our much lower corporation tax rates, our more flexible labour market practices and policies, the strength of our R and D and science, our language and our time zone more than compensate for having to pay an average WTO tariff of 3% to 5%, particularly given that the currency has already depreciated.

Tonight I will be supporting the Government and rejecting amendment 7. The Prime Minister has been very clear that we will be leaving the EU—that includes the customs union and the single market—in March 2019, and that the European Court of Justice will have no further jurisdiction over British law. I support the stance that no deal is better than a bad deal, and that nothing is agreed until everything is agreed. That includes any proposed financial settlement.
Mr Baron

My final point is that there is another reason why I support the Government, and it relates to trust. We are not privy to the ups and downs or the ins and outs of the negotiations, so one has to make a judgment as to whether the individuals concerned are honourable. I believe the Prime Minister to be honourable in what she has said. Having known the Ministers involved for many years, I also trust them to deliver the best possible deal. I suggest that those who support proposals such as amendment 7 should trust the EU a little less and their own Government a little more. Our Government have, after all, made concessions in good faith.

Tom Brake: Perhaps I could suggest a handicap system for Members who observe the advisory time limit on speeches.

If the hon. Member for Basildon and Billericay (Mr Baron) thinks that the European Union is keen to drag things out, he has clearly not spoken to many EU diplomats. They want this to be over; they are not as obsessed with Brexit as he might be.

I commend the right hon. and learned Member for Beaconsfield (Mr Grieve) for his rational discourse in relation to amendment 7. Unlike me, he cannot be described as wanting to stop Brexit. He does not want to, but I do—democratically, with a vote on the deal. That is covered by amendment 120, which we will vote on next Wednesday. But he and I are certainly in the same place when it comes to the importance of parliamentary sovereignty, and legislative rigour and accuracy. He set out cogent arguments in favour of amendment 7, and he described the extent to which he has bent over backwards in the last few weeks to try to secure agreement from the Government on a way forward, but failed to do so.

The Minister’s main argument against amendment 7 was time pressure. The Government have, to a great extent, inflicted that problem on themselves, whether through the general election that they called, by triggering article 50 when they did, or by refusing to entertain the possibility of a second referendum. It was time pressure. The Prime Minister said at the Dispatch Box about bringing forward a motion before any statutory instruments are brought into effect under the powers in clause 9. That is a generous concession by the Government.

Sir Oliver Letwin: Does my hon. Friend agree that there is a quite natural solution, which is to put the assurance given at the Dispatch Box into clause 9?

Mr Rees-Mogg: My right hon. Friend’s speech was absolutely brilliant. He got to the heart of all these matters, and indeed he provided a solution, which is that there should be such a good-spirited compromise that places some faith in the Government, as it is reasonable for Members of Parliament to do. We should recognise that it is better to have a clear response on Report that covers the whole problem than to agree an amendment that is constitutionally abnormal, because we should not agree to such amendments.

I follow the Minister’s argument that there are circumstances in which clause 9 could be useful. If an agreement comes relatively late on, I understand that there will be an urgency in getting statutory instruments presented. There also will be a Prorogation before May 2019, so there might be a delay in the proceedings on the withdrawal and implementation Bill and therefore a need for urgent action. If we pass a motion, as may be legislatively required, to accept the proposed statutory instruments, that will both maintain parliamentary control and give the Government the flexibility that they are likely to need.

This issue becomes very significant because, as we leave, we will want legislative continuity and clarity. The date has been set, and that has been debated, but the key is that the date has been set by previous decisions of Parliament. It is in no sense an erosion of parliamentary sovereignty, because the date is set out in the Act triggering article 50 and in the Act incorporating the Lisbon treaty into UK law. The timeframe was set under voluntary Acts of Parliament requiring things to be done by 29 March 2019. If therefore follows that there is some pressure on time, so it is perfectly reasonable for the Government to ask for such flexibility.

I conclude on the vote at the end—the final meaningful vote. The hon. Member for Rhondda (Chris Bryant), as he so often does, made an elegant point when he said that this is a metaphysical decision for us about the meaning of meaning. The issue is that Her Majesty’s Government have already promised that we will have a
vote on the deal before the European Parliament does, but there is no deal until the European Parliament has voted. The European Parliament has to agree to the deal—as part of the article 50 package, this is decided by an enhanced qualified majority vote, subject to the approval of the European Parliament—but we have already been promised a vote before the matter is voted on by the European Parliament.

Anna Soubry: My hon. Friend is probably right, but my understanding is that the definition of withdrawal agreement clearly says “whether ratified or not”, so we do not have to follow the European Parliament. However, unless we get a meaningful vote, it may well end up being able to vote on something that, frankly, we will not be able to vote on.

Mr Rees-Mogg: I am grateful to my right hon. Friend, but the Government have already said that we will have a chance to vote on the withdrawal agreement before the European Parliament.

Anna Soubry: A meaningful vote.

Mr Rees-Mogg: Well, that vote must by its nature be meaningful. As we know, it is very easy to have a meaningful vote: we just table an Humble Address, and then it is binding on Her Majesty’s Government, as is quite clear from all previous parliamentary and constitutional procedure. We can engineer a meaningful vote even if the Government are trying to be a bit slippery, which I happen to doubt very much, because I think Her Majesty’s Government would never dream of being slippery—they would not know how to be slippery. It is hard to think of a Government in the whole of history being slippery.

In the whole schedule leading to the ratification and approval of the withdrawal agreement, there is a requirement for a vote in this House. There is also a requirement, now agreed with the European Union, that there will be a withdrawal and implementation Bill—[Interruption.] I am sorry that the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) is getting impatient, but this is a very important matter. The right hon. Gentleman will absolutely and clearly be preserved, and I hope that Her Majesty’s Government will listen to my right hon. Friend the Member for West Dorset, because his is a solution with which I think everybody can be happy.

Liz Kendall (Leicester West) (Lab): The votes we will have at 7 o’clock will be the most important since this House voted to trigger article 50. Those of us who want to have any real influence over how we leave the EU must vote for a meaningful vote in Parliament. That is not being guaranteed. We will not have a meaningful vote on either the initial withdrawal agreement and the very broad terms—which is all they will be—of our future relationship with the EU, or the full agreement governing our future relationship with the EU, which the Government have finally admitted can be legally concluded only once the UK has left the EU.

On the first issue, all that is being offered is a take-it-or-leave-it vote on whatever the Government agree, with no guarantee that the actual vote will take place before exit day. The written ministerial statement is clear that the legislation—not the vote—“will be introduced before the UK exits the EU”.

In reality, it will be a choice between giving the Government a blank cheque and in effect turning this Parliament into a rubber stamp, or taking a leap into the abyss.

What meaningful say will this House have if the alternative to rubber-stamping the Government’s deal is no transition agreement, meaning that our businesses will face a cliff edge; no deal for EU citizens living here or for UK citizens abroad; and no deal on the Irish border, which is so vital for protecting the Good Friday agreement? The sword of Damocles is over our heads, and we should say no.

A meaningful vote would give this House sufficient time and mean that it would not face a last-minute threat. It would give this House the power to send the Government back to the negotiating table, and the power to request that the remaining EU27 extend the article 50 deadline if we needed to get a better deal. That is also why it is so important not to have a fixed time and date in the Bill—because we may well need all the flexibility we can get.

The final overall trade deal with the EU will govern the UK’s future relationship with the EU for decades to come, but what is on offer is even worse. The written ministerial statement says that “the agreement governing our future relationship…may take the form of a single agreement or a number of agreements covering different aspects of the relationship.” It is pretty clear what will happen in the EU27 countries. The statement says that “agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and Member States are exercising their competences in an agreement, Member States will also need to ratify it.”

What do we get here? The statement says that the Government will introduce further legislation only “where it is needed to implement the terms of the future relationship”. There is no guarantee of any legislation, apart from when the Government deem it necessary, and there is no ability to disagree to or amend those deals, only to implement them.

That is unacceptable. MPs must have a meaningful vote on the initial withdrawal agreement and on the future trade agreement or agreements—and that must be on the face of the Bill. Nothing that the Prime Minister or the Brexit Minister have said today, or in the Brexit Secretary’s written ministerial statement, have addressed those concerns at all. Even if they had, words and assurances are not enough. The Prime Minister is not in a position to give us those assurances—indeed, no one on the Government Front Bench is, because they may not be there when our future trade and other deals with the EU are agreed. It will be many years before that happens. They have not addressed any of those points, and I say to hon. Members on both the Opposition and Government Benches that this is the time to put country before party. If we want an influence and a say over the future of this country, I urge them to vote for amendment 7.

George Freeman: This House and the people voted to leave in the referendum, and I respect that. Like the vast majority of hon. Members across this House, I am committed to making a success of Brexit in the spirit of a Brexit that works for the whole country. I strongly support the Prime Minister in her endeavours, her Lancaster
[George Freeman]

House speech and her Florence speech. Indeed, I was proud that my right hon. Friend the Member for Surrey Heath (Michael Gove) described me as a model convert to the cause. We have to show those who did not vote for Brexit that this is a moment of national renewal that will inspire renewal economically, culturally and politically. That brings us to clause 9.

The people of Mid Norfolk voted to bring powers back to Parliament. They want Parliament to be given the powers to scrutinise legislation, and they want to stop the process of European legislation too often passing through unscrutinised and this House passing bad legislation. Do not take it from me, take it from my hon. Friends who I suspect I am going to disagree with tonight. My right hon. Friend the Member for Wokingham (John Redwood) put it beautifully:

“This referendum gives the British people the great opportunity to restore their precious but damaged democracy.”

He went on to say that “the sovereignty of the British people required a sovereign Parliament that they could dismiss and they could influence”—[Official Report, 9 June 2015; Vol. 596, c. 1099].

in the legislation that we pass. Clause 9 goes right to the heart of whether we have that power. Do not take it from me, take it from the House of Lords Delegated Powers and Regulatory Reform Committee, which has argued that clause 9 could enable significant constitutional rights, such as the rights of EU citizens resident in the UK, to be implemented in domestic law by negative procedure regulations, even if that requires amendments to primary legislation. The Committee also criticised clause 9 for providing the ability to amend provisions of the Bill through secondary legislation, saying that it was “wholly unacceptable”. The report argues that clause 9 is the widest Henry VIII power in the Bill.

It is for those reasons, I think, that we have heard doubts about the clause this afternoon, in a most fascinating debate, from hon. Members who, like me, support the Government. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) described the clause as containing “mischief” and urged the Government to take heed and recommend a compromise. The hon. Member for North East Somerset (Mr Rees-Mogg) has said very eloquently and very consistently that he is not comfortable with the clause. We all know what happened—the clause was drafted before the Government, laudably, promised to give this House a vote. That having been done, as my right hon. and learned Friends the Members for Beaconsfield (Mr Grieve) and for North East Hertfordshire (Sir Oliver Heald), a former Attorney General and a former Solicitor General, have made clear in legal terms rather more powerfully than I can, the clause makes no sense.

This afternoon we have heard Back Benchers on all sides ask Ministers to provide clarity on why these extraordinary powers are needed. We have not heard the answer. In such circumstances, the all-important trust that goes right to the heart of this issue—between Back Benchers and Front Benchers, between Parliament and the Executive, and between the people and their Parliament—is stretched. Those who fear a conspiracy against Brexit—a conspiracy to use the scrutiny they have so long had against them. However, to turn that back around on those of us who want to reassure the people of this country that this is not a conspiracy against them but a moment of renewal inverts the logic of this moment. To hear only a traditional stubbornness from the Front Bench—one that I have shared in my time on the Front Bench; we know the brief, with civil servants saying, “Don’t give an inch”—without any reason or explanation is worrying. If this was simply some technocratic measure to do with a minor implementation of minor secondary legislation, I dare say the Committee would not be worried, but this is a Committee of the whole House for good reason: this goes right to the heart of the protection of our liberties. One of the worst aspects of the problem we are all trying to solve is Parliament passing legislation without scrutinising it.

6.30 pm

There are simple ways to resolve the problem: the Government could specify the powers they need—I am prepared to give Ministers the benefit of the doubt, but we have had six hours and heard no reason to do so. They could limit those powers; they could undertake to clarify the amendment on Report; they could withdraw clause 9, which colleagues on both sides of the Chamber now seem to think is flawed; or they could support amendment 7.

I have not voted against my Government once since I came here eight years ago, other than once in my first week in voting to give the Backbench Business Committee powers to have a debate each week. I am a democrat first and foremost. I understand how difficult this is for Ministers, but the Government could, in half an hour’s time, signal that they take democracy in this House seriously and are listening and that they will come back in the new year with a sensible amendment that can satisfy us all.

It is incredibly ironic to hear the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), and the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), great troubadours of parliamentary scrutiny, champions of this place’s right to scrutinise legislation, batting us off tonight in the style of hardened Ministers being told by their officials not to give an inch. It will not carry, and it does not meet or befit them as champions of parliamentary democracy. This is Committee stage, which is when Parliament should amend legislation or invite the Government to improve it. I will be supporting amendment 7, and if we lose, I will vote against clause 9 and invite the Government to come back with proposals that I can support and that reflect the powers they say they need, but for reasons they have not explained this afternoon.

Several hon. Members rose—

The Temporary Chair (Sir David Crausby): Order. I remind Members that if they keep their contributions short, more hon. Members will be called.

Angus Brendan MacNeil: Brexit has had many titles, but in my view it is fast becoming the Laurel and Hardy Brexit, because it is one never-ending fine mess—a multifaceted fine mess, indeed. My hon. Friend the Member for Inverclyde (Ronnie Cowan) keeps a running total on how time is passing. It is 530 days since the Brexit vote, when apparently all the voters knew what they were voting for, yet we are still working out what it
meant—there are Committees in this place trying to work out what it meant. He also tells me that there are 470 days to go before the cliff edge. The fine mess and the vanity are coinciding with the Government’s avoidance of a meaningful vote. They are tied to the timescale of article 50 as laid out in the Lisbon treaty—a strange place for a Brexiteer Government to be.

To me, it is pretty obvious. If the vote is between a deal and a crash-out, a deal wins. If the vote is between a deal and the status quo, with access to the single market, the status quo wins. Surely nobody is going to put the country—our constituents, themselves and their families—into a worse situation than we have now or raise the possibility of higher trade tariffs with up to 94 countries, as well as the base load of the 27 EU countries. Another question: is this going to be a transition deal or a maintenance deal? Last Monday, the Prime Minister said she did not want two cliff edges, so it looks as if there is going to be a maintenance deal.

Opponents of amendment 7 are treating it as if it somehow aims to block Brexit or remove powers from their hands. It does not block Brexit. This is a Brexiteer Parliament, unfortunately. It is rolling over to article 50. Both Front-Bench teams want out of the single market and out of the customs union. The amendment, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), would put power in the hands of parliamentarians. To reject the amendment would be like setting sail on a cruise liner, striking an iceberg and finding out you had refused to bring any lifeboats. The hon. Member for Basildon and Billericay (Mr Baron) fears that the other side will not be incentivised to make a deal. If that situation arises, deal with it then—do not tie our hands now for the sake of actions we might want to take in the future. The hon. Member for North East Somerset (Mr Rees-Mogg) finds himself deferring. I think, to the European Parliament, which is a very interesting thing.

My final plea tonight is to wider society. As Chair of the International Trade Committee, I have companies coming to me moaning and telling me about Brexit. They have to step up to the plate and take part in this. The hon. Member for West Dorset (Sir Oliver Letwin) and hon. Friend the Member for Beaconsfield (Mr Grieve) has been saying, “Come forward with your own amendment, O Government, so that this is in the right order and it has the protections that lawmakers would expect in the Bill.”

I am sad to vote, as I am going to, for article 7—[Interruption] I said “article”, just like my hon. Friend the Member for North East Somerset. I am sad to vote for amendment 7, but I feel I should and that it is an important principle that, when we make the law, we get it right in the Bill.

Hywel Williams (Arfon) (PC): I rise to speak to amendment 355, which stands in my name and that of my hon. Friends and sets out our position that an affirmative vote by devolved bodies prior to enactment is required.

If the process of Brexit could be summed up in one word, it would be “control”. For me, taking back control also means bringing the exercise of powers as close as possible to the people. The final deal will be subject to ratification by all EU member states, the EU Parliament and sub-state parliaments, variously numbered at 33, 37 or 38—take your pick. By the same token, I believe that the constituent parts of the UK should have the same final say as our counterparts in the EU. The final deal with the EU should be approved in statute passed by both Westminster Parliament and the devolved Administrations, hence amendment 355.

We have repeated our arguments many times for remaining in the European single market and customs union. Wales’s goods-based, export-led economy relies on its close links with the EU single market, with 67% of all Welsh exports going to the EU and the single market sustaining 200,000 jobs. We already know that the stakes are high for Wales, so Wales must have a stake and a say in the final deal. I will not revisit the arguments I have made during previous debates on the Bill about the constitutional intricacies of the Sewel convention, but I wish to say to my Labour friends that not giving the devolved Governments a stake in the final deal risks subjecting our nation to policies, and indeed an ideology, that have so far caused our country grievous harm.

To conclude these brief remarks, the whole argument boils down to control. Following the referendum, the principle of returning control is not at issue. What is at issue is where that control lies. The minority Government party asserts that finally control rests here and here
alone, but if the UK is a shared enterprise, based on mutual respect between Westminster and the devolved Governments, that party should also accept my amendment 355, which, to adapt a phrase from the Father of the House, is the fundamental minimum for a devolved parliamentary democracy.

Kevin Hollinrake: I have listened carefully to the many esoteric legal arguments that have been advanced this evening. I am afraid that my comments will be far more prosaic and practical. I was on the remain side of the referendum debate, but, like most of my colleagues, I am now focusing on trying to secure the best possible deal, and that deal must centre on what a meaningful vote would be.

What does “a meaningful vote” mean? If it means “deal or no deal”, I think that that is a recipe for securing the best possible deal, but if it means “deal or no deal, or go back to the negotiating table”, perhaps indefinitely and with no time limit, I think that that is counterproductive. It would be detrimental, and would undermine our negotiating position. I am not suggesting for a second that that is the desire of those who promote a meaningful vote of that kind, but I think that that would be the effect.

Rather than looking only at the legal context, we need also to look at the political, economic and financial contexts. Of course the negotiations were always going to be difficult after 44 years of integration with the European Union, but they will also be difficult because of the European Union’s position. The EU clearly does not want us to leave, which is understandable for some of the reasons that I have given, but also, primarily, it does not want others to leave, and that must be its priority during the negotiations. If this were a marriage of equals and therefore a divorce of equals, that meaningful vote with those three different options would be fine, but that is not where we are. Of course, the EU also recognises that 75% of Members of Parliament were on the remain side of the argument.

We have to look at the EU’s perspective as well as that of the UK, which is why I think that the Prime Minister was not only right to offer a fair deal in her Florence speech, but right to say that we would not be afraid to walk away with no deal. That gives the EU one chance to get this right, whereas a meaningful vote-plus would give the EU many, many chances to get this right—to give the worst possible deal to get it right. Its incentive would be to put the worst deal on the table initially, knowing that Parliament would reject it and keep going back to the table. That cannot be the right negotiating position.

None of us wants to leave on the basis of no deal. WTO rules would clearly not be in the country’s interests, and it would not be in my own interests outside Parliament either. Nevertheless, I do not want to be locked into an organisation that simply will not let us leave other than on disadvantageous terms.

Dominic Raab: My hon. Friend is making an excellent speech. Let me say to him that—reflecting the mood of the Committee, having taken advice, and, in particular, having listened very carefully to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for West Dorset (Sir Oliver Letwin)—the Government are willing to return on Report with an amendment on the face of the Bill clarifying the undertaking and assurance that I gave in my speech that statutory instruments under clause 9 will not come into force until we have had a meaningful vote in Parliament.

Kevin Hollinrake: I hope that the Minister’s intervention will satisfy some of my colleagues.

Let me end by saying that I will be supporting the Government this evening. In my view, it is time for us to grit our teeth and simply get on with it.

Mary Creagh (Wakefield) (Lab): I rise to speak about my amendments 293, 294 and 295, which deal with the issue of who decides exit day, but rather than making the speech that I originally prepared, I will keep my remarks brief and broad.

The Prime Minister’s decision to set the exit date and to write it into law is another panic move, and it puts her into a self-tying straitjacket. It is a sop to the hard Brexiteers, and it creates a rod for the negotiators’ backs. It weakens, rather than strengthens, the UK’s position in the crucial nine months that are left for us to negotiate a good deal. Eighteen months after the referendum, we have seen the bluff and bluster on the withdrawal agreement. The Foreign Secretary has gone from telling our European partners to go whistle to being little Tommy Tucker singing for his supper at the tune of £40 billion. We have seen a tug of war take place on EU citizens’ rights, and a deal on no hard border with Ireland taking place in frantic late-night phone calls—a deal that the Brexit Secretary later undermined by calling it a mere “statement of intent”, which has caused all sorts of problems.

6.45 pm

I say this to the Conservative rebels here tonight. I have broken the Whip of my own party only once since entering this place 12 and a half years ago. That was on the decision to trigger article 50, which I voted against because I knew the Government did not have their negotiating ducks in a row—and how right I have been proved on that. My message to the Tory rebels tonight is: “Take no lessons from serial rebels on your own side. They have their principles, you have yours, no less dearly held and deeply felt. Stand by those principles and the silent majority of your constituents will stand by you. More importantly, you will be able to look yourself in the mirror and say, ‘I did what I thought was best.’” This is not about party politics. It is about the national interest. This place is not a rubber-stamp. We are not nodding donkeys to nod stuff through. We want a meaningful vote. I for one will be proud to walk with you through the Lobby tonight.

Antoinette Sandbach: Throughout the referendum campaign, leave campaigners spoke about taking back control, and it was seemingly a powerful message that resonated with the electorate. There is no doubt that the message, which was one of the crucial undertones of the campaign, meant bringing powers back to this Parliament, not to the Executive. That is why amendment 7 is so crucial.

It may be stating the obvious, but it cannot be reiterated enough that the Government are presiding over a monumental task of immense importance for the future
of this country. In any such change, it is imperative that Parliament maintains close scrutiny and oversight of the process—of all aspects of the withdrawal agreement, from security co-operation to ease of trade with our European partners—so that we, as Members of Parliament, can best represent our constituents. These aspects must be scrutinised and debated by this House. If we are not given a say on that detail, we cannot fulfil our responsibilities to our constituents, and those responsibilities are the most motivating factor behind my support for a meaningful vote on the deal.

Clause 9 provides sweeping powers to the Government to deal with some residual situation, as the Minister described it, that he would like to retain control over. I am afraid that I am not willing to vote to give away the parliamentary sovereignty that I exercise on behalf of my constituents for some residual control to the Executive. If the Minister needs that power in relation to the withdrawal Bill, he needs to come back to this House and ask for it and explain why. I am afraid I found his explanation at the Dispatch Box today utterly unconvincing. Although I am grateful for the indication he has given about Report stage, unless that amendment is submitted in manuscript now, or amendment 7 is accepted, I will vote for amendment 7 tonight.

We have been pushing discussions with this Government for weeks and we have made our point very clear. I fully back the Prime Minister. I support her in trying to get the best deal for Britain, but I will not give away parliamentary sovereignty to the Executive on the basis of all aspects of the withdrawal agreement, of all European partners—so that we, as Members of Parliament, can co-operate with the Government in trying to achieve its aim.

Stephen Kinnock: I rise to support amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve). I have listened with great interest to all the excellent speeches and interventions by right hon. and hon. Members this afternoon and, for me, three key themes have emerged. First, there is real disagreement about the meaning of “meaningful”. Secondly, there is confusion about the terms of article 50. Thirdly, there is an issue of trust.

On the first point, it is crystal clear that this vote cannot be meaningful if it is binary. It has to be taken on the basis of us having an opportunity to instruct the Government to extend article 50 if necessary. On the second point, article 50 clearly gives the Government the opportunity to seek an extension of the period, and there is no reason whatever why the EU27 would reject that request. It is enshrined in the treaties, and for that to have meaning, they would clearly have to listen to our request. Why on earth would they not accept that request if it was in our mutual interest to do so?

Anna Soubry: Does the hon. Gentleman agree that a moment comes in one’s life when, on the most important issue that this nation has faced in decades, we have to set aside party differences and even party loyalty and be true to our principles and to what we believe in? It could be that that moment is now.

Stephen Kinnock: I agree absolutely with the right hon. Lady. I pay tribute to her and to a range of other right hon. and hon. Members across the House. This is not an easy choice to make. It is always difficult in these circumstances when there is a huge amount of interest and focus on what we are about to do in this House. It is essential that hon. Members stick with their principles, and sometimes that means putting country before party. I pay tribute to every right hon. and hon. Member who will do that this evening. This is indeed a matter of trust. The challenge that we face is that if this provision is not put on the face of the Bill, we will not have the confidence and the assurance that we in this place can indeed take back control and reassert the sovereignty of this place, which is what 17 million people voted for on 23 June 2016.

Sir Oliver Letwin rose—

Stephen Kinnock: I am afraid I must push on, because we are moving towards the deadline.

Having paid tribute to those right hon. and hon. Members for what they are doing this evening, I commend the terms of amendment 7 to the Committee. I will be honoured to go through the Division Lobby with those right hon. and hon. Members this evening.

Charlie Elphicke: The Committee will know that, from my point of view, we cannot get out of the European Union fast enough. Time and again, I have said that we need to be ready on day one and be prepared for every eventuality, deal or no deal—or, should I say, regional deal or global deal—but we must remember why we are taking back control. It is because of the vision we have for our country and because of our values. Those values include the rule of law, natural justice and the sovereignty of Parliament. The rule of law exists to ensure that executive power is not abused, and that is why I object to clause 9. It is not right that a measure of this sort should be put through by any form of statutory instrument.

I welcome the fact that the Government are going to bring forward a withdrawal agreement and an implementation Bill, and nothing I have heard today has indicated to me any sense of urgency or any reason why a statutory instrument will need to be put through in a hurry. As far as I am concerned, I am prepared to stay up all night long to pass legislation to get us out of the European Union as soon as possible. For that reason, I urge the Government to withdraw clause 9, and I have to say that I will not be able to support it on stand part.

Mr Lammy: I am coming up to my 18th year in the House. During that time, we have had serious votes on going to war in Iraq and in Syria, and on different occasions, parliamentary sovereignty has asserted itself. On the war in Iraq, we thought we had the information, but it turned out that we did not, and we went to war. On Syria, despite some strong arguments to intervene, we chose not to. I also remember sitting through the night for the 90-day detention legislation under Tony Blair,
and this House resisted the move to a 90-day detention period for those arrested for terrorism offences. Tonight, we are again being asked to make a very important decision that will affect the future of this country.

I might say that the sovereignty of this Parliament is why we are here in the first place, so I applaud the Government Members who are standing by their principles and remembering the importance of coming back to debate in this House. This is about timing. We may have had a discussion about what is meaningful, but I think we all know what is meaningless. It is meaningless to have a debate and a vote in this House after the decision is made. For all those reasons, I hope that we will return after the vote on amendment 7 and find that we really have given back sovereignty to the UK Parliament.

Vicky Ford: The Government have now made it clear that the House will have a final meaningful vote on the EU withdrawal agreement before the UK leaves, which is extraordinarily important because the last point in the process of withdrawal is actually the vote in the European Parliament. My former colleagues—the ones who are trying to help us get an amicable agreement in that Parliament—have told me that unless there is a full democratic process here, there will be people who try to scupper the deal in that last vote in the European Parliament. The rest of the world is watching how we legislate, and transparency is important.

I am new to British legislation, but I have heard it time and again from Members as diverse as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) that the powers in clause 9 are inappropriate, too strong and could mean that the Government are able to make material changes to legislation without a scrutiny process before we leave. I am therefore extremely pleased that the Minister made his announcement at the last minute. If he would like to, I would love him to intervene once more to ensure that everybody has heard exactly what he said.

Dominic Raab: I am delighted to intervene again and, reflecting the mood of the House, I can tell my hon. Friend that we are willing to return on Report to put an amendment on the face of the Bill making it crystal clear that statutory instruments under clause 9 will not enter into force until we have had a meaningful vote in Parliament.

Hon Members: Too late!

Vicky Ford: I thank the Minister. I am going to take a moment to reflect.

Yvette Cooper: This has been a thoughtful debate that has shown the strength of this House, but the thoughtfulness and strength of this House are exactly why the House needs to have a meaningful statutory vote on the withdrawal agreement before the extremely extensive powers in clause 9 are used. The Minister had an hour on his feet; we have had six hours of debate today and many months of debate beforehand, and he still has not come up with a manuscript amendment to clarify what he will do, nor have we had a commitment yet from the Government that the vote will in fact be a statutory one. The only reason that the Minister could give as to why there should not be a statutory vote on the withdrawal agreement was the timing, and yet there are so many examples of when this Parliament has used expedited procedures to get a statute in place just as fast as any resolution.

Mr Kenneth Clarke: My understanding is that the Minister has just said that the Government will use clause 9, and will start legislating statutory instruments, long before the due day; it is just, having been legislated, they will not come into force until the due day. That is some kind of concession, but does the right hon. Lady agree that something better might be arrived at in the later stages of this Bill?

Yvette Cooper: I certainly think that something much better is needed, because the powers in clause 9 are unprecedented, and Parliament should not hand over such unprecedented powers to the Executive blindfold, without our knowing what the withdrawal agreement will be. There have been so many examples, whether it is the Jobseekers (Back to Work Schemes) Act 2013, the Police (Detention and Bail) Act 2011, the Loans to Ireland Act 2010, the Mental Health (Approval Functions) Act 2012, the Data Retention and Investigatory Powers Act 2014 or the Northern Ireland (Ministerial Appointments and Regional Rates) Act 2017, Act after Act that has been through an expedited process—they can be done within a week. We can do this if we need to. Timeliness is not a problem.

That is why we need a vote, and that is why Ministers should just stop arguing. They should either ditch clause 9 and agree to new clause 3, or agree to amendment 7.

In order to support the right hon. and learned Member for Beaconsfield (Mr Grieve), I beg to ask leave to withdraw the motion.

Clause by leave, withdrawn.

Clause 9

IMPLEMENTING THE WITHDRAWAL AGREEMENT

Amendment proposed: 7, page 6, line 45, at end insert “subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the European Union.”—[Mr Grieve.]

To require the final deal with the EU to be approved by statute passed by Parliament.

Question put, That the amendment be made.

The Committee divided: Ayes 309, Noes 305.

Division No. 68] [7 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amberley, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Babin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burton, William
Butel, Tonia
Ch trek, Anna
Champion, Anya
Chinnock, Vicky
Chilcott,uges, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amberley, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Babin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burton, William
Butel, Tonia
Ch trek, Anna
Champion, Anya
Chinnock, Vicky
Chilcott,
Adams, Nigel
Afolami, Bim
Afryie, Adam
Aldous, Peter
Allan, Lucy
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harry
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Mr Henry
Bermingham, Sir Henry
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Cautfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glynn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorrries, Ms Nadine
Double, Steve
Dowden, Oliver
Hughes, Eddie
Duffy, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkins, Mr Bernard
Jerick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
LaMon, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Lewin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Granger, Mr Ian
Lidington, Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackniay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menziess, Mark
Mercer, Johnny
Merriman, Huw
Metafine, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sherry
Morrison, Dr Andrew
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patal, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prior, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sculty, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Smith, Rhys
Smith, rh Julian
Smith, Rhys
Smith, rh Julian
Smoya, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, lain
Stewart, Rory
Stride, rh Mel
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Symms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohurston, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Treluyer, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Question accordingly agreed to.
Amendment 7 agreed to.

9.25 pm

More than six hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Amendment proposed: 30, page 7, line 2, leave out ‘(including modifying this Act)’ and insert “, apart from amending or modifying this Act”.—(Matthew Pennycook.)

This amendment would remove the proposed capacity of Ministers in Clause 9 to modify and amend the Act itself via delegated powers.

Question put, That the amendment be made.

The Committee divided: Ayes 297, Noes 316.

Division No. 69] [7.17 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rashanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniassetti, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burron, Richard
Butler, Dawn
Byrne, rh Liam
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Graham Stuart

Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Fris, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hawkins, Cheryl
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Heburn, Mr Stephen
Hobson, Wera
Hodge, rh Dame Margaret
Holmes, Nic
Holmes, Stuart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran

Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeler, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marston, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Meams, Ian
Miliband, rh Edward
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Graham
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Peach, Yvonne
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Wes
Shuker, Mr Michael
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen

Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Mr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

**Tellers for the Ayes:**
Thangam Debboinaire and Jeff Smith

**NOES**

Adams, Nigel
Afzal, Imran
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Aryan, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter

Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crab, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, James
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Ephicpeace, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, rh Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam

Hair, Kirstene
Halon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heppey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Lettwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Secretary of State has laid a report before Parliament setting out insert—

Scully, Paul
Sandbach, Antoinette
Rutley, David
Rudd, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rhier Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Penny, Claire
Philp, Chris
Pincher, Christopher
Powe, Rebecca
Prents, Victoria
Prisk, rh Mr Mark
Pritchard, Mark
Pursey, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul

Seeley, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Souby, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, rh Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tohill, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shai
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, rh Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, rh Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and
Graham Stuart

Question accordingly negatived.

Amendment proposed: 241, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK’s withdrawal from the EU.

(6) Any changes to regulations in subsection (5) shall only be made after—

(a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
(b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
(c) the National Assembly of Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
(d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5).”

This amendment would require the Secretary of State to publish a strategy for seeking to ensure that reciprocal healthcare arrangements continue after the UK leaves the EU.—(Dr Whitford.)

Question put. That the amendment be made.

The Committee divided: Ayes 294, Noes 315.

Division No. 70] [7.30 pm

AYES

Abbott, rh Mr Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Mr Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Braze, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglass
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Chwyd, rh Ann
Coaker, Vernon
Coffey, Ann

Ayes

Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creaey, Stella
Craddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nick
Davey, rh Mr Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marshra
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliot, Julie
Elman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrell, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne

Noes

Cooper, Lucy
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creaey, Stella
Craddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nick
Davey, rh Mr Sir Edward
David, Wayne
Davies, Geraint
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Evans, Chris
Farrell, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Tellers for the Ayes:
David Linden and Patricia Gibson

NOES

Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crouch, Tracey
Davies, Chris
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Downing, Oliver
Dowley-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Clauses 9, as amended, ordered to stand part of the Bill.

New Clause 1

**Scrutiny Committee**

“(1) For the purposes of this Act ‘a scrutiny committee’ refers to either—

(a) the House of Lords Secondary Legislation Scrutiny Committee, or

(b) a Committee of the House of Commons which is established to perform the specific functions assigned to a scrutiny committee in this Act.

(2) The scrutiny committee referred to in subsection (1)(b) shall be chaired by a Member who is—

(a) of the same Party as the Official Opposition, and

(b) elected by the whole House.”—(Matthew Pennycook.)
This new clause establishes the principle that there shall be a Commons triage committee which works alongside the Lords Secondary Legislation Scrutiny Committee to determine the level of scrutiny each statutory instrument shall receive.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 292, Noes 311.

Division No. 71 [7.42 pm]

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<th>AYES</th>
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<tr>
<td>Abbott, Ms Diane</td>
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<td>Carmichael, rh Mr Alistair</td>
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<td>Corbyn, rh Jeremy</td>
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<td>Cunningham, Alex</td>
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<tr>
<td>Hayman, Sue</td>
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<td>Hendrick, Mr Mark</td>
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<td>MacNeil, Angus Brendan</td>
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<td>Mahfood, Mr Khalid</td>
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<td>McCudden, rh Mr Pat</td>
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<td>Stephens, Chris</td>
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<td>Stone, Jamie</td>
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<tr>
<td>Sweeney, Mr Paul</td>
</tr>
</tbody>
</table>
Tellers for the Ayes:
Thangam Debbonaire and
Jeff Smith

NOES

Adams, Nigel
Afroldi, Bim
Afridi, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridge, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cardidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleaver, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse

Western, Matt
Whitehead, Dr Alan
Whitfield, Matthew
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Peter
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Hallon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huston, rh Nigel
Hughes, Ellie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardenia, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Philip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver

Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philip, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Question accordingly negatived.

Clause 16 ordered to stand part of the Bill.

Schedule 7

Regulations

Amendments made: 392, page 39, line 33, at end insert—

'( ) See paragraph 2A for restrictions on the choice of procedure under sub-paragraph (3).' (This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 7 for which there is a choice between negative and affirmative procedures.)

Amendment 393, page 42, line 4, at end insert—

"Parliamentary committee to sift certain regulations involving Minister of the Crown"

2A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 1(3) or 3 applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and
(b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—

(a) has made a statement in writing to the effect that in the Minister's opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) has laid before the House of Commons—

(i) a draft of the instrument, and

(ii) a memorandum setting out the statement and the reasons for the Minister's opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) "sitting day" means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 1(3) applies is made that another procedure should apply in relation to the instrument (whether under paragraph 1(3) or 3).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies."

This amendment ensures that regulations under Clause 7 for which there is a choice between negative and affirmative procedures cannot be subject to the negative procedure without first having been subject to a scrutiny process involving a committee of the House of Commons. The scrutiny process envisages that the committee will make a recommendation as to the appropriate procedure in the light of draft regulations and other information provided by the Government.

Amendment 394, page 42, line 31, at end insert—

"(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Paragraph 2A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph."

This amendment permits the scrutiny process for deciding whether certain regulations under Clause 7 should be subject to the negative or affirmative procedure to be disapplied in urgent cases.

Amendment 395, page 43, line 19, at end insert—

"(7) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3)."

This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 8 for which there is a choice between negative and affirmative procedures.

Amendment 396, page 43, line 47, at end insert—

"(7) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3)."

This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 9 for which there is a choice between negative and affirmative procedures.

Amendment 397, page 45, line 11, at end insert—

"Parliamentary committee to sift certain regulations involving Minister of the Crown"

10A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 5(3) or 6(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and

(b) either condition 2 or 3 is met.
(3) Condition 1 is that a Minister of the Crown—
(a) has made a statement in writing to the effect that in the
Minister's opinion the instrument should be subject
to annulment in pursuance of a resolution of either
House of Parliament, and
(b) has laid before the House of Commons—
(i) a draft of the instrument, and
(ii) a memorandum setting out the statement and the
reasons for the Minister's opinion.

(4) Condition 2 is that a committee of the House of Commons
charged with doing so has made a recommendation as to the
appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning
with the first sitting day after the day on which the draft
instrument was laid before the House of Commons as mentioned
in sub-paragraph (3) has ended without any recommendation
being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which
the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the
Crown from deciding at any time before a statutory instrument
to which paragraph 5(3) or 6(3) applies is made that another
procedure should apply in relation to the instrument (whether
under that paragraph or paragraph 11).

(8) Section 6(1) of the Statutory Instruments Act 1946
(alternative procedure for certain instruments laid in draft before
Parliament) does not apply in relation to any statutory
instrument to which this paragraph applies.”

This amendment ensures that regulations under Clause 8 or 9 for
which there is a choice between negative and affirmative procedures
cannot be subject to the negative procedure without first having
been subject to a scrutiny process involving a committee of the
House of Commons. The scrutiny process envisages that the
committee will make a recommendation as to the appropriate
procedure in the light of draft regulations and other information
provided by the Government.

Amendment 398, page 45, line 40, at end insert—

“(7) Sub-paragraph (8) applies to a statutory instrument
to which paragraph 5(3) or 6(3) applies where the Minister of the
Crown is to make the instrument is of the opinion that the
appropriate procedure for the instrument is for it to be subject
annulment in pursuance of a resolution of either House of
Parliament.

(8) Paragraph 10A does not apply in relation to the instrument
it if the instrument contains a declaration that the Minister is of the
opinion that, by reason of urgency, it is necessary to make the
regulations without meeting the requirements of that
paragraph.”—(Mr Robin Walker.)

This amendment permits the scrutiny process for deciding whether
certain regulations under Clause 8 or 9 should be subject to the
negative or affirmative procedure to be disapplied in urgent cases.

Amendment made: 391, page 47, line 26, at end insert—

“Explanatory statements for certain powers: appropriateness,
equalities etc.

(1) This paragraph applies where a statutory instrument
containing regulations under section 7, 8 or 9, or a draft of such
an instrument, is to be laid before each House of Parliament.

(2) Before the instrument or draft is laid, the relevant Minister
must make a statement to the effect that in the Minister's opinion
the instrument or draft does no more than is appropriate.

(3) Before the instrument or draft is laid, the relevant Minister
must make a statement—
(a) as to whether the instrument or draft amends, repeals
or revokes any provision of equalities legislation, and
(b) if it does, explaining the effect of each such
amendment, repeal or revocation.

(4) Before the instrument or draft is laid, the relevant Minister
must make a statement to the effect that, in relation to the
instrument or draft, the Minister has, so far as required to do so
by equalities legislation, had due regard to the need to eliminate
discrimination, harassment, victimisation and any other conduct
that is prohibited by or under the Equality Act 2010.

(5) Before the instrument or draft is laid, the relevant Minister
must make a statement otherwise explaining—
(a) the instrument or draft,
(b) the reasons for it,
(c) the law before exit day which is relevant to it, and
(d) its effect (if any) on retained EU law.

(6) If the relevant Minister fails to make a statement required
by sub-paragraph (2), (3), (4) or (5) before the instrument or
draft is laid, a Minister of the Crown must make a statement
explaining why the relevant Minister has failed to do so.

(7) A statement under sub-paragraph (2), (3), (4), (5) or (6)
must be made in writing and be published in such manner as the
Minister making it considers appropriate.

(8) For the purposes of this paragraph, where an instrument or
draft is laid before each House of Parliament on different days,
the earlier day is to be taken as the day on which it is laid before
both Houses.

(9) This paragraph does not apply in relation to any laying,
before each House of Parliament of an instrument or draft
instrument where an equivalent draft instrument (ignoring any
differences relating to procedure) has previously been laid before
both Houses.

(10) In this paragraph—“equalities legislation” means the Equality Act 2006,
the Equality Act 2010 or any subordinate legislation made under either of those Acts;
“the relevant Minister” means the Minister of the Crown
who makes, or is to make, the instrument.”—(Mr Baker.)

This amendment imposes requirements on Ministers of the Crown
to make explanatory statements in relation to regulations or draft
regulations under Clause 7, 8 or 9. The statements will be published
and must, in particular, deal with the appropriateness of the
regulations and their relationship to equalities legislation as well as
providing specified further information.

Schedule 7, as amended, agreed to.

Clause 17

CONSEQUENTIAL AND TRANSITIONAL PROVISION

Amendment made: 383, page 14, line 8, leave out “or
the appointment of” and insert

“(including its operation in connection with”—(Mr Baker.)

This amendment is consequential on amendment 381 and highlights
that transitional, transitory or saving provision under the Bill may
relate to exit day.

Clause 17, as amended, ordered to stand part of the
Bill.

New Clause 20

INTERNATIONAL TREATIES AND AGREEMENTS

“The Secretary of State shall, within one month of Royal
Assent of this Act, publish an assessment of each of the
international treaties, agreements and obligations that will be
affected, require amendment or require renegotiation as a result
of this Act, including an assessment of where the powers in
section 8 may need to be used.”—(Mr Leslie.)

This new clause would require Ministers to publish a full list and
assessment of the implications of this Act on the many
international treaties and agreements that the United Kingdom is
party to and which may be impacted as a result of this Bill. The
assessment would also have to set out those areas where Ministers
anticipate the powers in Clause 8 of this Bill may need to be used.

Brought up, and read the First time.
Mr Leslie: I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Amendment 345, in clause 8, page 6, line 32, at end insert—

“(2A) Regulations under subsection (1) may, in particular, include regulations to match or exceed World Health Organisation air quality standards.”

This amendment is intended to ensure that the UK continues to meet international air quality standards after withdrawal from the EU.

Amendment 292, page 6, line 38, at end insert—

“(e) impose or increase taxation”

This amendment would prevent the imposition or increase of a tax by regulations made under Clause 8 to comply with international obligations.

Amendment 390, page 6, line 38, at end insert—

“(c) confer a power to legislate (other than a power to make rules of procedure for a court or tribunal).”

Amendment 352, page 6, line 40, at end insert—

“(5) Any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its schedules must be used, and may only be used, insofar as is necessary to ensure that standards of equality, environmental protection and employment protection, and consumer standards will continue to remain in all respects equivalent to those extant in the EU at the time.”

This amendment would ensure that in exercising the powers under this provision, the Government maintains equivalent standards to the EU, and in particular, in making trade agreements.

Clause 8 stand part.

Mr Leslie: What a privilege it is to have the opportunity to speak on such a momentous evening when Parliament has had the guts and foresight to stand up to the Executive, take back control and give hope to those who thought that all hope was lost, and to see Members from all parties working together in the national interest.

Mr Charles Walker (Broxbourne) (Con): It is wonderful to see so many former Ministers on the Conservative Benches discovering their love of parliamentary sovereignty when they are no longer on the ministerial merry-go-round. I have far greater respect in this place for those parliamentarians who have never held ministerial office and actually respect this place, even when things are not going their way.

Mr Leslie: I have even more respect for those who have never held ministerial office and who actually vote with their conscience, rather than looking at the ministerial ladder ahead of them and deciding to suppress their views for other reasons. Anyway, we have been there and dealt with that issue.

In speaking to new clause 20, I want to make a couple of introductory remarks. Over the last 44 years, I think, of Britain’s membership of the EU, the UK has accrued a massive array of international obligations, rights and authorisations via a series of 759 treaties—this is absolutely right—with 168 non-EU countries. Of course, after 29 March 2019, those treaties, because we have accrued them by virtue of our membership of the EU, will fall away. They will cease to exist; they will be no more; they will have ceased to be; they will have expired—they will be ex-treaties. The United Kingdom will no longer be party to those agreements with those third countries, unless of course we have made efforts to replace them beforehand to provide for a smooth continuation.

New clause 20 would require Her Majesty’s Government to publish one month after Royal Assent—we can give them that month to get themselves together—a comprehensive assessment of each of those treaties, agreements and obligations; to set out if there are any requirements they want to amend or renegotiate; and to make an assessment of whether the powers in clause 8 might need to be used. Sir David, you will know, in your eagle-eyed way, that clause 8 gives powers to Ministers, for two years at least, to make a series of orders and regulations to prevent or remedy any breach in those international treaties, as if achieved by an Act of Parliament. I pay tribute to the late Paul McClean, the Financial Times journalist who sadly died in September, who, in one of his final reports, carried out an extremely comprehensive analysis and assessment of some of these many treaties and international obligations.

Tom Brake: Is the hon. Gentleman wondering—he might be about to come to this—whether the Government have carried out an assessment of the impact of the UK’s falling out of all these treaties?

Mr Leslie: That is indeed a question I was coming to. I am sure that the Minister will tell us that the Government have made an itemised assessment of all those 759 treaties.

Those treaties break down as follows: 295 bilateral and multilateral trade deals, whose approval is needed to recreate any multilateral arrangements that will fall away as we leave the European Union; 202 regulatory co-operation agreements, including on data sharing, anti-trust and so forth; 69 treaties on fisheries, including access to waters and sustainable stocks; 65 treaties on transport and aviation services agreements; 49 treaties on customs agreements, including on the transportation of goods; 45 treaties on nuclear agreements, including on the use of nuclear fuel with other countries, parts and know-how; and 34 treaties on agriculture.

8 pm

On top of those 759, there are an estimated further 110 opt-in accords at the United Nations and the World Trade Organisation that we have entered into via our membership of the European Union. A number of them might seem innocuous, but some are incredibly important. To put why this is so important into perspective, with Switzerland—just one country—we have, by virtue of our membership of the European Union, 49 treaties covering air transport, broadcasting, public procurement and legal services. As we come out of the EU after 29 March 2019, we will need to find a way of carrying forward—copying and pasting; getting agreement that they are still extant; or, sometimes, grandfathering, as it is called—those 49 treaties just with Switzerland, as well as 44 agreements with the United States and 38 with Norway. That is a not inconsiderable task.
Tom Brake: Just as the hon. Gentleman wonders whether the Government have produced impact assessments for those treaties, he might also be wondering whether they have produced contingency plans for if they are unable to rewrite them to reflect the UK’s new position.

Mr Leslie: Indeed, and after the Minister has finished the first page of his speech, on the impact assessment, he will turn it over and tell us about the contingency plans that will be in place.

Imagine, Sir David, that you are a Government Minister at this point in time and you are thinking, “Well okay, I’ve got all these 759 treaties. What are we going to do? How are we going to deal with this? How much time is it going to take to renegotiate them or at least make sure they can be carried over?” Let us assume that all the other parties to those agreements are happy simply to cut and paste them across. Of course, we cannot necessarily assume that, but let us do so. If, for each agreement, it took a civil servant one day to analyse the contents, a day to contact the third party country concerned, of which there are 160, perhaps a day to track down the decision makers in the relevant Departments here in the UK and the other country, perhaps a couple of days in dialogue with that other country—it would be pretty good if they could do it in a couple of days—and maybe a day to bring together our Ministers and their Ministers, we would be talking, on top of the costs of travelling to those other countries and legal costs, some tens of thousands of hours of civil service time.

Sir Desmond Swayne (New Forest West) (Con) rose—

Mr Leslie: Civil service time that should, of course, always be spent on the right hon. Gentleman’s policy issues.

Sir Desmond Swayne: Because the hon. Gentleman has, notwithstanding his personal views, accepted the will of the electorate, no doubt the logic of where he is leading us is to put off leaving the European Union for some indeterminate period of time until all these issues are sorted out.

Mr Leslie: Perhaps the right hon. Gentleman’s constituents knew all this before they voted in the referendum. I am not convinced that many members of the public, whether they voted remain or leave, actually spotted the downstream consequentials of exiting the European Union in this way. Of course, they employ us, as Members of Parliament, to answer these questions. That is our job and it is what we are here to do.

Sir Desmond Swayne: On that basis, is it therefore the hon. Gentleman’s intention to reopen the question so that the public can revisit their decision?

Mr Leslie: My view is that the British public always have the right to think again and decide the fate of this country as they see fit, but for the time being, in this Bill and with new clause 20, it is reasonable for us to scrutinise the Executive and to say, “How are you going to do it? How are you going to make sure that all the important aspects of those 759 international treaties will be smoothly transposed after 29 March 2019?”

Martin Whitfield (East Lothian) (Lab): Does my hon. Friend agree that the other parties to these treaties may not quite have the incentive to be as quick as we might need them to be?

Mr Leslie: My hon. Friend is absolutely right. As these are potentially fresh treaty discussions, other countries may wish to take the opportunity to reopen or revisit the treaty provisions. We may, of course, have entered into those agreements in different political times, so who knows what they may be?

Ian Murray (Edinburgh South) (Lab): As always, my hon. Friend makes a compelling case for changing the Bill. Given that the Government are battered and bruised this evening after their outstanding defeat, if the Minister comes to the Dispatch Box and says that they do have assessments of the impact of our leaving these international treaties, should we believe them?

Mr Leslie: I will believe the Government if they publish the assessments, and I am prepared to make an appointment to go to a private reading room in the ex-Treasury building if needs be, but this must be a bit more than an analysis of how many treaties there are: it must be an assessment of their impact and importance.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is making an important point. Of course, I support his new clause.

I have long been in favour of the arms trade treaty, parts of which fall within EU competence. The EU as a whole was involved in the negotiations on the treaty, and we are a party to it as an individual country. We also have the consolidated EU and national arms export licensing criteria as well as domestic legislation. The arms trade is one of the issues that cut across many different areas of competence, and we are party to a number of treaties relating to it. Is that not exactly the sort of issue that should be examined?

Mr Leslie: It is, and I think it is particularly incumbent on those who advocated Britain’s exit from the EU to tell us what their plan was. How were they going to solve that problem? It should not be entirely incumbent on the myriad Conservative Members who were fighting for Britain to leave the EU only to disappear when the really tough job came along of deciding how we were to pick up the pieces and ensure that the treaties could continue in some way, shape or form.

Hannah Bardell (Livingston) (SNP): Does the hon. Gentleman agree that the Government should carry out an impact assessment to establish whether they have the capacity to negotiate the treaties, given, for example, the Secretary of State for International Trade’s recent admission that they do not have the capacity to negotiate trade deals?

Mr Leslie: Indeed. For example, last time I heard, only three officials at the Department for Transport were dedicated to negotiating aviation agreements. Those three poor civil servants, although hopefully there are four or five by now, will have a heck of a job on their hands to repair all the open skies agreements and international aviation treaties—that is in just one sector, so think of the implications. But I am sure that those who were advocating a leave vote have a plan to cope with the whole scenario.
Tom Brake: Will the hon. Gentleman give way?

Mr Leslie: I will give way one more time, but then I must make some progress, because others want to speak.

Tom Brake: I just wanted to help the hon. Gentleman. Given his position in the Chamber, he might not have been able to see that both Ministers were frantically texting earlier. I suspect that they did not have the list of treaties to which he is referring. He might need to supply it at the end of the debate so that they can start doing some work on this.

Mr Leslie: I think that the Minister might actually have been tweeting his respect for the result of the vote on amendment 7 that we have just had. I shall look at Twitter later to check that he was absolutely respecting the fact that Parliament wants to take back control.

Hannah Bardell: Will the hon. Gentleman give way?

Mr Leslie: I want to make a bit of progress as others want to speak.

We in the UK are thinking that we must replace a lot of these treaties. When we leave the EU, our exit will affect not just us but the EU, because a great many of its treaties, obligations and agreements with third countries around the world were predicated on the existence of 28 members. Minus the UK, the other members may need to renegotiate their treaties as well. Ministers might not give two hoots about the implications of that, but those on the EU side of the negotiating table probably do care about it, and that will have ramifications for our negotiations.

Of course, the Foreign Secretary was always telling us that all the other countries around the world were queuing up to do deals with us. He had to fight them off as they asked, “Please may we have a new trade agreement with you?” I have not personally seen that particular queue, but perhaps when the Minister winds up the debate he will be able to tell us how many countries have been knocking on our door seeking new trade agreements.

Sir Hugo Swire (East Devon) (Con): The hon. Gentleman obviously thinks very little of this country if he feels that other countries around the world do not want to do trade deals with the United Kingdom. Why does he think that?

Mr Leslie: Those countries already have very good trade agreements with us by virtue of our membership of the European Union, and they are worried about losing the opportunity to have good trade arrangements not just with us, but with the rest of the EU, if those agreements are ripped up and thrown up into air, creating uncertainty. I will be the first person, as a member of the International Trade Committee, to go around the world and try to get those trade agreements, if indeed we do have Brexit, but until that point, I want the right hon. Gentleman to say whether he explained to his constituents before the referendum that all these international treaties were going to be ripped up. Did he say that to them?

Sir Hugo Swire: The hon. Gentleman needs to answer the question that I asked him first, with all due respect. He said there would be concern among many of these other countries—he did not say which—about what kind of trade agreement there would be, and about access to markets and so forth. Of course they will have concerns; we will also have concerns—that is part of any bilateral trade negotiation. Why does he think, despite these concerns, that they will not wish to do deals with us?

Mr Leslie: I hope that countries do, and we will need them to, otherwise we will literally be planting carrots in our back gardens. If we do not have trade deals with the rest of the world, we will have to produce more domestically, rather than having the living standards we have previously enjoyed. I am a very pro-trade Member of Parliament, and the right hon. Gentleman should know where I stand on many of these questions. That is why I am asking what the consequences will be not just if we move away from the trade arrangements we have—the finest, frictionless free trade agreement of anywhere in the world that we have right now with the single market and the customs union—but if we then rip up the free trade agreements with non-EU countries that we have enjoyed by virtue of our EU membership. That is another 12% of our exports. Some 50% of our exports are with the EU through our existing trade arrangements, and then there is another 12%—actually, there is another 14% because there are other territories of those non-EU countries as well. That is a big chunk of our trade. I am very concerned about how effectively we can carry out the grandfathering of those FTAs with the rest of the EU.

We must also bear in mind that there are 164 members of the WTO, and they have rights of veto and objection on many occasions. In fact, we recently tried to lodge a suggestion on dividing tariff-rate quotas. This is getting technical, but that is basically dividing up the EU’s share of low or zero-tariff allowances when countries such as New Zealand or Australia try to import lamb. Amazingly, Australia, New Zealand and the United States of America have lodged an objection to the British divvy-up of those tariff-rate quotas. Of course, apparently America should have been knocking on our door, as we were at the front of the queue, supposedly, but it still lodged an objection to our very first relationship with the WTO.

Mary Creagh: My hon. Friend rightly raises the issue of these countries objecting to any changes to quota, because they will first and foremost seek to protect their own economies, not our economy. In the event that we get a percentage of the EU quota but for whatever reason—customs barriers; non-tariff barriers; the withdrawal of purchasing power—that quota of goods cannot be sold into the UK, those countries’ flexibility to then sell those goods to the EU is lost. That is why they are digging their heels in so early on this issue.

Mr Leslie: That is a real worry. This will not get media attention or airtime, but it is a big chunk of our economic footprint. It is not just a trade issue with the EU; it is a trade issue in respect of all the free trade agreements with the rest of the world.

Mike Gapes (Ilford South) (Lab/Co-op): There is another complication. If we are saying that we are going to have regulatory alignment on cross-border issues with regard to Northern Ireland, specifically on
agriculture, given that we are in the EU orbit in that sense, how on earth can we then have WTO trade arrangements elsewhere unless we give the same conditions that apply to the Irish Republic to every other country in the world, which the EU cannot accept?

Mr Leslie: There is a big issue relating to the most favoured nation status arrangement because of clauses in the existing EU free trade agreements. If we are given a deep and special relationship with the EU, the EU will be obliged to offer the same access to Korea and to Canada under the comprehensive economic and trade agreement. There are implications to all this. If we pull one thread, all sorts of things appear.

8.15 pm

This business of full alignment is also crucial. The Prime Minister said to the Republic of Ireland and the EU Commission, “Oh yes, full alignment—absolutely!” Then she came back to the UK and said, sotto voce, to her own Brexiteers, “It’s pretty meaningless really. Don’t worry. It just applies to this very narrow band of issues in the Good Friday agreement: agriculture, energy, tourism—those kinds of things.” According to the Prime Minister’s definition, it does not apply to trade in goods. However, I think that those on the EU side of the negotiating table think that full alignment includes trade in goods. There is a big disparity there, and I just do not think that the Government are going to be able to paper across it.

Sir Desmond Swayne: This is a filibuster.

Mr Leslie: I will finish shortly. I know that I am trying the right hon. Gentleman’s patience.

The 36 regional and bilateral free trade agreements with 63 other countries are exceptionally important, but there are also trade-related agreements, including mutual recognition agreements and standards for conformity assessments. The Department for International Trade has also said that there are multiple hundreds of mutual recognition agreements. The list is getting bigger and bigger, and it is all on the shoulders of the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker).

Hannah Bardell: The hon. Gentleman is going into great detail about the amount of time and effort that is going to be spent, and the number of treaties and trade deals that will need to be done. Does he agree with me on the broader point that we are treading water here? A huge amount of money and parliamentary time is going to be spent, and nothing else will be able to be done.

Mr Leslie: Let us think about all the important priorities for our constituents, including public service reform and living standards. This is one of the most frustrating things: we are treading water just to keep up what we already have. Indeed, things will not be as good as the arrangements we already have. What angers me most is when Ministers try to gloss over this and pretend that it is all going to be fine, saying, “There’s no problem here. There’s nothing to see.” Lord Price, who used to be a International Trade Minister, tweeted about the 36 free trade agreements, saying that they were all fine and that:

“All have agreed roll over.”

The current Minister of State at the Department, the Minister for Trade Policy, retweeted that. However, when we ask the Secretary of State whether countries have agreed that they all roll over, we are told, “Well, we haven’t had any objections from them to suggest they might not roll over.” Will they want to renegotiate? We are told, “Well, we haven’t heard from them yet.” This is an incredible example of trying to put the best possible gloss on the situation, and to get past exit day and worry about it all afterwards. The Government will then pretend that everybody knew about this beforehand.

I will finish my remarks now because I want to hear the speech of my hon. Friend the Member for Swansea West (Geraint Davies); we need an assessment of these treaties and of what could be lost; we need an assessment of the risks and of what is at stake; and we need honesty and transparency from Ministers about the consequences. This is not what the public expected when they voted in the referendum, and that is why I urge Members to support new clause 20.

Geraint Davies: I shall speak to amendment 352, which seeks to maintain for future trade deals the EU rights and protections that are currently enjoyed in other trade deals. A problem that has already been mentioned is that we are going to move away from the comfort zone of the EU, a massive trading bloc which, on 8 December, agreed the key provisions for a trade deal with Japan that will embrace 30% of global GDP and 600 million people and that has integrated in it the Paris agreement. It does not have investor-state dispute settlement, but it does have various protections. One of my key fears about that particular agreement, which will come into effect in March 2019, is that such agreements take a long time to put together. If we want to come along after the event and say, “Can we join in?” the chances are that the terms will not be as good.

As for our negotiations with other countries, if we exit the EU and expect Chile or Uruguay or some other country to offer us the same trade terms that it has with the EU, which is a much bigger bloc, at a time when we are much weaker, we will be seen among the international trading community as a vulnerable victim of our own self-inflicted harm. They will say, “We will give these terms to the EU, but you are just a small player compared with the critical mass of the EU.” That would undermine not only the financial impact of the terms of trade, but the standards that we currently enjoy.

People will be aware that the REA CH arrangements—the registration, evaluation, authorisation and restriction of chemicals—mean that manufacturers in Europe are required to prove that a chemical is safe before it is sold. In America, however, manufacturers can basically sell asbestos and other harmful products, and it is for the United States Environmental Protection Agency to tell them that they cannot. The worry is that our regime and our standards may change as we are thrust into the hands of the United States, and that workers’ rights, human rights and other rights may change due to China.

The Minister will know that the widespread use of hormones in meat production in America is giving rise to premature puberty among children, and that the widespread use of antibiotics is leading to much greater resistance to them. There is also chlorinated chicken, genetically modified food and other things, and we will be under enormous pressure from the United States to
accept standards that are below those that we enjoy as a member of the EU. Donald Trump stood up at his inauguration and said that he would protect the American economy from the foreign countries that were taking America’s jobs, and he has already shown in the Bombardier case that he will play tough. The United States is a much bigger player than Britain, and the competition between the EU and the US is a matched fight when it comes to the negotiation of a deal such as the Transatlantic Trade and Investment Partnership. We will be a much smaller player, and we will have left the conditions of the EU.

Ministers currently have quite widespread powers to sign deals. The current International Trade Secretary signed a provisional agreement for the comprehensive economic and trade agreement without parliamentary approval, and we should be drawing such powers in for parliamentary scrutiny, amendment and agreement. There is a risk that a negotiated settlement that reduces the standards that our citizens enjoy will happen outside this place. I therefore tabled amendment 352, which seeks to maintain the same standards, rights and protections that we enjoy in Europe, as protection in case we end up being asked to vote on trade deals that have all sorts of dire consequences beneath the surface for public health, workers’ rights and consumer protection.

**Tom Brake:** The hon. Gentleman rightly mentioned chlorinated chicken, and he should be worried not only that the Americans may seek to impose it on us, but that our International Trade Secretary has said: “There are no health reasons why you could not eat chicken that had been washed in chlorinated water.”

Our own International Trade Secretary therefore seems to be advocating the consumption of chlorinated chicken.

**Geraint Davies:** It is an interesting idea that foxes have been eating chlorinated chicken.

As the right hon. Gentleman says, the concern is that the International Trade Secretary, even at this early stage, will look to undermine consumer standards, health standards and other standards in order to fix a deal and have something on the table to avoid the humiliation we see coming. As has been pointed out, it is in the interest of other countries to hold back from striking an early deal and to let the UK sweat. We will be in a difficult place if we do not have agreement on tariffs with the EU and elsewhere.

**Alison Thewliss** (Glasgow Central) (SNP): Is the hon. Gentleman aware that, as well as chlorinated chicken and other items, infant formula is regulated differently in the US from in the EU? There are higher levels of aflatoxins in US infant formula than in EU infant formula, which could prove detrimental to infant health.

**Geraint Davies:** People will know that the EU has enormous capacity for negotiating trade deals, and we have been relying on it for the past 40 years. Over the past few years the EU has had an intricate dialogue with the United States on TTIP and with the Canadians on CETA to try to bring about some sort of harmonisation and agreement. TTIP has hit the buffers and is not going forward, but my point is that we simply do not have that negotiating capacity. If the EU’s huge capacity cannot achieve agreement in a short amount of time—it takes a long time to get these things right—what hope do we have? Very little.

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): Does my hon. Friend agree that the EU was able to extract additional protections on the environment and workers’ rights from the Canada deal because the EU worked together as a big bloc? At one moment it looked like the EU would be unable to extract those protections, and it happened only because Belgium and other countries insisted. On our own, we must not be able to be picked off by Canada, the US or any other country—they have already tried to pick off the EU.

**Geraint Davies:** That is precisely right. What we are now seeing with the Japan deal, as with CETA, is that it will now explicitly protect the right of states to set higher regulatory standards than their treaty partners; public services; the precautionary principle; labour rights; and sensitive economic areas. The deal will also make an explicit commitment to the Paris climate agreement and will safeguard policies intended to protect the environment.

With those blueprints for a harmonious future, we are now jumping ship. We will be left on our own, floating around in the sea and striking out to hold on to bits of timber for dear life. This is very frightening. Earlier we discussed the situation of a deal or no deal, but the problem is that when we do strike a deal, the EU is not there to penalise or punish us; it is simply there to respect the interests of the EU27, which it will. The EU27 will tell us what we are getting, and we will have to like it or lump it. Lump it would be much more painful—we would go on to WTO rules, which people often mention in this Chamber. People need to remember that WTO rules apply only to goods, not services. The trade in services agreement is currently being negotiated outside the WTO so, because 80% of our exports are services, a large amount of our exports will not even have trade with tariffs; there will simply be no agreement on trade. As there is ambiguity between goods and services, such as with cars—cars are two thirds services because of subcontracted labour, lawyers, payroll and various other things—it is a complex area.

A no deal situation would be catastrophic, and the Europeans know that, so they will say what they want and we will have to accept it. If that is unacceptable and much worse than the status quo, the people of Britain should have a final say with a vote on the exit deal. That is not in amendment 352—people do not need to worry about that—although the right hon. Member for Carshalton and Wallington (Tom Brake) has tabled amendment 120, which we will consider next week. Half the public already want a vote on the exit deal. Only 34% do not want a vote, and 16% do not know. As it emerges how appalling the future being created at the hands of this Government will be, there will be growth in support for such a vote.

Amendment 352 simply says that we should aim to, and would require us to, enjoy the current protections, rights and standards we have in the EU in future trade agreements, in the knowledge that those standards are going up, as I pointed out is happening in the case of Japan. All I am asking for is that we keep the current parity, so that as Europe moves up we at least stay the same, rather than plunge down into the depths of poverty, lower health standards and so on.
Sir Desmond Swayne: I have a great deal of affection and respect for the hon. Member for Nottingham East (Mr Leslie), and he has drawn attention to a perfectly proper area of concern, to which, strangely, his remedy is merely a report—but then the mask slipped. We have heard all this sanctimonious guff this afternoon about the need for this House to take back control and about proper scrutiny—everything we heard in the earlier debates—but now we see the real motive. Of course he was assisted by others, whom comrade Lenin would have properly referred to as “useful idiots”, but now the mask has slipped.

The real motive—the hon. Gentleman made it absolutely explicit—is to reopen a question that he does not believe was given sufficient attention at the referendum. That has just been confirmed by the hon. Member for Swansea East—

Geraint Davies: West.

Sir Desmond Swayne: Swansea West. The hon. Member for Nottingham East said that he did not believe that people should not have an opportunity to revisit their decision, and that they have a perfect right to change their mind—I accept that. I am not in favour of some sort of African democracy of one man, one vote, once. People perfectly rightly have an opportunity to do that, but if there was one thing on which both sides in the referendum campaign were agreed it was on the importance of the vote that took place on 23 June 2016. He has every right to campaign for a second referendum, and I am glad that he has made it explicit this evening in advocating for his amendment that that is the real agenda. The purpose is to delay for long enough for something to turn up. An essential ingredient of giving time for something to turn up so that people will change their minds is delay, and that is what the process of all today’s amendments has, in essence, been about.

Matthew Pennycook: I am not sure how to follow both of those contributions, but hon. Members may be relieved to know that I am going to make a brief one as I rise to speak to amendment 26, which seeks to change clause 8. I will focus on two specific points, the first being the purpose of clause 8 and the second being its scope.

The purpose of the clause, as set out in the Bill’s explanatory notes, is to give “ministers of the Crown the power to make secondary legislation to enable continued compliance with the UK’s international obligations by preventing or remediying any breaches that might otherwise arise as a result of withdrawal.”

I say to the Minister gently that it is not entirely clear what breaches might require the clause 8 power. It is not clear to us that where breaches occur they could not, in most cases, be remedied by clause 7 or by powers contained in other legislation, for example the Trade Bill, which has already been published, or domestic legislation. I do not intend to discuss what my hon. Friend the Member for Nottingham East (Mr Leslie) said in his comprehensive speech, in which he gave a set of examples about the types of international treaties and obligations the Government will have to deal with. However, it would be useful to hear some further examples from the Minister. To date, we have heard about only one international obligation, or perhaps a couple, where the Government believe the clause 8 power must be used. As the House of Lords Delegated Powers and Regulatory Reform Committee noted, the Government have not been explicit about the sort of obligations they have in mind for this clause.

On the scope of clause 8, we have many of the same concerns that we have about the scope of the powers in clauses 7, 9 and 17. Clause 8(3) contains some, although not all, of the explicit restrictions that apply in clause 7. In any case, we believe, just as we do with those clauses—that is why we tabled amendment 27 to clause 9 and amendment 25 to clause 7—that the scope of the delegated powers in clause 8 should be circumscribed so that they cannot be used to reduce rights or freedoms.

I know that many Members, including my hon. Friend the Member for Wakefield (Mary Creagh), wish to make speeches, so with that I draw my remarks to a close.

Hannah Bardell: The House has heard many technical and legalistic arguments focused on the economic, trade and legal impacts of our leaving the EU, but so far in the Brexit process and debate, the interests of children and their rights have been barely mentioned. That said, I was pleased to hear the point made by my hon. Friend the Member for Glasgow Central (Alison Thewliss) about baby milk and the related regulations.

It is important to focus on children, their rights and the effect of Brexit on their future. In all of this, our children have had very little voice or decision-making opportunities for the future of the UK. All our children depend on UK, EU, international and UN provisions and treaties to protect them and to secure their future rights. It is sad and ironic that it was the Conservative Government who refused to let 16 and 17-year-olds participate in the EU referendum.

No one said it better than my former colleague and my dear friend, the previous Member for Gordon—I know all Members miss him as much as I do—who summed up the hokey-cokey politics of this Conservative Government by saying:

“The case for votes for 16 and 17-year-olds has been demonstrated by the Scottish referendum—not as some academic exercise but on the joyful and practical experience of a generation of Scotland’s young people...Claims that teenagers are disengaged with politics or incapable of understanding constitutional issues was blown apart by the great contribution by young people in Scotland during the campaign...It is a ludicrous situation and nothing better illustrates the total lack of imagination which typifies the Conservative Party at its worst and their headlong pursuit of self-interest...It encapsulates Tory arrogance and the insult to young people will neither be forgotten nor forgiven.”

That is an extremely good point.

I remember studying, not that long ago, politics at the University of Stirling, where I learned about further EU integration. It seems very sad that the students of the future will be studying this process, our performance
and the decisions that were made. I wonder what the textbooks and political history books will say and how they will read. I think they will say that this has been a political catastrophe—a series of unfortunate events.

Patrick Grady (Glasgow North) (SNP): One key thing that future students will read about and find incredibly difficult to understand is how the same people who for 40 years argued that the EU had taken sovereignty away from this Chamber were prepared to give that sovereignty so quickly to the United Kingdom Government Executive. That is what all these clauses, including clause 8, will end up doing.

Hannah Bardell: Not surprisingly, I could not agree more with my hon. Friend.

Tom Brake: Does the hon. Lady agree that there will probably be a chapter in the history books called “Impact Assessments”, and students will study the reasons why a Government took the most catastrophic economic decision for the country without having conducted any impact assessments of its effect on the economy?

Hannah Bardell: I absolutely do agree. It will probably say “Impact Assessments” and there will just be a blank page, because that is the reality of the situation. It will probably serve as an abject example of how not to do democracy, and sadly we will all be judged under that banner. I do hope, though, that the history books will include those of us who opposed how this process is being carried out.

It is important to reflect on the fact that, whatever people thought of the Scottish referendum, it was held up as a gold standard and that, when the Electoral Commission reflected on the referendum on Brexit, its view was that it happened in too short a timescale and that there was not proper opportunity for debate and discussion. That is important. It is sad that we set a gold standard on one referendum and then seemed to go backwards.

The other day, sitting on the Tube, reading the Evening Standard, I was quite aghast to read an article celebrating its new appointment of a journalist to Brussels. Is it not ironic that news agencies and the press are suddenly ill-informed and we did not have a proper period for debate.

I come back to my point about children. The House of Commons Library briefing paper on Brexit stretches to almost 200 pages, yet children are mentioned only three times. The Brexit White Paper mentions children only once. It urges us all to work towards a stronger, fairer and more global Britain. Well, is that not ironic because we are going to be weaker, less equal and less outward-looking? We are going to be the exact opposite of what those right-wing Brexiteers seemed to want for us across the UK.

Alison Thewliss: Does my hon. Friend share my concern that there has been no proper commitment yet to continuing with Erasmus+, which gives so many children in my constituency opportunities to go and make friends, to travel out into the world and to broaden their horizons?

Hannah Bardell: I absolutely agree. A delegation from across the EU—from Spain, France and many other countries—came to my constituency to meet and work with our children. It was so incredible to see the friendships that were struck up and the experiences that were shared. The thought that my three-year-old niece, or any children that I have, will not get to experience that is heart-breaking. We should all reflect on that. What are the young people of the nations of the UK going to miss out on because of the poor decision making and the poor decisions that are being pushed by this UK Government?

The Executive powers provided in clause 8 put current UK international obligations under serious threat. As we know, the UK Government cannot be trusted to uphold international obligations. We have seen time and again instances of them turning a blind eye to our obligations. In Yemen, for example, more than 300 incidents that could violate international law have been tracked by the Ministry of Defence since the conflict began two years ago, yet the UK continues to sell arms to Saudi Arabia.

One of my hon. Friends talked about the Trade Union Act 2016 and how workers’ rights have been rolled back. When all this power comes back, supposedly, to the UK, what faith can we have that our rights and obligations will be upheld by this Government?

We have spoken about Erasmus, regulations and what our young people are going to do. I strongly believe that the whole rhetoric in this process has been damaging. Some of the phrases that have emerged, the slogans that have been put on the side of buses and the way that political discourse has developed during this period echo, sadly, the Trump Administration. That scares me and, I am sure, many others deeply. We hear that Brexit means Brexit, that it will be a red, white and blue Brexit, that nothing is agreed until everything is agreed, that there are economic impact studies, there are no economic impact studies—yes there are, oh no there are not—and that the post-Brexit trade deal will be the easiest in human history. We have had a political hokey-cokey on the grandest scale and who are going to be the ones who lose out the most? It is going to be the young people of our nations who have to deal with the impact of Brexit and clean up the mess that many in this Government seem hell-bent on creating. For their sake—for your children’s sake—and for the future of all our nations in the UK, let us stop this madness.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): It has been a pleasure to listen to this wide-ranging debate and to hear some of the speeches, not all of which seemed to be specifically about clause 8. I compliment my opposite number, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who very accurately described the clause.

Mary Creagh: I do have a speech on clause 8 and I would like to raise some specific points, but I am slightly concerned that the Minister might now be about
to speak for 15 minutes, in the tradition that he started yesterday, and I am worried that he will not be able to respond to my specific points.

Mr Walker: I am very happy to do my best endeavours to ensure that the hon. Lady does get five minutes to make her speech; she often has interesting points to bring to these debates. Let me discuss briefly, therefore, what clause 8 is for.

As we leave the EU, it is essential that the Government can ensure that we do not breach any of the UK’s international obligations. These international obligations stretch from our promises to other nations, some of which were mentioned by the hon. Member for Nottingham East (Mr Leslie), to those we have undertaken as a sovereign and responsible participant in international organisations such as the Council of Europe and global ones such as the WTO. This need to prevent breaches of our international obligations is the reasoning behind the clause.

8.45 pm

The UK helped to found the modern system of international law, and we remain champions of that system across the globe. Our approach to leaving the EU has shown, once again, that we will honour our international obligations. The Government and Parliament have a duty to protect and maintain the UK’s good reputation on the world stage, and ensure that our domestic law complies with the undertakings we have made on the international stage such as those relating to the Council of Europe, whose purpose is to uphold human rights, democracy and the rule of law in Europe, and to promote European culture.

Suella Fernandes (Fareham) (Con): I appreciate the Minister’s explanation of the scope of clause 8. Does he agree that, just like clause 7, clause 8 is limited in that it relates only to withdrawal issues and is a sunset clause?

Mr Walker: My hon. Friend makes a good point on the exact matter that I was going to come to in a moment; she pre-empts me brilliantly.

Clause 8 is needed—I think that this answers the point made by the hon. Member for Greenwich and Woolwich—because not all the UK’s international obligations that might be affected by withdrawing from the EU are implemented domestically in what will be retained EU law. Those which are implemented elsewhere are therefore out of scope of the correcting power in clause 7. In addition, there are restrictions on the use of clause 7 relating to, for example, taxation that might, in some circumstances, prevent important changes to comply with international arrangements from being made. We need this power because we need to be prepared for all eventualities.

I would like to clarify that any SIs made under clause 8 that transfer a legislative function, or create or amend any power to legislate, will be subject to the affirmative procedure, as provided for in clause 7. Therefore, Parliament will be able to debate any transfer of powers, and consider the proposed scope of such powers and the scrutiny proposed for their future exercise. Clause 8 gives Ministers a temporary and limited power, as my hon. Friend the Member for Fareham (Suella Fernandes) said, to make regulations to prevent or remedy breaches of international obligations. The provision contained in the secondary legislation must be an appropriate way of doing so and will have to pass before this House under the parliamentary procedures that we have been discussing over the past couple of days. In addition to its limited goals, the power is subject to a number of further limitations. It expires two years after exit day and, as listed in subsection (3), it cannot “make retrospective provision”, create certain types of criminal offence, “implement the withdrawal agreement, or…amend…the Human Rights Act”.

Lady Hermon rose—

Mr Walker: Perhaps I can respond to the hon. Lady’s intervention before she even makes it. It is important that we have the power to maintain all our international obligations. As we have discussed in a previous debate, one of those international obligations is to the international element of the Belfast agreement. We will absolutely maintain our commitment to that.

Lady Hermon: I am grateful to the Minister for pre-empting the intervention, but he is referring to my earlier intervention regarding clause 9. Will he use this opportunity to confirm at the Dispatch Box that neither clause 8 nor clause 9, which we have just passed as amended, will be used in any circumstances to amend the Good Friday agreement by regulation?

Mr Walker: I am happy to give that confirmation. As I said to the House of Lords Constitution Committee earlier today, no one has any intention to amend the Good Friday agreement.

Mary Creagh: By regulation.

Mr Walker: At all—by regulation or in any other way.

I will turn briefly to the amendments and respond to new clause 20 in the name of the hon. Member for Nottingham East. My Department is leading cross-Government work to assess and act on the international agreements for which, as a result of the UK’s withdrawal from the EU, arrangements will need to be made to ensure continuity for businesses and individuals. Any that require implementing legislation or parliamentary scrutiny before ratification will go through the appropriate, well-established procedures. We are working with our international partners to identify the full range of our agreements that might be impacted by our exit from the EU, and we will be taking their views into account. It would not be appropriate at this stage to publish the type of assessment proposed in new clause 20. Doing so would prejudice the outcome of these discussions and how any action would be put into practice.

Mr Leslie: Will the Minister give way?

Mr Walker: I will give way once more, but that is it, because I want to give the hon. Member for Wakefield (Mary Creagh) a chance to make her speech.

Mr Leslie: I am just looking for a small concession. If the Minister will not do an assessment, will he at least publish a list? The Financial Times has its list of the 759 treaties. Could we have some information from the

Mr Walker: I will give way once more, but that is it, because I want to give the hon. Member for Wakefield (Mary Creagh) a chance to make her speech.
Government in the public domain about the task that has to be undertaken? That, at least, would be a welcome step.

**Mr Walker:** We will be coming forward with more information on this front in due course. However, a lot of the hon. Gentleman’s speech was specifically about trade issues, and we have a Trade Bill that deals specifically with those issues. If I might gently say, a lot of what the hon. Gentleman and the hon. Member for Swansea West (Geraint Davies) talked about related to the content of the Trade Bill rather than this Bill.

We do recognise the need to promote stability for businesses and individuals, and we will aim to transition agreements as seamlessly as possible. I listened carefully to the hon. Member for Swansea West—I am afraid he is no longer in his place—and I would like to reassure him that this clause has nothing to do with future trade agreements. It is purely to do with our existing international commitments and how we make sure we continue to meet them in the context of leaving the EU.

Clause 8 is a very specific power, which will be available only where a breach of our current international obligations arises from the UK’s withdrawal from the European Union. It ensures that we will be able to continue to honour international obligations, which might otherwise be affected by our withdrawal, and it is key to ensuring that we can take our place on the global stage as a fully independent nation. On that basis, I hope that the hon. Members for Nottingham East and Wakefield—I know that she wants to speak to it—does not acknowledge these changes in respect of taxation, or the fact that there will not always be a clear choice of what, for example, an environmental protection is, or how one might judge that such a protection was being weakened, amendments along these lines risk unnecessary litigation, undermining the certainty that this Bill aims to create.

The UK has a strong track record on protecting our environment, and in leaving the EU, we will safeguard and improve on that. The whole purpose of this clause is to ensure that we leave the EU with maximum certainty, continuity and control, and that, as far as possible, the same rules, laws and international obligations apply on the day after exit as on the day before.

Of course, some of the existing mechanisms that allow scrutiny of environmental targets and standards by Governments will not be carried over into our law, and that is why the Secretary of State for Environment, Food and Rural Affairs announced on 12 November our intention to consult on a new, independent statutory body to advise and challenge Government, and potentially other bodies—

**Mary Creagh rose—**

**Mr Walker:** I am going to give the hon. Lady a chance to speak, so I hope she will wait.

That body will also potentially advise and challenge other bodies on environmental legislation, stepping in when needed to hold them to account and to enforce standards. The Government will consult on the specific scope and powers of that body early next year.

We have a number of amendments—from the hon. Member for Bristol East (Kerry McCarthy), the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) and the hon. Member for Wakefield, whom I will do my best to give a chance to speak—that seek to place further restrictions on the use of the clause 8 power, beyond those already in the clause. These amendments give me another opportunity to restate our firm commitment to ensuring that environmental protections and the rights of individuals—particularly EU citizens resident in the UK—are maintained as we bring EU law on to the UK statute book. This commitment will be reflected in the use of this clause to ensure that, from day one of withdrawal from the EU, the UK is able to comply with its international obligations.

As we stressed during yesterday’s debate on clause 7, the defence and security of the realm is always the first duty of Government, and the Government are absolutely committed to national security and securing the right future arrangements for security with the EU. I would like to take the opportunity to reassure the Committee that we cannot see that anything that damages our national security would be an appropriate way to ensure continued compliance with international obligations. The same would be true of any change to equalities legislation.

All these amendments are well intentioned, but we have been clear in previous debates that we will preserve rights through this Bill, and not reduce them. In those earlier debates, we also set out that, by giving no definition of what, for example, an environmental protection is, or how one might judge that such a protection was being weakened, amendments along these lines risk unnecessary litigation, undermining the certainty that this Bill aims to create.

In the specific context of clause 8, which is about upholding our international obligations, it is very difficult to see how that could do anything other than require us to preserve rights and protections. Parliament has already approved the UK being a party to a number of international conventions and international organisations, such as the World Trade Organisation. We are committed to these international relationships. A key part of that is ensuring that we fully comply with our international obligations. Leaving the customs union and the single market may alter the way in which the UK complies with some of these obligations, specifically with regard to the treatment of WTO most favoured nation status.

Amendment 292 in the name of the hon. Member for Wakefield—I know that she wants to speak to it—does not acknowledge these changes in respect of taxation, or the fact that there will not always be a clear choice about how to comply with such obligations in future. Clause 8 gives Ministers the flexibility to make those changes. Of course, however, we will listen to what she has to say. I understand the honourable intentions behind these amendments, but we believe that this clause is well drafted to continue to meet our international obligations.

The UK is a nation whose word is its bond. This Government introduced the European Union (Withdrawal) Bill to ensure a smooth and orderly exit from the EU.
Our desire to leave the EU in this way applies both to the actions we take domestically and to our actions in relation to international partners. Clause 8 is key to delivering that, and I commend it to the Committee.

Mary Creagh: I thank the Minister for rushing through his speech so that I get the chance to have my five minutes to talk about amendment 292.

Clause 8 allows Ministers to make any regulations to prevent or remedy any breach in our international obligations as we leave the EU, but it also contains a Henry VIII power allowing for those regulations to do anything that an Act of Parliament can do. That includes amending or repealing any Act of Parliament ever passed. It is the most extraordinary and unusual power. I was going to raise the Northern Ireland Act 1998, so I am grateful to the hon. Member for North Down (Lady Hermon) for getting the Minister on the record on that.

The Government have been very scant on the details about the sorts of international obligations that may be affected. They have also been unable to say—I was listening carefully to the Minister—why regulations under clause 8 can impose or increase taxation. We do not want to end up in a situation where the Government can raise tax-like charges by statutory instrument. That gives away the supremacy of this place on taxation. The “appropriateness” test is too broad, and it undermines the supremacy of Parliament. We cannot have taxation by the back door.

Crucially, I did not hear the Minister say anything about tertiary legislation. We have focused a lot on SIs—the secondary stuff. Tertiary legislation enables a new public body that needs to be set up, such as a chemicals body, to charge fees. This may not be controversial at first, but there may come a time when such bodies want to increase the fees, as happened when the Ministry of Justice wanted to increase probate fees by, I think, 1,500%. Why is there a double standard in clause 8 as regards secondary and tertiary legislation? We want tertiary legislation to be given the same parliamentary control and the same time limits as secondary legislation. My amendment 292 seeks to restore the supremacy of the House on financial matters.

I want briefly to deal with the environmental regulation that the Minister talked about. The Government currently have a “one in, three out” rule. Many of our environmental regulations come from international mixed agreements signed and ratified, as he said, by the UK and the EU; some are bilateral and some are multilateral. The Environmental Audit Committee has been looking at our progress in reducing fluorinated gases. These are very powerful greenhouse gases with a global warming potential 14,000 times more harmful than carbon dioxide. They are in commercial refrigeration systems, in our car air-conditioning systems, and in 70% of the 60 million asthma inhalers that we use in this country every year. Targets for reducing those gases are set and monitored by the UN framework, so it is a mixed agreement. We have just ratified the Kigali amendment to reduce F-gases by 85% by 2036. That agreement is monitored by the EU, so the Bill will convert the regulation into UK law and we will need new regulations.

The explanatory memorandum states that the new regulations may be subject to the Government’s “one in, three out” rule. We cannot have the Government making hundreds, if not thousands, of new regulations that get caught under that absurd administrative rule, so I want the Minister to assure the House that it will be scrapped. I have written about that as the Committee Chair, and Lord Henley has said that there is no clarity about it and no decision has been made. That has to change.

Mr Leslie: This is an incredibly important series of discussions. We need more information on the 759 international treaties that may fall on exit day, and I am glad that the Minister indicated that more information would be forthcoming. I want to vote for new clause 22 on the European economic area and the single market, so I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 22

EEA Agreement

“(1) No Minister may, under this Act, notify the withdrawal of the United Kingdom from the EEA Agreement, whether under Article 127 of that Agreement or otherwise.

(2) Regulations under this Act may not make any provision that would constitute a breach of the United Kingdom’s obligations under the EEA Agreement.

(3) Regulations under this Act may not amend or repeal subsection (1) or (2).”—(Heidi Alexander.)

Brought up, and read the First time.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 292, Noes 314.

Division No. 72] [9 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Chwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowen, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Cressy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Ellwood, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnston, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Kane, Mike
Keeble, Barbara
Kendall, Liz
Khan, Afzal
Kilin, Ged
Kinnoch, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lindon, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, ian
Miliband, rh Edward
Monaghan, Carol
Morgan, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Omn, Melanie
O'Neill, Mervyn
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Powell, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powe, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeses, Ellie
Reeses, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Daville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thomson, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Susan Elan Jones and Stephen Doughty

NOES
Bradley, rh Karen
Brady, Mr Graham
Breereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burgarth, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Question accordingly negatived.

9.13 pm

More than eight hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).
The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 8

COMPLYING WITH INTERNATIONAL OBLIGATIONS

Amendment proposed: 26, page 6, line 38, at end—

“(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,

(f) prevent any person from continuing to exercise a right that they can currently exercise,

(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”—

(Matthew Pennycook.)

This amendment would prevent the Government’s using delegated powers under Clause 8 to reduce rights or protections.

Question put, That the amendment be made.

The Committee divided: Ayes 291, Noes 315.

Division No. 73

[9.14 pm]

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian

Alistair

Baker, Mark
Bamford, Mike
Barnett, Rhian
Barron, Rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berriman, Tracey
Bettles, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman-Woods, Dr
Blackman, Kirsty

Robert

Blomfield, Paul
Brabin, Tracy
Bradshaw, Rh Mr Ben
Brennan, Kevin
Brennan, Alan
Brodie, Duncan
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Andrew
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr
Alistair
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Granger, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harries, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Heburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollick, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Mathes, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Steward Malcolm
McDonald, Stuart
C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Ohn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacecock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Elie
Reeves, Rachel
Reynolds, Jonathan
European Union (Withdrawal) Bill

13 DECEMBER 2017

European Union (Withdrawal) Bill

Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smith, Gareth
Sobel, Alex
Speller, rh John
Stamer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thomberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Tigg, Derek
Tigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valérie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williams, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and Jeff Smith

NOES

Adams, Nigel
Afrozi, Bim
Afriyie, Adam
Aldous, Peter
Allen, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriet
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor

Dowden, Oliver
Dyke-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evanno, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazier, Lucy
Freeman, George
Fryer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Gamier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibbon, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Graying, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollowbone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keeghan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Philip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little, Per doubtful, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercey, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Helen Hayes (Dulwich and West Norwood) (Lab): I rise to present a petition on behalf of residents in my constituency of Dulwich and West Norwood.

The petition declares:

The petition of residents of Dulwich and West Norwood, Declares that there is widespread concern about the deterioration of our mental health services and that those in need of care are receiving inadequate treatment as a result; further that a revolving door of admission, discharge and readmission is emerging, instead of the long term treatment that is needed; further notes that overworked professionals do not always have the time that they would like to spend with their patients to determine the best course of treatment and most appropriate support; and further that welcomes news that the Government is putting some extra funding into mental health services, but is concerned that this is insufficient, and not ring-fenced, and that despite the increase the proportion of funding that many Clinical Commissioning Group (CCGs) are spending has continued to fall, including in Lambeth and Southwark.

The petitioners therefore request that the House of Commons urges the Government to commit to providing adequate, ring-fenced funding for mental health services.

And the petitioners remain, etc.
UK Flight Ban: Sharm El Sheikh

Motion made, and Question proposed. That this House do now adjourn.—(Mrs Wheeler.)

9.27 pm

Mr Jonathan Lord (Woking) (Con): I would like to thank Mr Speaker for granting this important debate. I take a particular interest in the matter as a co-chairman of the all-party parliamentary group on Egypt. It is a privilege to serve alongside some excellent officers and the right hon. Member for East Ham (Stephen Timms), the other co-chairman.

In November 2015, the then Prime Minister, David Cameron, took the decision to put at ban on UK flights direct to Sharm El Sheikh airport following the terrible loss of a Russian plane on 30 October that year. He declared that the UK would work with the Egyptian Government and aviation authorities to ensure that Sharm El Sheikh airport was safe before relaxing the ban. Following an inspection from the UK’s Department for Transport, a 25-point plan was drawn up to ensure the safety of the airport. The Government of Egypt and the hotel industry in Sharm El Sheikh has invested around £20 million to implement all 25 points listed. The Foreign and Commonwealth Office has also issued around £26 million to implement all 25 points listed. Given that the UK’s 25-point plan has been fully met. To meet those conditions, Egypt has spent more than £20 million on improving security at the airport, replaced outdated equipment, trained 7,000 staff using the UK aviation security firm Restrata, run rigorous background checks on current staff, laid off more than 40% of the original staff and introduced a new biometric ID system for all airport employees. The Egyptian authorities have also invested £26 million in security at tourist hotspots and hotels across the nation.

Jim Shannon (Strangford) (DUP): My parliamentary aide had the holiday of a lifetime in Sharm El Sheikh; after all, it was her honeymoon. I join the hon. Gentleman in highlighting the great bonus of the flights to home-grown tourist operators. If it is safe to do so, we should request their restart. We should encourage the Egyptian Government to continue their great protections for the human rights of Christians and those of other faiths, and ensure that the economy of Sharm El Sheikh can be reinvigorated and rejuvenated as a result of tourism from Northern Ireland and the United Kingdom as a whole.

Mr Lord: I agree with every single point that the hon. Gentleman has made.

Strategically, Sharm El Sheikh is one of the easiest tourist destinations to make secure, as it is only accessible either by air or by a single road, via a tunnel. These two entry points ensure that the area is easy to secure.

Before the flight ban, roughly 1 million British tourists visited Egypt each year, benefiting the economy by a minimum of £500 per tourist. At a conservative estimate, tourism was worth £500 million. Now only 350,000 British tourists are visiting annually, which represents a vast loss to the Egyptian economy. The number of British tourists flying to Sharm El Sheikh itself dropped from 900,000 in 2014 to just 231,000 in 2016.

The impact on the local economy is acute, with 70% of the dive centres in the Red sea area closing down by early 2016 and a further 20% no longer operating to full capacity. Things are now getting a little better owing to the reinstatement of flights by all other countries, but the impact on the local and national economy is still very significant. Tourism accounts for about 6% of Egypt’s GDP and employs 12% of the population.

The ban has also had an impact on the British economy, with UK airlines losing significant revenue, which they have sought to regain primarily by shifting flight capacity to the western Mediterranean. The recent collapse of Monarch airlines has very largely been attributed to the UK ban on flights to Sharm El Sheikh, and other airlines such as Thomson and Thomas Cook have also reported losses due to that ban.

The ban may also impact the UK economy in the long term. In PwC’s latest authoritative report on the global economic order, Egypt is moving up the rankings, thanks to the wider economic reforms of President Sisi and his Government, and Egypt is a valuable trading partner for the UK, as our trade envoy there will attest.

UK companies currently invest more in Egypt than the rest of the world put together, but on that recent trip to Egypt by the APPG, every single Egyptian businessman and politician was palpably upset, and indeed rather mystified, by the continuing UK flight ban and said it was a very real impediment to the good relations that ought to exist between our two great countries.

John Howell (Henley) (Con): Does it not come as a great surprise to my hon. Friend that the ban on flights to Tunisia, which is immediately opposite ISIL-infested in Libya, was lifted, whereas the Sharm El Sheikh ban has not been lifted, although it was British expertise that helped to restore that airport to its current excellent status?

Mr Lord: I agree with every single point that the hon. Gentleman made.

I understand that security experts in the UK and Egypt now agree that Sharm El Sheikh has one of the world’s most secure airports. In 2016, after three trips to the town, Sir Gerald Howarth, then an MP and chairman of the APPG, told UK travel companies that representatives of the Department for Transport had told him that they felt that the conditions to enable flights to resume had been met. To meet those conditions, Egypt has spent more than £20 million on improving security at the airport, replaced outdated equipment, trained 7,000 staff using the UK aviation security firm Restrata, run rigorous background checks on current staff, laid off more than 40% of the original staff and introduced a new biometric ID system for all airport employees. The Egyptian authorities have also invested £26 million in security at tourist hotspots and hotels across the nation.

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Strategically, Sharm El Sheikh is one of the easiest tourist destinations to make secure, as it is only accessible either by air or by a single road, via a tunnel. These two entry points ensure that the area is easy to secure.

Before the flight ban, roughly 1 million British tourists visited Egypt each year, benefiting the economy by a minimum of £500 per tourist. At a conservative estimate, tourism was worth £500 million. Now only 350,000 British tourists are visiting annually, which represents a vast loss to the Egyptian economy. The number of British tourists flying to Sharm El Sheikh itself dropped from 900,000 in 2014 to just 231,000 in 2016.

The impact on the local economy is acute, with 70% of the dive centres in the Red sea area closing down by early 2016 and a further 20% no longer operating to full capacity. Things are now getting a little better owing to the reinstatement of flights by all other countries, but the impact on the local and national economy is still very significant. Tourism accounts for about 6% of Egypt’s GDP and employs 12% of the population.

The ban has also had an impact on the British economy, with UK airlines losing significant revenue, which they have sought to regain primarily by shifting flight capacity to the western Mediterranean. The recent collapse of Monarch airlines has very largely been attributed to the UK ban on flights to Sharm El Sheikh, and other airlines such as Thomson and Thomas Cook have also reported losses due to that ban.

The ban may also impact the UK economy in the long term. In PwC’s latest authoritative report on the global economic order, Egypt is moving up the rankings, thanks to the wider economic reforms of President Sisi and his Government, and Egypt is a valuable trading partner for the UK, as our trade envoy there will attest.

UK companies currently invest more in Egypt than the rest of the world put together, but on that recent trip to Egypt by the APPG, every single Egyptian businessman and politician was palpably upset, and indeed rather mystified, by the continuing UK flight ban and said it was a very real impediment to the good relations that ought to exist between our two great countries.
In summary, I would like to tell the House of early-day motion 468, recently tabled by myself and my co-chairman, the right hon. Member for East Ham, because it summarises this whole issue well, and I look forward to the Minister’s reply to its points:

“That this House welcomes the successful implementation of the UK-Egyptian joint action plan and substantial investment in upgrading security at Sharm El Sheikh airport using UK expertise in transport and security services; understands that Sharm El Sheikh airport is now considered by Department for Transport officials as one of the safest airports in the world; further notes that the UK Foreign Office safety categorisation for Sharm El Sheikh is green meaning that it is assessed as safe; acknowledges the reinstatement of flights to Sharm El Sheikh from other European countries including Germany, Italy and Belgium and the resumption of holiday flights from the UK to Tunisia; and calls on the Government to review the situation urgently, taking account of updated security advice and to consider lifting immediately the ban on flights from the UK to Sharm El Sheikh.”

The early-day motion has had good support from across this House. I urge the Government to consider it carefully, and to come back to the House with a positive response.

9.38 pm

Stephen Timms (East Ham) (Lab): I associate myself with everything the hon. Member for Woking (Mr Lord) has said and congratulate him on securing the debate. We are co-chairs of the APPG on Egypt and were in that country last month, thanks to funding support primarily from the Egyptian Parliament, and I refer to my entry in the Register of Members’ Financial Interests, which refers to that visit.

As the hon. Gentleman has rightly underlined, the No. 1 thing that almost everybody we met in Egypt wanted to talk to us about was the continuing ban on flights from the UK to Sharm El Sheikh, which has had such a devastating effect on the economy of Sharm El Sheikh and further afield. It is characterised by many in Egypt as the UK giving in to terrorism. That is how they think about it. They acknowledge that, yes, a terrible terrorist atrocity occurred—there is no question about that—and there is no doubt that there were serious weaknesses in security that enabled it to happen, but the fact that our ban is still in place is, to Egyptian eyes, a case of the UK caving in. They believe that the UK, above all countries, should not be caving in.

It is hard to understand why the ban is being kept. As the hon. Gentleman has set out, Egypt has invested heavily to implement all the recommendations on improving security that were made by international experts, most of whom were from the UK, and almost every other country has lifted its ban in response to that. Indeed, I noticed news reports this week that President Putin announced in Cairo on Monday that Russia would resume civilian flights to Egypt. It was of course a Russian passenger jet that was shot down. My understanding is that Russia is the only other country with a continuing ban. If that ban is lifted, only ours will remain in place. That is a puzzling position for us in the UK to get ourselves into.

Stability and prosperity in Egypt are key to stability in the region, and therefore greatly in the interests of the world as a whole. As the hon. Gentleman explained, UK tourism is starting to increase a bit now, but it is still less than half what it was before the ban was introduced. The hon. Member for Strangford (Jim Shannon) rightly pointed out that British citizens love taking their holidays Sharm El Sheikh, and we are denying that opportunity to large numbers of UK citizens. The Egyptian economy is being damaged by this, as is the UK economy. The case of Monarch underlines that fact. No explanation has been provided, so we were unable to explain on our visit why the UK uniquely cannot lift its ban. I join the hon. Member for Woking and all those who have signed the early-day motion in urging the Minister to waste no time in lifting the ban.

9.42 pm

The Minister for Transport Legislation and Maritime

(Mr John Hayes): My hon. Friend the Member for Woking (Mr Lord) and the right hon. Member for East Ham (Stephen Timms) have a long-standing interest in Egypt, and I acknowledge their interest and their concern about this matter. I congratulate my hon. Friend on securing the debate and welcome the opportunity to say more about flights to Sharm El Sheikh.

Hon. Members will know that in addition to being appointed three times as Minister of State in the Department for Transport, I am also a former Security Minister. This is therefore a subject close to my heart, and a matter of profound importance. The security and safety of our citizens is perhaps our most significant duty of all as a Parliament and as a Government. To that end, I know that my hon. Friend and all those who have contributed to the debate would not expect any Government of any persuasion to do anything that in any way compromised the safety and security of UK citizens, whether here in our country or travelling abroad.

The House will know that, on 31 October 2015, following its departure from Sharm El Sheikh international airport to St Petersburg, Metrojet flight 9268 disintegrated above Northern Sinai. As a result, a total of 224 passengers and crew of various nationalities were killed. Following that event, the Foreign and Commonwealth Office returned UK nationals and changed its travel advice. It advised against all but essential travel by air to or from that location. That had the effect of airlines halting all direct air services between the UK and Sharm El Sheikh airport. Flights to the UK from other Egyptian airports, including Cairo, Luxor, Marsa Alam and Hurghada, were unaffected.

Two years on, that advice remains in place, although the Government keep travel advice under constant review. For example, we recently updated the travel advice in Tunisia following the Sousse attack in 2015 and the changed security situation there, albeit in very different circumstances. Daesh claimed responsibility for the Metrojet attack, and the Egyptian and Russian Governments announced that the aircraft was brought down by an act of terrorism, as President Sisi stated in February 2016. The Egyptian authorities’ investigation has not come to any firm conclusion regarding the exact events that preceded the attack, and no perpetrator has been caught.

Both my hon. Friend the Member for Woking and the right hon. Member for East Ham made the point that other countries have taken different decisions about resuming flights, which is true. Most flights to Sharm El Sheikh before the Metrojet crash were from the UK or Russia, however, and it is of course for each country to decide what security requirements they need to protect
their citizens—it is not for me to comment on that—but the UK is working closely with the Egyptian Government to assess security at Egyptian airports. I can also say that the UK works with a number of other Governments to look at certain security situations, particularly where there are a large number of UK travellers, and I will say a bit more about the detail of that in the course of my remaining remarks.

Our experts on the ground in Egypt have been working closely with the Egyptian authorities since the Metrojet crash, and it has been acknowledged that the level of security at the airport has improved from where it was before—the right hon. Gentleman and my hon. Friend both made that point. However, there is a wider range of security-related reasons, which the House would not expect me to go into in detail here, why we do not yet feel that we should resume flights.

The terrorism typified by this incident blights both Egypt and the United Kingdom, and the recent mosque attack in North Sinai serves as the latest reminder of the deplorable depths to which terrorist groups are willing to stoop in Egypt. The Prime Minister recently expressed her condolences to President Sisi over that attack, as well as her solidarity and support in the face of such a common threat. Egypt has long played a crucial role in fighting terrorism, and we stand resolutely by Egypt in that fight.

Let me be absolutely clear that this Government’s top priority will always be to maintain the safety of British nationals and those flying into the UK, based on all the information we have available to us. The House will know that aviation remains a target for terrorist groups and that the threat is constantly evolving. We must respond accordingly to ensure that the protection of the public against those who would do us harm is as certain as possible. I emphasise that that is about both detection equipment at airports, which is changing and improving all the time, and the protocols in place at airports—training, management and how equipment is deployed. All those things have a profound effect on the safety of an airport, and we are working in all those areas with countries across the world to ensure that they can be their best and do their best.

Stephen Timms: The Minister is absolutely right that being vigilant about the wellbeing of UK citizens is the both his first duty and that of the Government. Is he able to shed any light on why the assessment being made by the UK Government is different from the ones being made by other Governments including, it now seems, the Russian Government?

Mr Hayes: I made the point briefly a moment ago that the principle source of tourism to Sharm El Sheikh before the crash came from Russia and the United Kingdom. Indeed, it is the United Kingdom and Russia that are yet to resume flights. As I said before, it is not appropriate for me to go into the details of the precise security situation, and the House would not want me to. It is fair to say that, although we acknowledge that significant improvements have been made and we have been working on the ground with the Egyptian authorities, the prevailing situation in Egypt, illustrated a moment ago by reference to the recent atrocity, is difficult. It is clear to us that airports remain a target for terrorists.

Having said that, let me be equally clear that the Government wish to see the resumption of flights to the resort as soon as it is safe to do so. We understand the economic impact—the point has been made forcefully and persuasively by the contributors to the debate—of the absence of flights on the Egyptian economy, and we know that tourism is important to Egypt. Egypt, as I have already said, is an important partner in the fight against terrorism.

In the meantime, UK visitors continue to enjoy the abundant attractions on offer at other resorts and sites throughout Egypt, and I am delighted that more than 226,000 British tourists visited Egypt between January and September 2017, a 31% increase on the same period last year. UK tourists have been worth more than $220 million to the Egyptian economy so far this year, so people are travelling to Egypt in greater numbers. The shock and fear that people understandably felt deterred them from travelling to anywhere in Egypt, and we are pleased that people are returning.

We work closely and productively with the Egyptian authorities. My officials are working with their counterparts on the ground to share their expertise in establishing effective security arrangements, and there has been good progress in improving security at Sharm El Sheikh airport and other Egyptian airports that fly to the UK. My officials have visited and advised all those airports on a regular basis over the past two years. The Government are committed to supporting the Egyptian Government to improve aviation security. We have a common fight against terrorism, and it is therefore our common aim to improve aviation security.

My Department’s global work on aviation security is an important part of the Government’s wider counter-terrorism strategy to keep our citizens safe wherever they are in the world. As we have worked with the Egyptian authorities, we are working with authorities in a number of other places in the areas that I have briefly outlined. It is not only about the provision of good equipment; many other improvements can be made to secure an airport.

With more British experts working side by side with host nations in the most vulnerable locations because we more than doubled our spending on aviation security in the spending review, we can reasonably say that we have delivered on our commitment in the strategic defence and security review.

The Prime Minister led the way last year in pushing for the adoption of the first ever United Nations Security Council resolution on aviation security, which has recently been developed into a global aviation security plan that the Government are strongly supporting. My Department’s enlarged global network of aviation security experts works in partnership with many host states to strengthen the global aviation security system by identifying vulnerabilities in aviation security regimes and developing options to mitigate each vulnerability in order to deliver improvements and maintain quality assurance. This drives up both capacity and capability. As I said earlier, it is not enough just to build capacity; we have to build capability.

Stephen Timms: I understand that Russia announced this week that it is lifting its ban on civilian flights. Is there any other airport in the world to which the UK uniquely bans flights? That appears to be the position with Sharm El Sheikh.
Mr Hayes: Russia has not resumed flights, either, so the situation is not quite unique. We have not uniquely continued to maintain the ban on flights. The truth is that each case has to be considered on its particular circumstances and merits. Airport security is complex, for the reasons I have mentioned. We analyse the security situation at airports in a wide range of countries and deploy resource to those countries. We advise and deploy expertise in those places. The circumstances in each of them are different, although there are common themes, of course. It would be too simplistic to say that a formula can simply be rolled out, regardless of the prevailing local circumstances. The threats of course vary from place to place as well, so the context is also the threat, not just the circumstances of the airport itself.

My Department’s capacity development programme aims to deliver long-term sustainable change that will improve airport security, resulting in high-quality security screening. We will continue to work closely with the Egyptian Government on aviation security in Egypt. Our ongoing work includes providing training for Egyptian airport security staff, as well as other advice and support. My Department has also provided additional explosive trace detection capabilities to the Egyptian Government for use by carriers flying to the UK. We have Department for Transport aviation security experts based in Egypt, reflecting the Government’s commitment to supporting the provision of good security there. My right hon. Friend the Secretary of State for Transport recently met his Egyptian counterpart to discuss aviation security, and high levels of engagement between our two nations continue.

The Government are very grateful to the Egyptian Government for their full co-operation and the impressive efforts they have made to improve aviation security. The UK values its important relationship with Egypt and its commitment to building on our co-operation in supporting the development of Egyptian aviation security. I am sure the House will understand that it is long-standing Government policy not to comment on, or publish, details on security matters. I am therefore limited on what I can say to a greater degree than that, but I look forward to the return of flights to Sharm El Sheikh once the Government can be sure it is safe. I can assure the House that the Government are working hard to facilitate that outcome, which I know we all want to see.

Question put and agreed to.

9.56 pm

House adjourned.
Oral Answers to Questions

EXITING THE EUROPEAN UNION

The Secretary of State was asked—

Support for Farmers

1. Wendy Morton (Aldridge-Brownhills) (Con): What recent discussions he has had with the Secretary of State for Environment, Food and Rural Affairs on support for farmers after the UK leaves the EU. [902928]

2. Robert Courts (Witney) (Con): What recent discussions he has had with the Secretary of State for Environment, Food and Rural Affairs on support for farmers after the UK leaves the EU. [902930]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): We have been working closely with the Secretary of State for Environment, Food, and Rural Affairs on support for farmers, and the Government will provide the same cash total in funds for farmer support until the end of the Parliament. We continue to work closely with a range of stakeholders across the farming industry and beyond, as well as with the devolved Assemblies.

Wendy Morton: I recently met local farmers in my constituency and representatives from the National Farmers Union, and understandably, Brexit was one of the things we discussed. Will my hon. Friend assure farmers across the west midlands and the rest of the UK that he has given consideration to the supply of adequate seasonal labour on which many farmers rely?

Mr Baker: Yes. The Government have commissioned the Migration Advisory Committee to gather evidence on patterns of EU migration and the role of migration in the wider economy, ahead of our exit from the EU. The MAC's call for evidence on EEA workers in the UK labour market closed on 27 October, but it will continue to engage with organisations to gather further evidence. The Government are clear that the UK is open for business.

Robert Courts: On a similar note to the question from my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton), west Oxfordshire has a successful agricultural economy, particularly, for example, in poultry farming. Businesses in my constituency are looking forward to the opportunities that will open up as we leave the European Union, but what assurances can the Minister give to those who have concerns about labour supply that either they will have access to the workers they need from the European Union, or that there will be training for British equivalents?

Mr Baker: At every step of these negotiations, we will work to ensure the best possible outcome for the British people, including our farming community that plays such a vital role in constituencies such as ours. No decisions have yet been made on our future immigration system. We are considering carefully a range of options and taking into account the needs of different sectors of the economy, including agriculture.

Mary Creagh (Wakefield) (Lab): Farmers in Wakefield, Yorkshire, and across the country face a triple whammy from Brexit: the loss of common agricultural policy subsidies, and changes to the subsidy regime after 2021; tariff and non-tariff barriers; and potentially a flood of cheap imports after any new trade deal. What steps is the Minister taking to mitigate those risks?

Mr Baker: As I said in my original answer, we are protecting total cash payments to farmers throughout this Parliament, and that is the longest guarantee right across the European Union. I do not accept the premise of the hon. Lady's question, and we will continue to support farmers.

Jim Shannon (Strangford) (DUP): With special reference to global exports, will the Minister say what discussions have been held and how the Department has sought to establish trade rights for farming exporters in my constituency, of which there are many?

Mr Baker: The UK farming sector enjoys a reputation for quality that has been built on high animal welfare standards, strong environmental protections, and the dedication of farmers and growers across the United Kingdom. Based on that reputation, we hope that we will flourish in the world market.

Stephen Crabb (Preseli Pembrokeshire) (Con): There has been a lot of focus on the uncertainty in sectors such as banking that have contingency plans for relocation. For many farmers, however, the decision is not one of relocation; it is about whether they stay in the industry at all, and we need good farmers to stay in the business. I urge my hon. Friend to work with colleagues at the Department for Environment, Food and Rural Affairs, and the farming unions, to develop a strong post-Brexit plan for agriculture.

Kwasi Kwarteng (Spelthorne) (Con) rose—

Mr Speaker: Order. The hon. Member for Spelthorne (Kwasi Kwarteng) has been in the House for seven and a half years, and he should not be standing for a supplementary on question 1 when his question is No. 2. It is a point so blindingly obvious that only a very clever person could fail to grasp it.
Mr Baker: As my right hon. Friend the Member for Preseli Pembrokeshire (Stephen Crabb) knows, leaving the European Union means leaving the common agricultural policy. We believe that this is an opportunity to design a new agri-environment system to the benefit of our whole country.

Ben Lake (Ceredigion) (PC): The red meat sector accounts for 45% of Welsh agricultural production by value, and the EU is its nearest and biggest market. Evidence from the Welsh meat marketing board, Hybu Cig Cymru, suggests that under World Trade Organisation rules, tariffs of up to 84% could be levied on cattle carcases, 46% on lamb carcases, and 61% on cuts of lamb. Does the Minister recognise that securing tariff-free access to the EU market is vital for the viability of Wales’s livestock-dependent agriculture sector?

Mr Baker: We recognise that securing tariff-free access is crucial, and it is our policy to seek to do so.

Implementation Period

2. Kwasi Kwarteng (Spelthorne) (Con): What assessment has he made of the potential merits of an implementation period after the UK leaves the EU? [902929]

The Secretary of State for Exiting the European Union (Mr David Davis): As you have noticed, Mr Speaker, the questioner at least is clever, if I am not. There are three main reasons why an implementation period is in the interests of the United Kingdom and the European Union. First, it will allow the United Kingdom Government time to set up any new infrastructure or systems that might be needed to support our new arrangements. Secondly, it will allow European Union Governments to do the same. We should not forget that, while we are already planning for all scenarios, many EU Governments might not put plans in place until the deal is struck. Thirdly, and perhaps most importantly, it will avoid businesses in the United Kingdom and the European Union having to take any decisions before they know the shape of the final deal. I welcome President Tusk’s recommendation that talks on the implementation period should start immediately and should be agreed as soon as possible.

Kwasi Kwarteng: I am grateful to my right hon. Friend for that answer. Does he agree that the implementation period must be finite and that it will not preclude us from engaging in third-party discussions with other countries that would like to do free trade deals with us?

Mr Davis: Yes, I agree with my hon. Friend on both counts. It is important that it should be finite, for a number of reasons. If we tried to go for a very extended implementation period, we would run into all sorts of approval procedure problems involving mixed approvals and so on, which we would not if it was part of the withdrawal agreement. And yes, one of the things we want to achieve in the negotiation—we still have to do the negotiation—is the right to negotiate and sign free trade deals during the course of the implementation period. That does not mean that they would come into force at that point, but it would mean that we could sign them.

Hilary Benn (Leeds Central) (Lab): The Secretary of State told the Select Committee that it was the Government’s intention to conclude a free trade agreement with the EU by March 2019. Last Friday, however, the Environment Secretary told the “Today” programme that ironing out the details of a free trade agreement and moving towards a new relationship would take place during the transition period. Can the right hon. Gentleman confirm that that is the Government’s new position?

Mr Davis: The implementation period will be most valuable if companies know what the final outcome will be, because that will allow them to prepare for it. To that end, we will seek to conclude the substantive portion of the negotiation before then.

Mr Philip Hollobone (Kettering) (Con): There is talk of a two-year implementation or transition period. What is there to prevent that from simply being a two-year extension of our membership of the European Union?

Mr Davis: One reason is that, if we stayed in the European Union completely, we would still be subject to the duty of sincere co-operation, which is what constrains us from carrying out free trade negotiations. That is one reason, at least, why we would not do that.

Tom Brake (Carshalton and Wallington) (LD): Does the Secretary of State believe that the prospect of being granted an implementation or transition period by the European Union has been improved by the Secretary of State saying that the past six months of negotiations have led only to a “statement of intent” by the Government? Would he like to restate that, in fact, the Government are committed to delivering what they have secured in the past six months of negotiations with the European Union?

Mr Davis: As usual, the right hon. Gentleman takes a partial quote and tries to make something of it. I have said, in terms, that the withdrawal agreement will be a treaty, and treaties are binding on this country. That is what we intend. I also said, in the interview to which I think he is referring, that it is our intention, whatever happens, to protect the status of Northern Ireland, both in terms of its being within the United Kingdom and in terms of protecting the status of the border as being invisible as it is now. It would be very good if the right hon. Gentleman did not misrepresent what I have said.

Jeremy Lefroy (Stafford) (Con): Will the negotiations on the implementation period include matters to do with the UK’s membership of the agencies of the European Union?

Mr Davis: I think it is unlikely that they will continue beyond the period of departure in March 2019. That is something that we have accepted from the beginning.

Patrick Grady (Glasgow North) (SNP): How will the implementation period affect the devolved institutions, and will the powers bonanza promised by the Secretary of State for Scotland be devolved before, during or after an implementation period?
Mr Davis: The timetable on that will be decided within the framework that is being discussed now between the First Secretary of State and Mr Mike Russell.

Negotiations

4. Sir Desmond Swayne (New Forest West) (Con): What recent progress he has made in negotiations with the European Commission; and if he will make a statement.

15. Luke Hall (Thornbury and Yate) (Con): What progress the Government are making on entering into trade talks with the EU.

The Secretary of State for Exiting the European Union (Mr David Davis): Last week, we took an important step in the negotiations. As the Prime Minister confirmed, on the morning of Friday 8 December, the Government and the European Commission published a joint report on progress during the first phase of the negotiations. On the basis of this report, and following discussions last week, President Juncker is recommending to the European Council that sufficient progress has been made to move on to the next stage and begin talks on trade with the EU. [092931]

Sir Desmond Swayne: Essential to our ambition for an excellent deal is preparation for no deal, is it not?

Mr Davis: That is one perspective. I will say one thing about no deal: it has become massively less probable after the decisions of last Friday. That is a good thing, because the best deal is a non-tariff, barrier-free arrangement with the European Union. However, my right hon. Friend is quite right that we continue to prepare for all contingencies and will continue to do so until we are certain that we have a good free trade deal with the EU.

Luke Hall: Does my right hon. Friend agree that the trade talks give us the opportunity to build on the successes of the Great British food programme, which enables British producers to increase their exports around the world and showcases some of the country’s finest cider, ales and cheeses made in the south-west?

Mr Davis: My hon. Friend promotes his constituency well. On the more general point, as we exit the European Union, we want to ensure that UK producers have the maximum freedom to trade with and operate within European markets and to let European producers do the same in the United Kingdom. At the same time, leaving the EU provides us with a unique opportunity to support a thriving and self-reliant farming sector that is more competitive, productive and profitable, to protect our precious natural environment for future generations and to deliver on our manifesto commitment to provide stability for farmers as we leave the EU, which my hon. Friend the Member for Aldridge-Brownhills (Wendy Morton) referred to earlier.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I can understand why the Secretary of State is not quite his usual bright-eyed and bushy-tailed self this morning, but will he discuss the suggestion of a longer implementation period when he talks to the European Commission? Will he give the House a reason why an extended implementation period would cause difficulties that we do not understand? What research has he done on that?

Mr Davis: I am surprised that the hon. Gentleman thinks that I am less bright-eyed and bushy-tailed, but that is due to the extension of the single European cold, which is having a transition period of its own in my head. The simple point I made earlier was that if we try to go beyond two years, a number of European national Parliaments have said to their Governments that that would require a mixed procedure, which would involve the Walloon Parliament and 36 other Parliaments around Europe. That is the first reason. The second reason is that we have been given an instruction by 17.5 million British citizens to get on with leaving the European Union, and we have to do that as promptly and expeditiously as we can. Extending the transition period indefinitely would be seen as a breach of that promise.

Keir Starmer (Holborn and St Pancras) (Lab): Whatever comes out of the negotiations, this House voted last night that Parliament should have a meaningful vote, enshrined in law, at the end of the process. That was a humiliating and entirely avoidable defeat for the Government. This House now having spoken, will the Secretary of State give an assurance that the Government will not seek to undermine or overturn last night’s result on Report?

Mr Davis: Let me first make an observation about last night’s result. The effect is to defer the powers available under clause 9 of the European Union (Withdrawal) Bill until after the withdrawal agreement and implementation Bill receives Royal Assent, which means that the timetable will be very compressed. Those who want a smooth and orderly exit from the European Union will hopefully want to see a working statute book, so we will have think about how we respond to last night’s result. We have always taken the House of Commons’ view seriously and will continue to do so.

Keir Starmer: That was not the basis upon which the debate was conducted yesterday, so we will obviously have to come back to that.

The next accident waiting to happen is Government amendment 381, which seeks to put a fixed exit date on the face of the Bill. Rather than repeat last night’s debacle, will the Government commit to dropping that ill-conceived gimmick?

Mr Davis: Unlike the right hon. and learned Gentleman, I do not view votes of this House of Commons as accidents; they are decisions taken by the House. We have respected the decision, as we will do the next one.

Anna Soubry (Broxtowe) (Con): Nobody on the Government Benches who voted against the Government took any pleasure in that—[Interruption.] Nobody from these Benches drank champagne. Let me just nail down that rumour—these are serious matters. I say to the Secretary of State that last night would have been avoidable if the offer of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) had been taken up, but he had no meeting with any Minister or Whip since Monday, so we are where we are.
Turning to the withdrawal and implementation Bill that the Secretary of State mentioned, when will its First Reading happen?

Mr Davis: The first thing I will say to my right hon. Friend is that since Monday there have been meetings between various Back Benchers and Ministers, including me—[Hon. Members: “We can’t hear you.”]

Anna Soubry: On a point of order, Mr Speaker.

Mr Speaker: Order. I will not take points of order in the middle of Question Time, but I gently say to the Secretary of State that I understand his predicament. A soothing medicament may assist him, and I extend my sympathies, but he must face the House because Members are saying that they cannot hear him. I am sure he would not want to mumble deliberately.

Mr Davis: Good Lord, what a terrible thought.

The withdrawal and implementation Bill cannot be brought to the House until we have agreed the withdrawal agreement. The European Union negotiator expects that to be concluded in September or October 2018, which is probably right, so the Bill will be tabled after that date.

Ian C. Lucas (Wrexham) (Lab): Sectors such as the automotive and aerospace sectors have succeeded in the UK because of the close regulatory alignment with our European partners. Is it the Secretary of State’s intention to seek as close alignment as possible in the future, or does he, like some Government Back Benchers, wish to break free from this regulatory regime?

Mr Davis: One of the fundamental components—indeed, possibly the most fundamental component—of the decision of the British people in the referendum was the decision to bring back control to this Parliament. That is what we will do over all sectors. It will then be for Parliament to decide whether it wants to continue to parallel, to have mutual recognition, to have mutual arrangements or to copy European Union law. We will seek to put in place mechanisms that give Parliament maximum freedom, while also allowing maximum access to the single market.

Several hon. Members rose—

Mr Speaker: The right hon. Member for North Shropshire (Mr Paterson) is doing his best to imitate the launch of a rocket. I think we had better hear from the fellow.

Mr Owen Paterson (North Shropshire) (Con): I am very touched, Mr Speaker.

We all wish the Prime Minister the very best of luck today, and we hope she agrees a reciprocal free trade deal with zero tariffs. Does my right hon. Friend the Secretary of State agree that the bar for success is that the deal has to be better than World Trade Organisation terms, the terms on which we trade with huge parts of the rest of the world and with other very large economies? Should the EU be unwise enough not to grant reciprocal free trade with zero tariffs, we will move to WTO terms and the Government will have no fears because they will have taken all the necessary contingency measures.

Mr Davis: Look, the Prime Minister said earlier this week that she still adheres to the view that no deal is better than a bad deal, and my right hon. Friend the Member for North Shropshire (Mr Paterson) has clearly defined what a bad deal would amount to—something worse than WTO terms. He is right in that respect. Of course, as I said earlier, we continue to prepare for all outcomes because, in any negotiation, we can never be 100% sure what the outcome will be.

Several hon. Members rose—

Mr Speaker: I appeal now to colleagues for shorter questions. I want to try to get through the bulk.

Economic Effect

5. Kate Green (Stretford and Urmston) (Lab): What assessment his Department has made of the economic effect of the UK leaving the EU on different sectors of the UK economy.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Our sectoral analysis is made up of a wide mix of qualitative and quantitative analyses examining activity across sectors, regulatory and trade frameworks and the views of stakeholders. Our overall programme of work is comprehensive and is continually updated, but it is not, and never has been, a series of impact assessments.

Kate Green: Last week the Chancellor of the Exchequer told the Treasury Committee that his Department has modelled and analysed a range of potential structures between the UK and the EU and that those analyses inform our negotiating position. Given that Ministers in the Department for Exiting the European Union are responsible for our negotiations, can the Minister say whether he has read those analyses and how they are informing our negotiating position?

Mr Walker: We work very closely with our colleagues in the Treasury and, of course, we make sure that information is shared between us. Our negotiating position is informed, as we have repeatedly said, by a very wide range of analysis, much of which is in the form of advice to Ministers.

Geoffrey Clifton-Brown (The Cotswolds) (Con): Paolo Gentiloni, the Italian Prime Minister, called on the EU this week to give the UK a “tailor-made” trade deal. Is it not precisely that sort of sentiment that would help all sectors if we concluded a trade deal that suited them?

Mr Walker: My hon. Friend raises an interesting point. We need to reflect on the fact that the UK is uniquely aligned among the countries that will be outside the EU; it is a huge market for the EU. There is a real opportunity for the EU to do a trade deal with what will be its biggest export market.

Mr Speaker: Two very brief inquiries. I call Peter Grant.

Peter Grant (Glenrothes) (SNP): Yesterday, in response to a question from the right hon. Member for East Ham (Stephen Timms) querying the Government’s failure to conduct these impact assessments, the Prime Minister said:

“No, it is not the case that no work has been done in looking at that”.—[Official Report, 13 December 2017; Vol. 633, c. 397.]
How does the Minister reconcile that statement with others previously made by the Secretary of State, as it directly contradicts them?

Mr Walker: I do not think it does that in any way at all. We have always been very clear that there is a wide mix of quantitative and qualitative analysis, and we draw on a range of work across government. We have released the sectoral analysis that has been done by our Department to the Select Committee, but of course what we will not do is release information that is market sensitive or that would be prejudicial to our negotiating position.

Peter Grant: May I gently remind the Minister, Mr Speaker, that your ruling is that the Department must provide to the Select Committee any impact assessments that have been done? The question from the right hon. Member for East Ham was not about sectoral analysis; he explicitly used the phrase: “Assessing the impact of leaving the European Union”.—[Official Report, 13 December 2017; Vol. 633, c. 397.]

Are the Government now telling us that “assessing the impact” is different from “an impact assessment”? If so, will the Minister explain the difference?

Mr Walker: My right hon. Friend the Secretary of State made this very clear in his evidence to the Select Committee. The information that has been shared with the Select Committee and is available to all Members of this House in the reading room includes assessments of the impact on the regulatory matters and of the importance of EU trade to different sectors.

Chris Davies (Brecon and Radnorshire) (Con): My constituency is heavily dependent on tourism revenue. Will the Minister inform the House of any recent discussions he has had with this important sector?

Mr Walker: Tourism is a hugely important part of the UK economy, and we have had regular discussions with the tourism sector and with the aviation industry that supports it. It is good to see tourism numbers in the UK hitting record levels this year.

Jenny Chapman (Darlington) (Lab): The Minister’s sectoral analysis might tell him that the agri-food sector in Northern Ireland depends entirely on an open border, which is to be secured on a promise of regulatory alignment. The Environment Secretary has contradicted the Prime Minister, saying that this is a perpetually open and ongoing discussion, thus placing future regulatory alignment in doubt. Is he not inflicting a lifetime of uncertainty on the agri-food sector and on the people of Northern Ireland?

Mr Walker: The short answer to that is no. What we are seeking to do, and what is clearly set out in the joint agreement, is ensure that the first priority for delivering on the soft border in Northern Ireland will be a strong future trade deal between the UK and the EU. Of course it is right that we ensure that where it is necessary to meet our obligations under the Belfast agreement, there will be regulatory alignment, so that we can ensure the continuing free movement of people, goods and animals across that border.

6. Dr Paul Williams (Stockton South) (Lab): What recent discussions he has had with the Secretary of State for Health on the effect on the NHS workforce of the UK leaving the EU. [902933]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): We continue to work closely with the Department of Health. Reports that large numbers of EU nationals are leaving the NHS are untrue. The latest figures from NHS Digital show that there were over 3,000 more EU nationals, including 470 more doctors, working in the NHS in June 2017 than there were before the referendum result. That is an increase of 5.4%. The overall share of the NHS workforce who are EU nationals also increased over that time, from 5% to 5.2%. I believe this proves that EU nationals recognise that we value the enormous contribution they make to the NHS, and I hope the agreement on citizens’ rights reached on 8 December gives them even more certainty.

Dr Williams: I refer Members to my declared interest. Some 1,700 NHS doctors from European economic area countries were recently surveyed by the British Medical Association, and half were considering leaving and one in five had made firm plans to go, many after 20 years. Whatever Ministers say, the message is not reaching our doctors and nurses. What more will the Minister do to convince them to stay?

Mr Baker: Happily, I am married to a doctor and I read that BMA article, which is available online. I recommend to anyone that they read the entire article to put everything into context. Of course, I respect the fact that the hon. Gentleman is a doctor, but I say to all Members that it is incumbent on us all to celebrate the agreement we have reached on citizens’ rights and for every one of us, without exception, to send out the message that we value people from wherever they may come.

Rebecca Pow (Taunton Deane) (Con): Somerset Care in my constituency employs 172 European Union workers, who are vital to the care provided for those who really need it. In fact, the whole healthcare sector in the south-west already struggles to get enough staff. Will the Minister reiterate to those staff the assurance that they will be able to stay? What they really want to know is how they will stay and what they will do.

Mr Baker: As my hon. Friend will know, we have every intention of carrying forward the agreement we have reached to a successful conclusion, and that agreement includes provisions to ensure that the process of registering for settled status is a smooth one.

Horizon 2020/University Admissions

7. Jo Stevens (Cardiff Central) (Lab): What assessment he has made of the effect of the UK leaving the EU on (a) UK participation rates in Horizon 2020 and (b) university admissions. [902934]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): The latest figures from the Commission show that the UK has the second highest number of participations in Horizon 2020
Mr Walker: I refer the hon. Lady to the positive news in the joint statement that was agreed last week, which reflects the fact that we have agreed to work together on these matters. For the length of the Horizon 2020 programme, up to 2020, we will continue to be able to bid into the scheme.

Mr Walker: The figures actually show that the UK’s funding share is holding up extremely well, which shows how competitive we are.

Paul Blomfield (Sheffield Central) (Lab): When we discussed this matter last month, the Minister brushed aside concerns about the falling participation rates of UK researchers in Horizon 2020 projects, but since then, as he will know, the Department for Business, Energy and Industrial Strategy has confirmed that in figures it has published. If participation continues to fall at that rate, by March 2019 we will have dropped by two thirds, which will be a significant blow for UK research. What assessment has the Minister made of those figures and what is he going to do about it?

Mr Walker: The hon. Gentleman says it has fallen, but it has fallen from 15.3% to 14.7%. That is 15% either way. I think the joint statement will reassure people that they can continue to bid and to participate in these schemes and that the UK will continue to benefit from them, and we want to ensure that that is the case. Of course, we also want to explore the potential for a strong future relationship with the EU in this space.

Paul Blomfield: May I suggest two specific things that the Minister can do? Will he confirm that applications that are not fully signed off at the point at which we depart from the EU in March 2019 will be fully supported for their entire duration? Will he also say that he will put participation in framework programme 9 and successor programmes at the very heart of the ambitions for negotiating our future relationship with the EU?

Mr Walker: On the second part of the hon. Gentleman’s question, it is clear from the science and research paper that we published earlier this year that that is our ambition. We want to explore all the potential for working with the EU on these issues. On the first part of his question, I refer him back to last week’s joint declaration.

Negotiations: Confidentiality

8. David Morris (Morecambe and Lunesdale) (Con): What assessment has he made of the potential merits of maintaining appropriate confidentiality in the UK’s negotiations with the EU; and if he will make a statement. [902953]

The Secretary of State for Exiting the European Union (Mr David Davis): The Government are conducting the negotiations while balancing the need for appropriate confidentiality with our commitment to keep Parliament and the public informed as the negotiations unfold. We have been clear that we will be as open and transparent as possible, subject to our not revealing any information that will undermine our negotiations with the European Union.

David Morris: We all value the Government’s being open about the negotiations, when they can be. In that vein, is my right hon. Friend aware of any Opposition Member having asked the EU to be more open about its negotiating process?

Mr Davis: My hon. Friend makes an important point. We always hear criticism of our level of openness, but we never hear criticism of the EU’s. To help us to understand that, I shall quote from the EU’s own factsheet on transparency in trade negotiations:

“A certain level of confidentiality is necessary to protect EU interests and to keep chances for a satisfactory outcome high. When entering into a game, no-one starts by revealing his entire strategy to his counterpart from the outset: this is also the case for the EU.”

That is the approach that the EU is taking, so it is right that we take a similar approach.

Kerry McCarthy (Bristol East) (Lab): We saw with the debacle of the Transatlantic Trade and Investment Partnership that people were very unhappy with the lack of transparency around such negotiations. Does the right hon. Gentleman agree that we need a much more transparent and democratic process not only for approving trade deals, but for scrutinising the negotiations as they are going on?

Mr Davis: I do in principle agree, which is why, when we made the sectoral analyses available to both Select Committees, in the Commons and the Lords, we also set up an arrangement for Members of Parliament—a confidential reading room—so that they could read those briefings. Generally speaking, that is our approach. I report back to this House—if the Prime Minister does not—after every round of negotiations, and that is much more than the European Parliament gets.

Citizens’ Rights

9. Edward Argar (Charnwood) (Con): What progress has been made on maintaining citizens’ rights for (a) UK nationals living in the EU and (b) non-UK EU nationals living in the UK after the UK leaves the EU. [902936]

Mims Davies (Eastleigh) (Con): What progress has been made on maintaining citizens’ rights for (a) UK nationals living in the EU and (b) non-UK EU nationals living in the UK after the UK leaves the EU. [902950]
Mr Walker: My hon. Friend is absolutely right to raise the case of one of her constituents who has made a significant contribution. I think that we all recognise that from our own constituencies. I trust that she joins me in welcoming the cost-free exchange of EU permanent residence documents for the new settled status documents as one part of the agreement that we have reached. None the less, she is right that we must continue to take this issue seriously.

Thangam Debbonaire (Bristol West) (Lab): Unfortunately, the 3 million EU 27 citizens living in this country and the UK citizens living in the EU 27 do not feel that certainty because of the words “nothing is agreed until everything is agreed.”

Will the Government not now commit to putting an amendment down to any of the forthcoming EU Bills to give that certainty?

Mr Walker: The hon. Lady will recognise that certainty in a reciprocal deal has to be delivered through the withdrawal agreement, but we have been very clear from the start of this process that we want to protect the rights of citizens and to make sure that they can continue to live their lives as before, and that is a commitment on which we have delivered through the joint resolution last week.

Rachael Maskell (York Central) (Lab/Co-op): Due to the staffing crisis in the NHS, trusts have spent thousands of pounds recruiting EU citizens to work in the service. In York, they recruited 40 Spanish nurses; only three now remain because of the uncertainty. What assessment has the Minister made of the situation?

Mr Walker: I refer the hon. Lady to the answers that the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker) gave earlier and to some of the facts that show that there are actually more EU citizens working in the NHS today than a year ago. We absolutely have to continue to send the message that we welcome the work that they are doing and that these people make a significant contribution to our country and our NHS.

**Economic Effects: Customs Union**

10. Joan Ryan (Enfield North) (Lab): Whether his Department has made an assessment of the economic effects of not forming a customs union with the EU after the UK has left the EU. [902937]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): In assessing the options for the UK’s future outside the customs union, the Government will be guided by what delivers the greatest economic advantage to the UK and by these three objectives: ensuring that UK-EU trade is as frictionless as possible; avoiding a hard border between Ireland and Northern Ireland; and establishing an independent trade policy.

Joan Ryan: I understand that the Minister said in answer to an earlier question that some quantitative assessment has been undertaken in relation to leaving the customs union, and yet, last week, when he was in front of the Select Committee, the Secretary of State admitted that the Government had undertaken no quantitative assessment. Why is it that every time we ask a question in relation to Brexit, we get a different answer depending on the time, the day, or the Minister? If the Government simply cannot, or will not, say whether leaving the customs union will make Britain poorer, does the Minister not agree—

Mr Speaker: Order. I think we have got the drift of what the right hon. Lady is trying to cover. Questions really need to be brief. Otherwise, a lot of people lower down the Order Paper will not be reached, and it is not fair.

Mr Walker: The Secretary of State emphasised that there was not a formal quantitative impact statement, but was clear that a judgment was made on the basis of a range of evidence. The Government have been conducting an extremely broad overall programme of work on EU exit issues, and will continue to do so.

Martin Vickers (Cleethorpes) (Con): Is the Minister aware of whether the EU Commission is assessing the economic effects on the remaining member states of not reaching a trade deal with the UK?
Mr Walker: I am sure that plenty of analytical work is being done on both sides, but as my hon. Friend knows, the EU Commission does not make all its analysis public.

Stephen Timms (East Ham) (Lab): Surely quantitative assessments of the impact of leaving the EU on sectors of the UK economy should have been basic spade work for the negotiations.

Mr Walker: As the right hon. Gentleman will know, and we debated at great length, a huge amount of sectoral analysis has been done by the Government on these issues. I think that he discussed at length with the Secretary of State in the Select Committee why quantitative impact assessments were not considered appropriate.

Mr Nigel Evans (Ribble Valley) (Con): Surely one of the assessments that the Government have made is how much money we will save by not having to pay to access the customs union, as well as the impact on all sectors of industry in this country of being able to do our own trade deals around the world.

Mr Walker: My hon. Friend raises an interesting question. The legal basis of both assets and liabilities has been analysed in detail and accounted for in the overall settlement. The scope of the settlement is laid out in the joint report.

Paul Flynn (Newport West) (Lab): As the first advisory referendum was conducted entirely in ignorance of the contents of the wine cellars and almost everything else, and was a choice between Operation Fear and Operation Lies, is it not appropriate that we listen to all those independent bodies that have looked at the prospects and decided that no Brexit would be better than any Brexit? Is it not time to think about a second, well-informed confirmation referendum?

Mr Walker: I enjoyed the hon. Gentleman’s speech in our debate on a second referendum the other day, but the answer I give him today is the same one that I gave then. The referendum did not come out of the blue; it came after 30 years of debate in this country. The Government at the time wrote to every household in the country setting out the impact of leaving, and we should respect the decision of the British people.

EU Law

11. Sir Edward Leigh (Gainsborough) (Con): What recent estimate he has made of the value of the UK’s share of EU tangible assets after the UK leaves the EU.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): The Government have agreed a number of important principles with the EU that will apply to how we arrive at valuations in due course. This includes taking account of all relevant assets.

Sir Edward Leigh: The European Union is estimated to have a wine cellar of more than 42,000 bottles and art work worth more than £13 million, some, one might say, metaphorically looted from the capitals of Europe. After we leave the party, will the Minister promise to take back control of our fair share of this art and wine and not leave it to Mr Juncker to enjoy?

Mr Walker: My hon. Friend raises an interesting question. The legal basis of both assets and liabilities has been analysed in detail and accounted for in the overall settlement. The scope of the settlement is laid out in the joint report.

Afonza Khan: The charter of fundamental rights has been a valuable and accessible instrument in protecting human rights. Does the Minister agree with Liberty, Amnesty International and the Public Law Project that “Banishing the Charter from the UK because we have other legal sources of rights would be like banning hammers because spanners can also strike nails”?

Mr Baker: Not incorporating the charter should not affect the substantive rights that individuals already benefit from in the UK, as the charter was never the source of those rights. Those EU fundamental rights are, in any case, applicable only within the scope of EU law. The Government have now published their analysis...
of the charter, which clearly sets out how each substantive right that was reaffirmed in the charter will be reflected in the domestic law of the UK.

**Regulation of Medicines**

13. Daniel Zeichner (Cambridge) (Lab): What progress the Government have made on negotiating with the EU continuing co-operation on the regulation of medicines after the UK leaves the EU. [902941]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): We worked intensively with our European partners to settle the issues in the first phase of negotiations, and as the hon. Gentleman knows, we published a joint report. We now want to focus our efforts on quickly agreeing the detail of a time-limited implementation period to give certainty to people and businesses. As the Secretaries of State for Business and for Health emphasised in their open letter to the Financial Times earlier this year, as we enter the next phase we want to work closely with the European Medicines Agency and international partners in the interests of public health.

Daniel Zeichner: The high costs of not maintaining regulatory alignment for medicines were recently laid bare in evidence to the BEIS Select Committee. If alignment is not achieved, how much would prescription charges have to go up? Is regulatory alignment the Government’s objective? If so, what is the point in all this?

Mr Walker: As part of our exit negotiations, we have been clear that we want to discuss with the EU and member states how best to continue co-operation in the field of medicines regulation in the best interests of businesses, citizens and patients in the UK and the EU. Of course, what we cannot do is prejudge the outcome of those negotiations.

**Aviation Sector**

14. Mrs Pauline Latham (Mid Derbyshire) (Con): What representations the Government have received from the aviation sector on priorities for the negotiations on the UK leaving the EU. [902942]

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): I can confirm to my hon. Friend that the Government are working closely with the aviation sector to ensure that it continues to be a major success story for the UK economy. Ministers and officials in our Department and in the Department for Transport have met widely with representatives of the sector since the referendum in 2016, covering the full spectrum of issues affecting the industry.

Mrs Latham: I thank the Minister for that answer. Given that the European Aviation Safety Agency is very important to the aerospace and aviation industries, when will be discussed in the Brexit negotiations, as all users, such as Rolls-Royce in Derbyshire, want clarity?

Mr Walker: My hon. Friend is absolutely right. The UK has been and is very influential within the EASA, and UK expertise has contributed significantly to the high standards of aviation safety in Europe. It is the Government’s intention to maintain consistently high standards of aviation safety once we have left the EU. We are considering carefully all the implications arising from our exit from the EU, including the question of continued participation in the EASA. This will be a matter for negotiations, and we are looking forward to opening discussions on the future partnership as soon as possible.

Conor McGinn (St Helens North) (Lab): The Commission has made it clear that UK carriers will no longer enjoy flying rights under any agreement to which the EU is party. With one UK airline already talking about relocating, what are the Government doing to protect hundreds of thousands of aviation jobs in the UK?

Mr Walker: As I have said, we are working closely with the aviation industry. We look forward to discussing this issue as part of the future partnership discussions with the EU, and it is not right to rule issues out of the discussions.

**Negotiated Settlement: Referendum**

16. Layla Moran (Oxford West and Abingdon) (LD): If he will make it his policy to require the negotiated settlement on the UK’s exit from the EU to be approved by referendum. [902947]

The Secretary of State for Exiting the European Union (Mr David Davis): Our exit from the EU is a result of a long democratic process. Parliament passed the European Union Referendum Act 2015 and passed the decision on whether to leave or remain to the people of the UK. The referendum saw a clear majority of people vote to leave the EU, and the Government were clear that we would respect the result. Parliament then voted to pass the European Union (Notification of Withdrawal) Act 2017 and to invoke article 50 to begin the formal process of leaving the EU. Parliament is now debating the European Union (Withdrawal) Bill. This has been a long democratic process, and it continues to be one. There will not be a second referendum.

Layla Moran: Recent polls show there is now a clear majority in favour of a referendum on the deal. Is it any wonder that this Government have lost control? Yesterday, Parliament took back control, and now the public want to take back control from the Tory party and the Democratic Unionist party. Will the Minister please explain to my constituents how a referendum on the deal—the first referendum on the facts—would be anti-democratic? Does he not trust them—

Mr Speaker: Order. [Interruption.] Order—when I say that, the hon. Lady must resume her seat. I think we have the thrust of it, but what is required—and I am trying to be helpful to the hon. Lady—in these situations is a question, not the development of an essay theme. I am sorry, but she must learn to appreciate the difference. The question was too long, and that should not happen again.

Mr Davis: I am very tempted to point out the polling results of the Liberal Democrat party recently. The simple point to the hon. Lady is this: no opinion poll comes anywhere near the votes of 17.5 million people, which we will respect.
Steve Double (St Austell and Newquay) (Con): Following events in the Chamber last night, some prominent members of the remain campaign took to Twitter saying that this was another step towards their aim of preventing Brexit. Will the Secretary of State please confirm and reassure the 17.4 million people who voted to leave that this Government are absolutely committed to delivering a positive Brexit for this country?

Mr Davis: Let me start by saying that I do not agree with the people who tweeted that that was the purpose of many of the people who voted last night—I think they did so in good faith. However, my hon. Friend is right. The aim of this Government is to take us out of the European Union. That is what we were instructed to do by the British people and that is what we will do.

Topical Questions

T1. [902953] Danielle Rowley (Midlothian) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Exiting the European Union (Mr David Davis): Last Friday the Prime Minister and I sat down with the President of the European Commission and his chief negotiator to agree that enough progress had been made to move negotiations forward to our future relationship. This deal has involved compromise on both sides, but it adds up to a clear settlement that provides certainty for both the United Kingdom and the European Union. It will allow our country to leave the European Union and grasp the opportunities that exist outside it, while maintaining a close partnership with our European neighbours. Whether one voted leave or remain, I believe that this is a step forward that in the interests of transparency, these very straightforward documents should be in the public domain. Will the Secretary of State publish them?

Mr Davis: The withdrawal agreement is written in the light of article 50, which refers to “taking account of...the future relationship”. If that does not happen, the whole deal falls away.

Danielle Rowley: Last night the Government suffered an embarrassing defeat, but not one Scottish Conservative passed through the Aye Lobby and voted for the amendment. What representations did the Secretary of State have from the Scottish Conservatives on the amendment and votes this week?

Mr Davis: I have to be very careful because things do not always come immediately to a Secretary of State when they arrive at the Department, but as far as I am aware, none.

T2. [902954] Mr Virendra Sharma (Ealing, Southall) (Lab): What plans does the Minister have to write the tobacco products directive into British law? What discussions has he had with his European counterparts about the TPD?

Mr Davis: The withdrawal agreement is written in the light of article 50, which refers to “taking account of...the future relationship”. If that does not happen, the whole deal falls away.

Dr Sarah Wollaston (Totnes) (Con): I recently booked an appointment in the reading room. I thought that it would be like an inner circle of hell, and that I would be trapped in there for days reading the sectoral analysis. Indeed, I was there with the hon. Member for Wakefield (Mary Creagh). In fact, there were only nine pages on health and social care, and the documents relevant to my Select Committee took me less than an hour to read in their entirety. I believe that in the interests of transparency, these very straightforward documents should be in the public domain. Will the Secretary of State publish them?

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): The sectoral analysis has already been made available to the Select Committees, as per the motion of the House, and to all Members of this House through the reading room. The documents contain a range of information, including sector views, some of which would certainly be of great interest to the other side in these negotiations.

T3. [902955] Wera Hobhouse (Bath) (LD): Following yesterday’s debate, will the Secretary of State now publish a timetable of the decision-making process to give Parliament absolute clarity about when the parliamentary vote on the deal will take place?
Mr David Davis: That would all be fine if I could commit the European Commission to doing the same. Unfortunately, it tends to depend on how long the negotiation takes. As the hon. Lady has seen in the last six or seven months, the process has not been entirely predictable.

Robert Courts (Witney) (Con): Does the Minister share my passion for environmental protection, and does he agree that our leaving the European Union gives us the opportunity to go further and faster?

Mr Robin Walker: My hon. Friend is absolutely right. We are a country that has been a world leader on the environment. We must ensure that we take all the opportunities offered by this process, as I believe the Secretary of State for Environment, Food and Rural Affairs is already doing, to strengthen our environmental protections.

Mr Robin Walker: The UK will continue to play an active role internationally, as demonstrated by our ratification of the Paris agreement on climate change. We will continue to uphold our obligations under international environmental treaties such as the Montreal and Gothenburg protocols, the Stockholm convention, the convention on biological diversity and the convention on international trade in endangered species. The new clause itself we will return to in debate.

Michael Tomlinson (Mid Dorset and North Poole) (Con): We are leaving the European Union, the common agricultural policy and the common fisheries policy. As we do so, will my right hon. Friend work closely with the Department for Environment, Food and Rural Affairs to ensure that we support not only the farmers and food producers in our agricultural system, but our environment?

Mr Robin Walker: We will absolutely continue that work, and my hon. Friend is right to link the environment to those issues. The British countryside is a fantastic asset for our entire nation, and we want to continue to support its environment and future productivity.

Mr David Davis: The hon. Lady voted against the Second Reading of the Bill, so she plainly does not want to make progress with it. She perhaps ought to put a dictionary on her Christmas list. An analysis—[Interuption.] Ready? An analysis outlines the components of a problem—the regulatory structure, the markets, the size and so on—and that is what we are doing. An impact assessment is played out in the Whitehall guidelines and involves a forecast.

Mr Nigel Evans (Ribble Valley) (Con): China is a massive market. Does the Secretary of State agree that the open skies policy that was recently agreed with China, increasing the number of flights by 50% to 150 a week, will be a great boost to business throughout this country when it comes to doing trade deals with China?

Mr Baker: My hon. Friend is absolutely right, and he reminds me that according to the European Commission, 90% of world growth will come from outside the EU by 2020. I think he points to the importance of the UK turning outwards to be a global trading nation and enjoying productive, prosperous relationships with the whole world.

Dr Philippa Whitford (Central Ayrshire) (SNP): The Secretary of State claims that the phase 1 agreement gives security to EU nationals, but that is constantly undermined by the reference to a no deal Brexit, which would rip that up. Does he not accept that there is a need to give legal standing to EU citizens’ rights now, rather than putting EU nationals through another year of anxiety?

Geoffrey Clifton-Brown (The Cotswolds) (Con): Does my right hon. Friend agree that our leaving the European Union does not mean to say that we cannot co-operate with it at the very closest level on the environment, to lead the rest of the world?

Mr Robin Walker: My hon. Friend is absolutely right—we are leaving the European Union; we are not leaving Europe. The Prime Minister has been very clear that we will want to work together on shared challenges such as global warming and the environment.

Matt Western (Warwick and Leamington) (Lab): Does the Secretary of State agree that the worst place for someone to be in any negotiation is when they have fixed and declared their own deadline? In tabling amendment 381, the Government have effectively put a gun to their own head.

Mr Baker: The House voted overwhelmingly for the Act of Parliament that triggered article 50. The terms of article 50 were well known to this House, and they involve a fixed duration of two years.

Christine Jardine (Edinburgh West) (LD): Will the Secretary of State tell us what recent discussions he has had with representatives of the UK financial sector about the effect on that sector of the UK’s leaving the single market? There are increasing reports of jobs being transferred to, or often in, other EU countries.
Mr Robin Walker: Since the creation of our Department, we have engaged closely with the financial services industry. We have received representations from a wide variety of stakeholders, including UK Finance, TheCityUK, the Association of Foreign Banks and the Investment Association, as well as many firms in Edinburgh, which, as the hon. Lady knows well, is a regional and global leader in, among others, the asset management and insurance industries. We will continue to work closely with them and colleagues at the Treasury to ensure that our financial services industry thrives.

Wayne David (Caerphilly) (Lab): Will the Government consider negotiating our continued participation in the Erasmus 2 programme after we have left the European Union?

Mr Walker: The Prime Minister said in her Florence speech that we would continue to co-operate in areas of culture and education. I believe that we should explore that in the next phase of the talks.

Karin Smyth (Bristol South) (Lab): Last week’s agreement recognised the rights of Northern Ireland citizens in line with the Good Friday agreement. Will the Government now be seeking the same rights for my constituents in Bristol to work, travel and live in the European Union if they choose?

Mr Walker: The issue of onward movement in the European Union is, of course, one that we wish to continue to press; interestingly, the European Parliament made resolutions yesterday in support of the right of UK nationals to have onward movement in the European Union. We will continue to take that forward into the next phase of negotiations.

Stephen Timms (East Ham) (Lab): On financial services, how hopeful are Ministers that through the negotiations the UK will retain the passport for service providers to trade across the EU?

Mr Walker: We are at the start of negotiations on the future relationships, but we should explore all the possibilities to make sure that the UK and the EU continue to benefit from the fact that we have a global financial services centre here in London and the UK.

Patrick Grady (Glasgow North) (SNP): The Secretary of State for Scotland said that the Government will bring forward amendments to clause 11 of the EUW Bill on Report. Will those amendments be published and shared with the Scottish Government and Welsh Assembly before they are tabled?

Mr Walker: The hon. Gentleman is ingenious in raising the topic of amendments that have not yet been tabled. Of course we will want to ensure that, as we take forward our engagement with the devolved Administrations, the issue of clause 11 is addressed.
Speaker’s Statement

10.33 am

Mr Speaker: In view of the interest in the House, and outside, I wish, as an exception to the general rule, to make a statement about the replies I have sent today to those hon. Members who have written to me recently asking me to grant precedence to matters of privilege, relating to the motion agreed by the House on 1 November covering Brexit impact assessments.

Several Members have sought precedence to raise an alleged contempt in relation to the accounts that Ministers have given over the past 15 months of the sectoral analysis and assessment work undertaken by Departments in preparation for Brexit. I have carefully considered the representations made to me, as well as discussing the issue and the practice of the House with the Clerk of the House. I have to judge only whether to give precedence to a motion on the Floor of the House. Ministers could, with advantage, have been considerably clearer in their statements, particularly in challenging lines of questioning in Select Committees that were based on a genuine misconception. However, from the evidence I have seen to date, I have concluded that the test which I am bound to apply—that there is an arguable case that there has on this matter been a contempt of the House—has not been met in this case.

Other Members have written to me seeking precedence to raise an alleged contempt in relation to the response by the Secretary of State to the motion for an address agreed on 1 November. I have carefully considered the representations made to me, as well as discussing the issue and the practice of the House with the Clerk of the House. I have to judge only whether to give precedence to a motion on the Floor of the House. While it was most regrettable that the Secretary of State—this is a point that I made to him privately, but now state publicly—unilaterally excised some material from the papers he provided, and that it took so long to provide the papers, I also feel bound to pay due attention to the formally recorded view of the Committee that the Secretary of State had complied with the order of 1 November. I have concluded, from the evidence I have seen to date, that the test which I am bound to apply—that there is an arguable case that there has on this matter been a contempt of the House—has not been met in this case.

I do not judge that points of order can arise from these rulings.

Business of the House

10.36 am

Valerie Vaz (Walsall South) (Lab): Will the Leader of the House please update the House on the forthcoming business?

The Leader of the House of Commons (Andrea Leadsom): The business for the week commencing 18 December will be as follows:

Monday 18 December—Consideration in Committee of the Finance Bill (day 1).

Tuesday 19 December—Continuation of consideration in Committee of the Finance Bill (day 2), followed by a motion to approve a statutory instrument relating to terrorism, followed by a motion to approve European documents relating to the Schengen information system.

Wednesday 20 December—Conclusion of consideration in Committee of the European Union (Withdrawal) Bill (day 8).

Thursday 21 December—General debate on Russian interference in UK politics and society, followed by a general debate on matters to be raised before the forthcoming Adjournment. The subjects for these debates were determined by the Backbench Business Committee.

Friday 22 December—The House will not be sitting.

The business for the week commencing 8 January will include:

Monday 8 January—Second Reading of the Taxation (Cross-border Trade) Bill.

Colleagues will also wish to know that remaining stages of the European Union (Withdrawal) Bill will take place on Tuesday 16 and Wednesday 17 January 2018.

Six months have passed since the awful tragedy at Grenfell Tower. Our hearts go out to those who suffered such trauma and have had to rebuild their lives after such terrible loss. This was a truly unimaginable tragedy, and it should never have happened. Today’s memorial service will remember those we lost and will thank the emergency services, the recovery team, the community, public support workers and volunteers, who did everything they could on that terrible night.

Valerie Vaz: I thank the Leader of the House for the future business. I note that she has only gone as far as 8 January, so I am unsure whether the date for the restoration and renewal debate has also been fixed for the 11th, or if it is going to be moved.

They say that good things come in threes. First, tomorrow is Save the Children Christmas jumper day, and I hope we will all be wearing one. Secondly, we congratulate the new Senate member for Alabama, the Democrat Doug Jones, on his victory for politics being about hope, not division. Thirdly, of course, there is the matter of yesterday: we are very pleased that, finally, Parliament has been recognised as being sovereign. The amendment brings back to Parliament a final vote on the deal so that the UK Parliament, just like every other Parliament in the EU, can have a say. It enables us to do our job. Mr Speaker, you may have thought that three was the magic number, but actually it is four. Before anything happens to those MPs who voted to bring
sovereignty back to Parliament, let us remember that there are many Maastricht rebels still sitting in this House.

Following on from the European Union (Withdrawal) Bill, there will be many statutory instruments. The Government made the concession of accepting amendments from the Procedure Committee, so when will the new sifting committee be set up, and will the Leader of the House ensure that its chair comes from the Opposition?

Mr Speaker, I heard what you said about contempt in relation to the sectoral analyses and impact assessments. I have seen the documents, but we almost had to sign a note to say that we would not reveal what is in them. It is unacceptable that democratically elected Members of Parliament cannot share that information with our constituents. The Leader of the House said last week that only 16 Members and Peers had seen them. Any commercial information contained in the documents may or may not be excluded. If they are just matters of fact, I see no reason why Members cannot read the documents in the Library and why they cannot be published. I am not sure if I can reveal this, but many of the documents in the Library and why they cannot be published. I am not sure if I can reveal this, but many of the papers are from the Office for National Statistics, so they are, in any event, in the public domain.

Having undertaken the biggest reorganisation of the NHS, the Government have now embarked on yet another, with sustainability and transformation plans. If that were not enough, they now intend to bring forward regulations to support the setting up of accountable care organisations, an idea imported from the United States. It is not clear how the ACOs will be accountable to the public, what the levels of private sector involvement will be, and what the implications will be for NHS staff. We have had CCGs, STPs and now ACOs—they are becoming the Government’s acronyms of incompetence. The shadow Secretary of State for Health has written to the Leader of the House about the matter, and I ask again: is it the Government’s intention to lay the regulations before the House in the new year, and if so, when? Will the right hon. Lady reassure the House that there will be adequate time for a debate and a vote?

We have a Government who cannot make a decision. We have a new industrial strategy, but no decision on the Swansea tidal lagoon. After a review by one of the Government’s own former Ministers, we had a letter on 20 November signed by 100 businesses. Labour Members have secured Adjournment debates and asked oral and written questions on this matter. The latest response is that a decision will be made in due course. Will the Leader of the House please say what that means, or is it the case that the Government do not want to invest in Labour Wales?

I turn to Opposition day motions and how information is dealt with. It is crucial that the Opposition and Members are able to hold the Government to account. In a written statement on 26 October, the Leader of the House said that the relevant Minister would respond to Opposition day motions in no later than 12 weeks. My hon. Friend the Member for Ashton-under-Lyne (Angela Rayner), the shadow Secretary of State for Education, made a point of order last week. She said she had received a response—a written statement published on the very last day—in relation to the motion on tuition fees, but it had no bearing whatever on the motion, and there was no opportunity for the Opposition to question Ministers. Will the Leader of the House meet me and perhaps discuss with the House authorities how we can take this forward, so that we can have proper information with which to hold the Government to account? That is our job.

I would like to mention the passing away of the former MP Jimmy Hood. He was 69 years old. He was a Member for 28 years and a good servant of the House. He served as Chair of the European Scrutiny Committee, as well as being a member of the Panel of Chairs for 14 years. He served the House well and we honour his memory, just as I join the Leader of the House in honouring the memory of those who died at Grenfell Tower. There was a memorial here yesterday, which was attended by you, Mr Speaker, and today’s memorial service at St Paul’s cathedral will be attended by the Prime Minister and the Leader of the Opposition. But, the shadow Housing Minister has asked the Prime Minister why, after she said that she had “fixed a deadline of three weeks for everybody affected to be found a home nearby”, that has not taken place.

Mr Speaker, as you lit the Hanukkah candle yesterday in Speaker’s House, candles will be lit at St Paul’s any minute now to remember the innocent dead. One minute people were watching television or doing their homework; the next, they were dead. The light has gone out of their lives, but the flame of remembrance will continue to burn as we remember them today and always.

Andrea Leadsom: I share in the hon. Lady’s great tribute to those who suffered so much in the Grenfell tragedy. Our thoughts and prayers are with them today—and all the time. The Government have been committed, all the way through this last terrible six months for the survivors and the families, to ensuring that their needs will be taken care of, and we remain absolutely committed to that.

I join the hon. Lady in paying tribute to Jimmy Hood, who was a good servant to this House. He is remembered with great fondness by Members right across the House.

The hon. Lady asked about the scheduling of the debate on restoration and renewal. She will be aware that a number of representations have been made by Members on both sides of the House, and we are looking into options other than a Thursday for that debate. Colleagues will appreciate that there are a number of priorities to consider when scheduling the business that we take through the House, but we are listening to the representations about the debate, and the future business will continue to be announced in the usual way.

The hon. Lady asked about the sifting committee. I pay tribute to my hon. Friend the Member for Broxbourne (Mr Walker) for the work of the Procedure Committee in proposing amendments. I am happy to confirm that I will propose changes to the Standing Orders once the Bill has received Royal Assent, so that the sifting committee can begin its work as soon as possible.

The hon. Lady asked about viewing the sectoral analysis. She will be aware that the Government have satisfied the terms of the motion. Mr Speaker, you have just confirmed that you have taken advice from the Brexit Committee, which is satisfied that there has been no contempt. On further representations, you have confirmed that that remains your view.
On ACOs—this is an important point—the new care models were proposed by NHS England as part of the five-year forward view to address the three major challenges facing the health and care system: the health and wellbeing gap; the care and quality gap; and the funding and efficiency gap. They are intended to improve integration between different services to ensure that we are delivering joined-up, patient-centred care that is preventive, of high quality and efficient. I think we can all agree that it is vital that we focus on making the most productive use of the resources available to us in the NHS.

On the subject of Opposition day debates, I can only remind the hon. Lady of what I said in my written ministerial statement:

“Where a motion tabled by an opposition party has been approved by the House, the relevant Minister will respond to the resolution of the House by making a statement no more than 12 weeks after the debate. This is to allow thoughtful consideration of the points that have been raised, facilitate collective discussion across Government, especially on cross-cutting issues, and to outline any actions that have been taken.”—[Official Report, 26 October 2017; Vol. 630, c. 12WS.]

In the circumstances mentioned by the hon. Lady, that commitment was fulfilled by my right hon. and hon. Friends.

The hon. Lady asked about the Swansea Bay tidal lagoon, which is a complex and expensive project. Our track record on renewable generation is excellent, with 26% of electricity derived from renewables in the year to September 2016. PwC has confirmed that we are decarbonising faster than any country in the G20, so our resolve to improve renewables and low-carbon electricity sources should not be ignored.

Finally, the hon. Lady raised the question of action taken for the victims of Grenfell Tower. I reiterate that we are working closely with the Royal Borough of Kensington and Chelsea to ensure that we provide all 151 households from Grenfell Tower and Grenfell Walk with a new home in social housing.

Sir Peter Bottomley (Worthing West) (Con): May I suggest to my right hon. Friend that it might be sensible to have another Grenfell United meeting in, say, six months’ time? We will not forget what we heard this week, but I think that a repeat would be a good idea, so that we can hear more from those who have life after death.

In this season of good will, and especially in view of the Foreign Secretary’s visit to Iran, might it be a good idea—perhaps in the first week after the recess—for the relevant Ministers to look through cases of deportations from this country? They might ask whether it is seriously relevant for Foreign Office Ministers to review the case of someone who served his sentence in this country as an adult. It seems to me that some of the cases are so absurd that if we were to expel someone who has lived here for sensible to try to expel someone who has lived here for much of his life, has lost both his hands and feet after a criminal attack, and yet has still not been given leave to remain in this country, where the attack took place.

Ministers might also review the case of someone who, although he has not lived in Ghana for more than a year since he was four, is up for deportation because he served his sentence in this country as an adult. It seems to me that some of the cases are so absurd that if the Foreign Ministers of the countries involved came here, we ought to pay as much attention to them as we hope Iran will to our Foreign Secretary.

Mr Speaker: Order. The only words that were missing from that quite lengthy and absolutely fascinating essay were a request for “a statement or a debate”.

Sir Peter Bottomley: I hope, Mr Speaker, that I said “in the first week after we come back”, rather than “next week”.

Mr Speaker: The hon. Gentleman did refer to the first week back but, if memory serves me correctly, he did not refer to a statement or a debate, which is not beyond his competence. We will leave it there, but let me very gently say to other Members that, although they may wish to imitate the hon. Gentleman in all sorts of ways, they should not seek to imitate him in respect of length today.

Andrea Leadsom: I entirely share my hon. Friend’s desire for a further review of the experiences of Grenfell survivors six months from today. As for his point about deportations, I am not aware of the specific cases that he raised, but I am sure that Foreign Office Ministers will be happy to discuss them with him.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the house for announcing the business for next week. I also thank you, Mr Speaker, for your helpful statement. I fully appreciate the consideration that you have given to this very serious matter.

In the wider context, however, something has to change. Something has to happen. We have to get the House back on an even keel. All these issues and difficulties are down to the simple fact that the Government are not prepared to participate fully in the democratic structures of the House. The current position is clearly unsatisfactory; it is contrary to all our democratic instincts, and it is badly letting down the constituents whom we represent and serve. When Governments avoid votes and diminish the significance of Oppositions to hold them to account, bad stuff happens. Bad stuff happened on this occasion, and it has to stop. Let us return the House to the conditions before the last election and administer a democracy of which we can all be proud, so that all of us in the House can be happy and satisfied.

I know that it is party season, but today feels very much like the morning after the night before. It is almost palpable, as the groggy heads in the Government start to assess last night’s defeat for their mad hard Brexit plans. Hopefully this will be the first step on the brake of sanity, and this madness can be slowed down and put back under democratic control. One of the lessons of last night is that there must be inclusivity. There must be cross-party talks about the Brexit process, and they must involve democratic Assemblies and legislatures throughout the United Kingdom.

May we have a debate on trading standards? I think the feeling in Scotland is that we have been sold a Tory pup. When they were elected, the Scottish Conservative MPs vowed to be a distinctive Scottish voice here, always acting in the Scottish interest. They were Ruth’s Tories, proudly and defiantly taking on the Scottish Government. But what have we found? For six months they have been nothing other than Tory lobby fodder for this chaotic Government, right down to their Whip-distributed cotton socks. Scotland is demanding its money back, but if we cannot get our money back, can we please replace those hon. Gentlemen with real champions for Scotland who will act for its interests in this House of Commons?
Andrea Leadsom: The hon. Gentleman is obviously on good form this morning, although I think he made a bit of a slip-up in calling my colleagues hon. Gentlemen. I am not sure that they are all hon. Gentlemen; I think that there may be an hon. Lady or two among them. I take them extremely seriously, because I think they make an enormous contribution to their constituencies in Scotland. They regularly attend business questions so that they can raise constituency issues, and I encourage them to continue to do so.

The hon. Gentleman did not mention the £2 billion of additional funding for Scotland that was announced by the Chancellor in the recent Budget. That good boost to Scottish finances should enable the Scottish Government not to take the step of making Scotland the most highly taxed part of the United Kingdom.

The hon. Gentleman also raised the question of democracy and listening, and he will be aware that we have had countless opportunities to discuss Brexit in this place. The Government have been listening, and I myself have taken part in a number of discussions about how we can more carefully accommodate views across the House. We have been listening carefully, and I have been delighted to accommodate the efforts of the Procedure Committee to create a sifting committee, which is something that the House is keen to see. We have had eight hours of protected debate on each of the eight days for the Committee of the whole House, and we have exhaustively considered every aspect of this debate. That is certainly not evidence of a failure to communicate or engage. The Government are listening, and we are keen to engage right across the House. That will continue to be the case as we seek to leave the EU with a great deal for all parts of the United Kingdom.

Sir Desmond Swayne (New Forest West) (Con): Before the debate that the Leader of the House has announced, will she reflect on the fact that many of Sir Winston Churchill’s greatest wartime speeches were made from Church House, to which this House had decanted? Does she consider that that might be an appropriate location?

Andrea Leadsom: My right hon. Friend will no doubt want to take part in the debate on restoration and renewal, but it is vital to focus on the key issues. First, we must protect this palace for future generations. It is a world heritage site and receives more than 1 million visitors a year. Its future is paramount, but so too is the need to protect this palace for future generations. It is a world heritage site and receives more than 1 million visitors a year. Its future is paramount, but so too is the need to protect this palace for future generations.

Andrea Leadsom: I am always happy to address representations from the hon. Gentleman, and I will look into the points he has raised.

Jeremy Lefroy (Stafford) (Con): Last week, General Electric announced the loss of 1,000 jobs in my constituency and that of my hon. Friend the Member for Rugby (Mark Pawsey). May I have a statement from the Government on the support that will be provided to those trained and excellent workers to help them find other work and to show how the United Kingdom Government will support power engineering so that it can maintain and grow its position in research, manufacturing and exports?

Andrea Leadsom: I am sorry to hear of those potential job losses, and my hon. Friend is right to support his constituents in this way. The Government regularly meet General Electric to discuss its UK business, and as my hon. Friend will know, in November it announced plans for a global restructuring. A consultation is under way on the redundancies, and the exact timescale is yet to be announced. The Government stand ready to support anyone who loses their job, through the Department for Work and Pensions and its rapid response service.

Diana Johnson (Kingston upon Hull North) (Lab): I want to raise the issue of rough sleeping. My constituents are contacting me, and they are really concerned about the rapid rise in the number of people sleeping on the streets, especially in this bitter weather. I understand that Hull City Council has done it is very best to prevent more than 5,000 cases of homelessness over the past year, but there has still been a 75% increase in rough sleeping. May we take more time on this very concerning issue?

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): Following on from what my colleague has just said, this week two very vulnerable people were driven from Taunton Deane and left in Bridgwater on an excuse that I find utterly unacceptable in the 21st century. Unfortunately, they were left there to fend for themselves for two nights, and an awful tragedy could have occurred.

Ian Mearns (Gateshead) (Lab): I thank the Leader of the House for her statement and for the cordial meeting that she held with me last week to discuss a range of issues. May I ask her again for early notice of any time allocation for the Backbench Business Committee for statutory instrument Committees that sit when the Backbench Business Committee is due to meet?
If it had not been for very kind people, we would have had a nightmare on our hands. May I echo the call from my Labour colleague? May we please have a debate in this House on homeless people and people who are vulnerable in our society? Dumping is not acceptable, and can we please have a debate in Government time to talk about this?

Andrea Leadsom rose—

Mr Speaker: Order. Just before the Leader of the House responds, I listened most attentively to what the hon. Member for Bridgwater and West Somerset (Mr Liddell-Grainger) said, and I say very politely to him that if he is going to refer to another hon. Member’s constituency, it would be a courtesy to notify that Member in advance. That is all I want to say. These matters should be sorted out between colleagues, and this is what I would call a point of courtesy rather than a point of order.

Andrea Leadsom: Thank you, Mr Speaker. Again, I completely share this concern about homelessness and rough sleeping. It is a huge worry across the House, and I encourage all hon. Members to consider combining to hold a Back-Bench debate on the subject. We have implemented the Homelessness Reduction Act 2017, which was introduced by my hon. Friend the Member for Harrow East (Bob Blackman), and we have allocated £550 million to tackle homelessness and rough sleeping through to 2020. We have also provided £10 million of funding to support eight new social impact bond projects, so that we can give targeted support to the most difficult issues around rough sleeping.

Chris Bryant (Rhondda) (Lab): I am grateful that the Leader of the House is thinking of moving the debate on restoration and renewal to a different date, because I think it is better not to have it on a Thursday. May we also have a debate on the Independent Parliamentary Standards Authority, specifically because of the way in which our staff are treated? Most employers in this country now bring forward the December staff salary payment to before Christmas. Why on earth cannot IPSA do that?

Andrea Leadsom: The hon. Gentleman raises a very interesting point, which I would be happy to look into on his behalf.

Tim Loughton (East Worthing and Shoreham) (Con): East Worthing will be much briefer than West Worthing, Mr Speaker, and I draw the House’s attention to my entry in the Register of Members’ Financial Interests. When are we going to have a debate on the parlous state of children’s social care?

Mr Speaker: That was splendidly pithy by the standards of the hon. Gentleman. We are deeply obliged to him.

Andrea Leadsom: My hon. Friend and I share a deep interest in the plight of some of those in their earliest years and the importance of secure early attachment for the mental and emotional wellbeing of children right the way through their lives. I am always happy to support him in his efforts to secure debates in the House on that subject.

Norman Lamb (North Norfolk) (LD): I have details here from Norfolk police of regular occasions on which people are held unlawfully by the police while they are waiting for mental health services to respond. In one such case, someone was detained for 68 hours in police custody. We know that this is happening regularly around the country. Will the Leader of the House arrange for the Health Secretary to make a statement to the House on this? It is surely intolerable that the police should be put into a position where they have to detain people unlawfully because of the failures of the mental health services.

Andrea Leadsom: The Government have shown huge commitment to improving mental health, and many more people are accessing mental health services than ever before. However, I share his concern about his specific points and encourage him to attend Health questions next Tuesday, where he will have the opportunity to question Ministers directly.

Rebecca Pow (Taunton Deane) (Con): Thank you, Mr Speaker, for your words about the courtesies of the House and how we should conduct ourselves.

Last week, I met the Taunton chamber of commerce, most of whose members are small and medium-sized businesses, which are the backbone of Taunton and Wellington’s thriving economy. However, enabling them to grow is important as we move forward, particularly given Brexit, so may we have a debate on how to benefit the SME sector, particularly in the south-west, with specific reference to how to unlock opportunities through the Government’s commendable industrial strategy?

Andrea Leadsom: I totally agree with my hon. Friend. SMEs are the lifeblood of our economy, and they absolutely deserve our praise and support. I congratulate Taunton chamber of commerce on putting in place some incredibly smart measures to support local businesses. Our industrial strategy will support businesses. The retail sector, for example, will benefit from business rates relief, the cutting of £10 billion of red tape and improved access to finance.

Alan Brown (Kilmarnock and Loudoun) (SNP): Parliament uses Servest, so I want to tell the House how that company treated my constituent Mr Iqbal when he worked for them: it deducted break time for breaks he was not allowed to take; it refused to give him annual leave, but then held him to the company rule that he was not allowed to carry any over; and it refused to give him compensation. Will the Leader of the House confirm that she will review how Servest treats its employees and advise how I can get the settlement that my constituent is due?

Andrea Leadsom: As so often, the hon. Gentleman raises a serious constituency issue, and I recommend that he seek an Adjournment debate to address the matter directly with Ministers.
Ms Nusrat Ghani (Wealden) (Con): This evening, I will be joining the Uckfield chamber of commerce, which celebrates small businesses across my constituency and provides opportunity and security, as its Christmas dinner. A thousand jobs have been created every day since 2010, so will the Leader of the House provide time for a debate on the Government’s success in the area of employment?

Andrea Leadsom: I am pleased to join my hon. Friend in welcoming the latest employment figures and in congratulating Uckfield chamber of commerce on its work to support businesses. There are now 325,000 more people in work than at this time last year, and youth unemployment is down 416,000 since 2010. I am sure that the whole House will welcome those figures.

Ian Murray (Edinburgh South) (Lab): Last night, we had the unedifying sight of a Minister frantically coming to the Dispatch Box to give concessions to his own Back-Benchers to push through Government policy. In last week’s debates on the European Union (Withdrawal) Bill, many Government Back Benchers said that clause 11 was deficient, but amendments were not tabled. May we have a statement or debate on when the Government will actually bring forward amendments to clause 11, which Government Members say is deficient?

Andrea Leadsom: The hon. Gentleman will be aware that, as I have just announced, day eight of consideration of the European Union (Withdrawal) Bill will happen next week, so he might want to raise that point then.

Bill Wiggin (North Herefordshire) (Con): The whole House will agree that constituencies ought to be equalised, but our departure from the European Union has ensured that we will be cutting the cost of governance. Will the Leader of the House therefore ensure that any private Member’s Bill coming along that might correct the 650 to 600 debate gets the money resolution it needs?

Andrea Leadsom: I will look closely at my hon. Friend’s suggestion.

Tony Lloyd (Rochdale) (Lab): I declare a registerable interest, having travelled to Bangladesh with Muslim Charity to see the Rohingya refugee camps.

May we have either an early statement or a debate on the situation of the Rohingya? There were a number of debates focusing on the crisis as people fled Myanmar, but the situation now is that 800,000 people are living in camps, including 36,000 unaccompanied children and 30,000 women who have been raped and are now pregnant. They need clean water and help to address the problem of refuse. What will be the ongoing commitment of our Government and of Ministers in the Department for International Development to help to support the Rohingya people?

Andrea Leadsom: I commend the hon. Gentleman for going to see the camps for himself. A number of hon. Members from both sides of the House have been to lend their personal support, for which I commend them all. This is a harrowing case. We have had three debates and urgent questions on this subject since September, and the Government are watching the situation incredibly closely. My right hon. Friend the Secretary of State for International Development has announced a further £12 million of UK aid to help to support the Rohingya people, bringing the UK’s total support to £59 million. I commend the generosity of the British people who have personally contributed millions of pounds to help to support the Rohingya people.

Henry Smith (Crawley) (Con): According to the latest figures from the Office for National Statistics, unemployment in Crawley has reduced by 59% since 2010. May we have a debate early in the new year on continuing economic policies that increase employment and, therefore, revenue for our important public services?

Andrea Leadsom: I am delighted to hear the employment statistics in my hon. Friend’s constituency. He shares my enthusiasm for the fact that employment is up by more than 3 million since 2010. That is more people than ever before with the security of a pay packet to support themselves and their families.

Layla Moran (Oxford West and Abingdon) (LD): The Government’s draft Public Service Ombudsman Bill is of great interest to many of my constituents who are victims of the collapse of the AEA Technology pension scheme, which cannot be investigated due to a loophole in the law. Will the Leader of the House find the time to introduce this important Bill in the new year?

Andrea Leadsom: The hon. Lady will be aware that the Government carefully consider all potential Bills and try to accommodate, as far as possible, those important Bills that could improve the lives of all our constituents. She raises an important issue, which I will certainly look at.

Douglas Ross (Moray) (Con): May we have a debate in the House on the very damaging taxation policies being pursued by the Scottish National party? Those policies will have a huge impact on my Moray constituents and on people across Scotland. Does my right hon. Friend agree that the SNP, as it prepares to announce its Budget in Holyrood today, should stick with its manifesto commitment, on which it went to the Scottish public, not to raise the basic rate of income tax? The SNP should stick with that commitment to prevent Scotland from being the highest taxed part of the United Kingdom.

Andrea Leadsom: My hon. Friend continues to be a champion for his constituents, and he is absolutely right to raise his concerns. Income tax powers were an important part of the Smith commission’s recommendations, and we devolved them through the Scotland Act 2016. It says a lot about the priorities of the Scottish Government that, within just a year of having those powers, they are threatening to renege on a manifesto commitment. As I said earlier, it would be a great shame if Scotland were to become the highest taxed part of the United Kingdom.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Does the Leader of the House understand that 1,300,000 people will be killed this year by road death? This week, legislators from all over the world, including the Speaker of the Moldovan Parliament, came to this Parliament, under the auspices of the Towards Zero Foundation, to
debate how we can tackle road deaths. This is the greatest epidemic of our time. May we have a debate on it in the new year?

Andrea Leadsom: Governments of all colours have tried hard to ensure that we reduce the incidence of road traffic accidents and that we try to provide all drivers with the right know-how to be able to drive safely and carefully. The hon. Gentleman will be aware of forthcoming legislation on driverless vehicles, which presents an opportunity to improve road safety. Nevertheless, he might wish to seek an Adjournment debate, so he can discuss the specific and very good work of the organisation he mentions.

Damien Moore (Southport) (Con): The Government have committed to help at least another 11 million children in the poorest countries to get a decent education by 2020. Will the Leader of the House find time to hold a debate on the importance of investing in education as a means of helping children out of poverty?

Andrea Leadsom: My hon. Friend raises something that the UK Government are extremely proud of: the international aid efforts to support all young people everywhere to get a decent education. I encourage him to seek an Adjournment debate or perhaps a Backbench Business Committee debate, so that all colleagues can celebrate the contribution of the UK’s people towards ensuring education for all.

Judith Cummins (Bradford South) (Lab): An estimated 1,400 people with dementia will be stuck in hospital on Christmas day, so dementia patients will make up a quarter of the people who will spend this Christmas day in hospital because of delays in finding them care. With the Alzheimer’s Society describing wards as being “turned into waiting rooms”, will the Leader of the House grant parliamentary time to discuss this important breakdown in social care?

Andrea Leadsom: We all share in the desire to see as many people as possible receiving the right sort of care and protection, and some company, particularly at Christmas. The issue of loneliness has been raised in this Chamber a great deal. We all know the NHS faces increased pressures at winter time, which is why we have put in place an extra £335 million, on top of the previously announced £100 million, for accident and emergency departments. Nationally, more than 1,000 extra beds have been freed up since February by reducing delays in the transfer of care, and areas continue to work to increase that number to 2,000 to 3,000 extra beds over the winter period. This is really important for those who find themselves in hospital during the Christmas period.

John Lamont (Berwicksire, Roxburgh and Selkirk) (Con): Will the leader of the House join me in congratulating Elaine Monro and Selkirk’s Cancer Research UK committee for launching the Cancer Research UK tartan scarf, which is being produced by Lochcarron Weavers in Selkirk? Elaine and some of her colleagues are in the Gallery today showing off the wonderful scarf. Will the Leader of the House consider arranging for a debate on how the Government work with and support the excellent work of Cancer Research UK and other charities in fighting cancer? Does she agree that it is a very fetching tartan, which will no doubt raise lots of money for Cancer Research UK?

Andrea Leadsom: By sheer coincidence, this morning I decided to wear a pink jacket and when my hon. Friend presented me with this wonderful scarf that Elaine and her colleagues have produced for Cancer Research UK, I was absolutely delighted to find that the chill in this Chamber could be offset by something warm from Scotland. I am delighted with the contribution of all of those volunteers to Cancer Research UK, as I have had family members suffer from this terrible disease. We should all celebrate the excellent work of volunteers.

Mr Speaker: I am most grateful to the Leader of the House. If I had known of the intention of the hon. Gentleman in advance, and of the sartorial plans of the Leader of the House, I would have worn a pink tie, of which I am proud to say I have several. Nevertheless, the important point is that the great cause has been eloquently highlighted, and that is what this place exists to do.

Derek Twigg (Halton) (Lab): Will the Leader of the House ask the Secretary of State for Work and Pensions to come urgently to the House before Christmas to explain why his Department is failing to get a grip on the poor assessments that are taking place for those people applying for the personal independence payment? I have encountered a case just recently involving a lady who has had cancer. The impact of it has been massive; its effects on her have been life-changing. When I challenged the case, I was told that the way it had been assessed had been below standard. It is not acceptable for people to be suffering in this way and denied payment, so will the Leader of the House ask the Secretary of State to come here urgently to make a statement?

Andrea Leadsom: The hon. Gentleman raises a concerning case, and I am sure Ministers would be happy to talk to him about it. If he would like to email me, I will be able to take it up on his behalf. What I would say is that this Government have been committed to helping those with disabilities to take control of their own care and to be able to be funded to meet their own needs. We have been committed to helping them to get into work, which for many people gives them the opportunity to contribute and to have the self-confidence that arises from being able to work within their capability to do so.

Dr Sarah Wollaston (Totnes) (Con): On one of the busiest Saturdays in the run-up to Christmas in Totnes, local activists—including, sadly, the local Labour party—decided to parade with a real coffin and leave a large and carefully constructed model of a coffin at my constituency office. Does the Leader of the House feel, particularly in the light of the report on intimidation in public life that was published yesterday, that the line of decency was overstepped? There are real dangers in using the imagery of death and directing it against individuals to whip up hatred. Most importantly of all, this kind of thing deters really good candidates from applying for positions in public life.
Andrea Leadsom: I was disgusted, as I am sure all right hon. and hon. Members were, to hear about my hon. Friend’s awful experience. I texted her at the time to say that I hoped she was okay. It must have been absolutely terrifying. It was truly horrible and we should all condemn this kind of behaviour and call it out wherever we see it. Lord Bew’s report on the abuse and intimidation of candidates highlights that this is not a simple matter of holding politicians to account. It goes far beyond that and it will be a deterrent to diversity and the high calibre of candidates we want to see standing for Parliament. We all combine in condemning that action against my hon. Friend.

Mr Jim Cunningham (Coventry South) (Lab): Will the Leader of the House arrange for a debate in Government time—do not refer me to an Adjournment debate—on the impact of Brexit on the national health service and the threat of privatisation? Many of my constituents are concerned about that.

Andrea Leadsom: Since September, the Department for Exiting the European Union has answered departmental questions on three occasions, including this morning; DExEU Ministers have made several oral statements and appeared before the Exiting the European Union Committee on three occasions; and you, Mr Speaker, have facilitated four urgent questions, in addition to the many hours you have already spent discussing legislation. We will, of course, be discussing further legislation in great detail over the next 18 months, so I am sure that the hon. Gentleman will have ample opportunity to raise his specific concerns.

Mark Menzies (Fylde) (Con): May we have a debate on dementia in Government time? Many Members have or have had family members who suffer from this wicked and cruel disease. May we have a debate that covers not only the disease itself but the social care system, the health service and all the other aspects of society on which dementia touches? Hopefully, we can then take forward some action.

Andrea Leadsom: My hon. Friend raises an issue that is of concern to us all in our constituencies, and often also in our families. It is certainly an increasing problem in the United Kingdom and around the world and we should discuss it regularly, so I encourage him to seek an Adjournment debate on the subject; I am sure it would be of interest to a great number of Members.

Bob Blackman (Harrow East) (Con): On Tuesday night, Members from all parties attended a Grenfell United meeting to which you, Mr Speaker, gave a deeply emotional and moving introduction. The survivors told stories that are truly harrowing, and the reality is that this Christmas most of them will still be in hotels or bed-and-breakfast accommodation. The people of this country very willingly parted with huge amounts of money to provide compensation for the victims. That money cannot bring their relatives back, but it does not appear even to be reaching the victims, many of whom are still in temporary housing. May we have two statements: first, a statement from my right hon. Friend the Secretary of State for Communities and Local Government on the progress of rehousing the survivors; and secondly, a statement from my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport, whose Department I understand is responsible for the distribution of the money to the victims, on where that money is going and how it is going to reach the victims, so that they can at least live their lives in some degree of comfort?

Andrea Leadsom: My hon. Friend raises some very important points, and I will happily go away and discuss them with our hon. Friends in the Department for Communities and Local Government. What I can say is that the latest figures that I have from the Royal Borough of Kensington and Chelsea are that 142 of the 151 households have accepted an offer of either temporary or permanent accommodation. Ninety-nine of those have moved in: 54 have moved into temporary accommodation and 45 into permanent accommodation. However, as all hon. Members will know and appreciate, we can move only at the pace at which those survivors wish to go. It is a very difficult area and no one wants to force anyone to move at a pace with which they are uncomfortable. I hope that all hon. Members will rest assured, however, that the Government are utterly determined to provide the right level of support and care for all those who are still very much suffering at the present time.

Grahame Morris (Easington) (Lab): Given the ongoing problems with the roll-out, is it possible to have a statement or an urgent debate on universal credit? A family in my constituency were told to claim universal credit and that shut down their child tax credit claim. That was the wrong advice as they had more than two children. They are now being told to claim jobseeker’s allowance, but Her Majesty’s Revenue and Customs will not reinstate, or backdate their child tax credits. Therefore, there are eight people in one household in my constituency living on less than £1.60 a day. Given the UN’s target that no one should be below $2 a day, how does that sit with the Government’s anti-poverty strategy?

Andrea Leadsom: The hon. Gentleman raises a very specific and very concerning constituency matter. It is Department for Work and Pensions oral questions on Monday, and he may well wish to raise that specific point then. On universal credit more generally, what I can say is that the Government really have listened. This is an attempt to ensure that universal credit provides a good solution for people that combines six previous benefits into one, that improves access to childcare and that enables people to keep more of what they earn as
they move into work. We have raised the value of advances so that people can get 100% of their first month’s payment up front if they need to and then return it over 12 months. We have introduced an overlap for those already receiving housing benefit to ensure a smooth transition on to the new system. Really importantly, universal credit is expected to boost employment by 250,000 because it is a simpler system that makes sure that work always pays.

Chris Davies (Brecon and Radnorshire) (Con): Hafod Hardware, a family run high street shop in Rhayader in my constituency, recently received national and international notoriety by taking on the big-hitting supermarkets and producing the ultimate heart-warming Christmas advert for the production cost of just £7. I strongly recommend all Members go online to look at it. May we have a debate on how we promote our independent high street shops, showing that, through sheer imagination and ingenuity, David really can take on Goliath?

Andrea Leadsom: I congratulate Hafod Hardware on its Christmas advert. It just goes to show the kind of entrepreneurial spirit that exists in our small businesses. The Government’s new industrial strategy aims to support businesses such as Hafod Hardware to prosper and to grow, so that they can compete with the likes of Moz the Monster with their own successful Christmas campaigns.

Jeff Smith (Manchester, Withington) (Lab): My constituent Matthew Pounder was served an eviction notice by his letting agent when he chose to switch to a month-by-month contract rather than sign up to a new 12-month tenancy. He later discovered that the letting agents falsely told his landlord that Matthew wanted to leave the property. The agents had attempted to force him out of his home in order to profit from the fees from a new tenancy. May we have a debate on the practice of letting agents such as Philip James in Manchester and how we can strengthen regulations to protect renters?

Andrea Leadsom: The hon. Gentleman rightly raises an important and concerning constituency case. It may be tricky, but he may find a way to raise the issue in DWP questions on Monday. The Government are looking at measures to protect rental tenants better. Draft measures are coming forward and consultations are under way on making sure that people in rented accommodation have protected tenancies and more security about how long they can remain in their homes.

Mims Davies (Eastleigh) (Con): Good news—more people are getting on their bike in my constituency for work or leisure. That is a good thing because my constituency is very clogged up and polluted. However, a number of my constituents have contacted me about shared spaces—the danger of pedestrians mixing with cyclists and the impact on people with impaired vision. Will the Leader of the House find time for a debate on road safety?

Andrea Leadsom: My hon. Friend always speaks up for her constituents; she is particularly concerned about congestion and a big fan of cycling, so I commend her for her question. She is right to raise the sharing of pavements by cyclists and pedestrians, and I encourage her to seek an Adjournment debate so that she can talk about her specific concerns in Eastleigh.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): I was recently contacted by five constituents who have told me that the pain infusions that they need to function are being stopped due to Government cuts to East Riding clinical commissioning group, which does not now have the funds to provide them. Please may we have an urgent debate on funding for CCGs to provide therapeutic care so that those people can continue to have some quality of life?

Andrea Leadsom: NHS funding will be more than half a trillion pounds from 2015 to 2020. We have record funding for the NHS. We have record numbers of doctors and nurses and more midwives. Last year the NHS treated more people than ever before and the Commonwealth Fund has rated the NHS the No.1 health system in the world for the second time in a row. Record funding is available to the NHS. Where the hon. Lady has specific concerns, she should raise them with Ministers, but she should be in no doubt that the Government are committed to a successful NHS that protects our people, and that the people of this country benefit from the amazing work done by all our NHS staff.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will the Leader of the House join me in welcoming ID cards for Britain’s 2.5 million military veterans? They are a clear step in the right direction. Will she provide time for a debate on our veterans and the armed forces covenant?

Andrea Leadsom: My hon. Friend is a strong supporter of veterans, and I commend him for his work as the treasurer of the all-party parliamentary group on the armed forces covenant. As my right hon. Friend the Members for Warley (John Spellar) and I commend him for his work as the treasurer of the all-party parliamentary group on the armed forces covenant. As my right hon. Friend the Prime Minister has said, those who have served deserve recognition of the sacrifice that they have made throughout their lives, and we will continue to make sure that they get it. As part of the Government’s commitment, the veterans card will ensure that the public can recognise our heroes when they seek specific support such as health care, housing and services in the charitable sector.

Kevin Brennan (Cardiff West) (Lab): Tonight Cardiff will be designated officially a music city. I congratulate the Womanby street campaign and others, and my colleagues in Cardiff on that achievement. When my right hon. Friend the Member for Warley (John Spellar) introduces his ten-minute rule Bill on 10 January, will the Leader of the House take a look at it and consider giving it Government time to ensure that other parts of the country can benefit from great music venues?

Andrea Leadsom: Music brings enormous pleasure right across the UK, and I congratulate Cardiff on its opportunity to celebrate musical achievements. I am not completely familiar with the events to which the hon. Gentleman refers, but I wish Cardiff every success. I will of course, as always, look closely at the ten-minute Bill.

Joan Ryan (Enfield North) (Lab): Enfield is fortunate to benefit from three local theatres, the Millfield, the Chickenshed and the Dugdale—indeed, I will be taking my grandchildren to the Millfield to enjoy “Dick Whittington” over the Christmas period. Such local
facilities are very important. May we have an early debate in Government time about how the Government’s deep cuts to local authorities have affected the ability of arts venues to provide these events and programmes for local people?

Andrea Leadsom: First, I congratulate all those who are taking part in those plays at Christmas time. The pantomime is such good fun—my family continues to enjoy it.

Chris Bryant: Oh no it’s not.

Andrea Leadsom: It’s behind you.

It is important that we continue to enjoy and support these local venues, and the arts are a vital part of a thriving UK economy. The right hon. Lady will be pleased to know that there are Department for Digital, Culture, Media and Sport questions next week. She will be able to raise the issue of how this Government continue to support the arts—as we do—and she will have the chance, before Christmas, to put her questions to Ministers.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): May we have a debate on the need for Lucy’s law, which was launched by the all-party parliamentary dog advisory welfare group last week? The law seeks to ban third-party puppy sales and to end the unimaginable horrors of puppy farming. Lucy was a little black spaniel who was puppy-farmed and, sadly, died.

Andrea Leadsom: The hon. Lady is absolutely right to raise this issue. We are a nation of animal lovers. As Department for Environment, Food and Rural Affairs Secretary, I was pleased to change the rules on puppy licensing, and it is incredibly important that we continue to do everything we can to enhance our already very high standards of animal welfare.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): Like many on both sides of the House, I am becoming increasingly concerned about the impact of Government policies on the mental health of my constituents—especially those who are moving on to universal credit over Christmas. May we have a debate in Government time on the impact of Government policy on mental health?

Andrea Leadsom: The hon. Gentleman is right that mental health is a key issue across the United Kingdom. He will be pleased to know that around 1,400 more people are accessing mental health services every day, compared with 2010—that is up 40%. There has been a fivefold increase in the number of people accessing talking therapies since 2010, and spending on mental health has increased to a record £11.6 billion. There is a long way to go, and I was delighted to see the Government’s launch of the Green Paper on mental health only last week. I am sure the hon. Gentleman will want to take part in that discussion and to provide his input into it.

Jim Shannon (Strangford) (DUP): This week, the humanitarian organisation the Enough Project published a detailed report outlining the Government of Sudan’s continued oppression of religious minorities and support for extremist groups. The report highlighted that, despite the Sudan Government’s claims of improving human rights, there is an ongoing campaign of violent state-led attacks against Christians, Sufi Muslims and other minority groups. Will the Leader of the House agree to a statement on this matter?

Andrea Leadsom: The hon. Gentleman raises a very serious issue about human rights and particularly the rights of different religious groups. As ever, I encourage him to seek an Adjournment debate on the important points he raises.

Paul Flynn (Newport West) (Lab): There is hurt and bewilderment among many disabled people about the extraordinary statement by the Chancellor of the Exchequer that one reason for Britain’s low productivity figures is the excessive number of disabled people in the workforce. That is the reverse of the truth, because every disabled person who comes from benefits into full-time work improves our productivity figures. When can we have a debate to celebrate the great work of all Governments and the European Union in increasing participation rates for disabled people to get into the workforce, and to thank those people for their heroic contributions to our economy?

Andrea Leadsom: The hon. Gentleman raises a really important point about the contribution disabled people make to our economy. I am absolutely delighted to thank and praise them from the Dispatch Box for the support they and encouraging them.

Tom Brake (Carshalton and Wallington) (LD): Following yesterday’s victory in Parliament on the meaningful vote, will the Leader of the House make time available for a DEEPU Minister to come to the House in advance of that meaningful vote to take questions on the important issues that they will have conducted on the impact of Brexit according to the deal that will have been secured with the European Union?

Andrea Leadsom: As ever, the right hon. Gentleman uses terms that I personally would not use. There will be ample opportunities for him to raise any questions that he has about the UK’s arrangements as we seek to leave the EU with the best possible deal for all of the United Kingdom and for our EU friends and neighbours. That is what the Government are determined to do to fulfil the result of the referendum that took place last year and took the very clear decision that the UK will be leaving the European Union.

Alex Sobel (Leeds North West) (Lab/Co-op): Last week, I attended an event as chair of the all-party parliamentary group on social enterprise with Chris White, the former Member for Warwick and Leamington. I mentioned this to the current MP, my hon. Friend the Member for Warwick and Leamington (Matt Western), earlier. Chris’s report, “Our Money, Our Future” reviews the Public Services (Social Value) Act 2012, which he took through Parliament. It recommended extending,
strengthening and embedding social value, including extending it to this place. May I ask the Leader of the House for time to debate the implementation of the Act, Chris’s review, and social value on the parliamentary estate?

Andrea Leadsom: That sounds like a very interesting report. I have not seen it myself, but the hon. Gentleman is right to raise it. We do need to look at ways to ensure that we get the best value for the public purse. I encourage him, in the first instance, to seek an Adjournment debate.

Justin Madders (Ellesmere Port and Neston) (Lab): I recently received notification from the Post Office that its branch in Sutton Way in my constituency is closing. I understand that it was aware that the branch was closing for almost a year, but it gave me and my constituents only three weeks’ notice of this. To rub salt into the wound, it also asked me if I had any idea who might be interested in taking over the branch. This is no way to run a business, let alone a public service that many people rely on. May we have a debate on the competence and accountability of those running the Post Office?

Andrea Leadsom: I am genuinely very sorry to hear that. I think it is unusual. Usually with post office closures, all Members receive very good prior notice, including specific requests for suggestions on who might be interested in taking over. Quite often, we as MPs are in a position to suggest such individuals. The hon. Gentleman may be interested to know that next Wednesday there is a debate on post office closures in Westminster Hall. He may wish to take part in that.

Chris Elmore (Ogmore) (Lab): One in 10 fathers suffer with post-natal depression, and the suicide rate rapidly increases in men between the ages of 30 and 43 after having a child. My constituent Mark Williams from Ogmore Vale has been campaigning on these subjects, and he is an inspirational speaker. Will the Leader of the House find time for a Government debate to bring new light on to this area of mental health, which has a real impact on fathers right across the UK?

Andrea Leadsom: I am absolutely sympathetic to the hon. Gentleman’s point. In fact, I may even have heard a speech by the gentleman he mentions. I care passionately about the subject of pre-natal, peri-natal and post-natal depression of mothers and fathers, which can have an extremely profound impact on the future long-term mental health of their child. I positively encourage the hon. Gentleman to seek a Back-Bench debate on this subject, because there are Members right across the House who take a big interest in early years.

Chris Stephens (Glasgow South West) (SNP): The Leader of the House will be aware of industrial action by driving examiners this week and the concerns of many that the management at the Driver and Vehicle Standards Agency are refusing to negotiate to resolve the dispute. May we have a debate or a statement to allow Members of this House to hold DVSA management to account and ask the Department of Transport to intervene in this matter?

Andrea Leadsom: The hon. Gentleman may well wish to take that up directly with Department for Transport Ministers. He will recognise that a debate on the subject would be very helpful to try to move things forward if good ideas are suggested by Members of Parliament. Nevertheless, it would be for Ministers to intervene if intervention is necessary.

Ben Lake (Ceredigion) (PC): The people of eastern Ghouta, in Syria, were subject to horrific sarin nerve agent attacks in 2013 that killed 1,700 people. Since then, around 400,000 civilians have suffered constant artillery bombardment, a blockade of food and medical aid and the blocking of medical evacuations. May I ask for a statement from the Foreign Secretary on the representations that he is making to the Syrian regime to help the people of eastern Ghouta and on what further efforts can be taken to secure much-needed peace in the area?

Andrea Leadsom: The Government have shown our very strong commitment to sharing in finding a solution to the problems of Syria and providing aid to alleviate the suffering of so many who have been displaced or driven away altogether into neighbouring countries. I think we can be proud of our contribution, but the hon. Gentleman may well wish to raise the matter in an Adjournment debate, so that he can speak directly to Ministers.
Violence in Rakhine State

FOREIGN AFFAIRS COMMITTEE

Select Committee statement

Mr Speaker: We now come to the Select Committee statement. The Chair of the Foreign Affairs Committee, the hon. Member for Tonbridge and Malling (Tom Tugendhat), will speak on his subject for up to 10 minutes, during which time no interventions may be taken. At the conclusion of his statement, I will call Members to put questions on the subject of the statement and I shall, of course, call the hon. Gentleman to respond to those questions in turn. Members can expect to be called only once. Interventions should be questions, and should be brief. Those on the Front Bench may take part in questioning.

11.46 am

Tom Tugendhat (Tonbridge and Malling) (Con): It is a great privilege and a huge pleasure to be able to give the first Select Committee statement in this Parliament. We are delegated by the House to investigate foreign affairs and we are reporting back to the House on our findings.

It is worth noting that the Foreign Affairs Committee chose to publish its first report of this Parliament on the ethnic cleansing of the Rohingya population of northern Rakhine, in Burma, having heard some of the most harrowing testimony from witnesses. The situation has rightly drawn the attention of Members from all parts of the House. The hon. Members for City of Durham (Dr Blackman-Woods), for Newport West (Paul Flynn), for Bolton South East (Yasmin Qureshi), for Ealing, Southall (Mr Sharma), for Wolverhampton South West (Eleanor Smith), for Tooting (Dr Allin-Khan) and for Cardiff Central (Jo Stevens), as well as my hon. Friends the Members for Kettering (Mr Hollobone) and for Colchester (Will Quince), have taken a very personal interest in the issue. I pay particular tribute to the hon. Members for City of London and Westminster (Mark Field) has rightly drawn the attention of Members from all parts. The hon. Members for City of London and Westminster (Mark Field) has rightly drawn the attention of Members from all parts. The hon. Members for City of London and Westminster (Mark Field) has rightly drawn the attention of Members from all parts.

Because of the testimony that the Committee received, we were able to be clear that the violence against the Rohingya is ethnic cleansing, and that it may also constitute crimes against humanity and even genocide. We are pleased that the Government’s initial equivocation about the term has been clarified and that the Minister for Asia and the Pacific, the right hon. Member for Cities of London and Westminster (Mark Field) has been very clear that the almost 650,000 people who have crossed the border into Bangladesh since August were driven out by the Burmese authorities. The displacement of that great number is a compelling sign of a desperate population, and the traumatic experiences that they have described are reminiscent of infamous atrocities elsewhere.

In the face of such abuse, we must ask what the 2005 UN resolution on the responsibility to protect, which we agreed, requires of us. The first requirement must surely be that the UK Government conduct their own legal analysis. Such analysis from a permanent member of the United Nations Security Council — and, indeed, the penholder on Burma — would help to shape international understanding of the issue and structure a global response. That is needed today more than ever.

Research by Médecins sans Frontières found that at least 9,000 Rohingya died in Myanmar—or Burma—between 25 August and 24 September. The charity states that “in the most conservative estimations” at least 6,700 of those deaths, including those of at least 730 children under the age of five, were caused by violence. That suggests that the operation conducted by the Burmese military was brutal enough to raise the possibility of taking a case to the International Criminal Court for crimes against humanity. Along with such brutality, we heard reports of sexual violence being used, and we welcome the mission of Special Representative of the Secretary-General, Pramila Patten, who is expected to be in Naypyidaw and Yangon this week. We should welcome, too, the actions taken by the United Nations Human Rights Council, in holding a special session to hear about the degradation and treatment of minorities in Burma, and the words of Zeid Ra’ad al-Hussein: that we could be witnessing a genocide. Those build on the achievements of our own representatives in the UN to secure a very strong presidential statement last month.

Burma’s response to this growing body of evidence— or, indeed, evidence of bodies — has been exceptionally poor. Setting up another commission when previous recommendations have been ignored is not good enough. The Annan commission was clear, and we call for its recommendations to be implemented in full. That is why the Committee calls on the UK to consider sanctions on individuals connected with the military regime and particularly on the commander-in-chief, General Min Aung Hlaing. Although sanctions are an imperfect tool, it is wrong for the UK to continue engagement with Burma with no demonstration of censure; General Min Aung Hlaing’s responsibility in particular cannot be ignored.

The UK, of course, bears some responsibility for seeking to turn international outrage into tangible action, and improvements on the ground should not be hamstrung by China’s veto in the Security Council; they should focus on regional forums and allies to achieve results. In seeking regional co-operation, the Committee recognised, supported and welcomed the efforts of my right hon. Friend the Minister, whom I am glad to see in his place on the Treasury Bench.

The Committee noted with sadness the echoing silence of State Counsellor Aung San Suu Kyi. Although she is clearly constrained by a lack of control over the military and by strong domestic public opinion, to see a voice for freedom, democracy and the rule of law choose not to speak out in the face of such crimes does more than allow them to continue; it suggests acquiescence at some level and a failure of leadership at every level. She remains a better option than the alternatives, perhaps, and perhaps the only option for the future, but she is now deeply compromised.

Finally, Bangladesh deserves praise and material support for accommodating well over half a million new refugees this year. The British Government also deserve credit for their quick and generous provision of aid. Although return must be the ambition, we noted that that can happen only when humanitarian access is possible to Rakhine state. We are also concerned that the camps in Bangladesh should not become permanent, leaving people exposed to radicalisation and stoking up problems for the future.
As the Committee noted, this crisis was sadly predictable—indeed, the Foreign Office did predict it. But the Foreign Office’s own warning system did not raise enough alarm; in recent years, there was too much focus from the United Kingdom and others on supporting the democratic transition and not enough on atrocity prevention, as was set out by former Foreign Secretary Lord Hague during his term of office.

A tough and unwelcome message to the Burmese Government about the Rohingya was not delivered early enough, although I welcome the fact that the Minister did send such a message recently. He was commendably candid about the Foreign Office’s need to reflect, and it must now learn lessons about atrocity prevention from the crisis, to apply not only in Burma but elsewhere.

Kerry McCarthy (Bristol East) (Lab): Mr Speaker, I know of your long-standing interest in this issue, which you demonstrated when you were on the Back Benches.

The report is excellent. As it mentions, some of the refugees may be very reluctant to return to Burma given the treatment they have received. To what extent did the Foreign Affairs Committee consider alternatives to either Burma or Bangladesh? Did it feel that there was support from within the Rohingya community for being moved to somewhere else completely?

Tom Tugendhat: The Committee did look at alternatives, but it was very focused on the ability to return to Burma; we did not seek, of course, to allow the Burmese Government an opt-out through which they could permanently displace these people and force others to take responsibility for their brutality. Although the Committee was absolutely aware that return could happen only when it was properly supervised and when humanitarian access to Rakhine state was possible, we did not emphasise the point about third party displacement.

Mrs Pauline Latham (Mid Derbyshire) (Con): Does my hon. and gallant Friend agree that one of the main things that could be done would be to send the United Nations special envoy to Rakhine state to help those people who are still there and get back those who are displaced? Would that not be a really good move on the part of the UN?

Tom Tugendhat: My hon. Friend is absolutely right and I welcome her support on this. We looked at the UN action, and in welcoming the Annan commission we welcome that particular suggestion as well.

Mr Speaker: The hon. Gentleman is deeply grateful to his hon. Friend the Member for Mid Derbyshire (Mrs Latham) that, by the form of her reference to him, she promoted him to the status of a military general.

Ian Murray (Edinburgh South) (Lab): I pay tribute to my right hon. Friend the Chair of the Foreign Affairs Committee for the way in which he has chaired the Committee in his first few months in that position, and, indeed, the Minister for the candid way in which he presented the case of the UK Government when he gave evidence to the Committee.

Does my hon. Friend the Chair of the Committee agree that this again shows the bluntness of the UN, and shows that it does not have enough tools available to it to deal with these kinds of international crises?

Tom Tugendhat: My hon. Friend—I do refer to him as a friend—and fellow Committee member speaks very clearly and identifies his own views on the UN. We have not yet looked into this subject, and as I am responding on a particular report it would not be appropriate for me to stray into the structure of the UN. However, I urge the Minister to work through the UN system to make sure that reports such as that of the Annan commission are fully implemented, which it will be remembered from our time in the Committee we all supported.

Ms Nusrat Ghani (Wealden) (Con): My right hon. Friend will recall that the evidence we took on the awful nature of the human rights abuses and humanitarian crisis was in stark contrast to the letter sent to the Committee by the Burmese embassy, which contradicted all the evidence we took. Does my right hon. Friend—[Interruption]—or, rather, my hon. Friend, agree that the underlying problem is that the Burmese authorities and Aung San Suu Kyi have denied citizenship to the Rohingya, and we and our international partners must push them to make sure the Rohingya are given the right to remain in their homeland?

Tom Tugendhat: As is being evidenced this morning, it is a pleasure to chair this Committee, with such experts and intelligent counsellors; his cup runneth over.

Tom Tugendhat: Today is indeed my lucky day—Christmas and Easter have come at once—but despite those promotions I will address my hon. Friend’s question, because it is extremely important. She is of course right to say that the refusal of citizenship to this population has been one of the great abuses. Although they were citizens, certainly in the 1950s and ‘60s, their citizenship was effectively removed from them by the 1980s, and the Annan commission is very clear that citizenship must be restored. That is one of the reasons we were so clear—as my hon. Friend will remember from our discussions—in insisting that the Annan commission recommendations are implemented in full.

Ann Clwyd (Cynon Valley) (Lab): I, too, congratulate the Chair of the Foreign Affairs Committee; it has been a very interesting Committee to serve on, and I thank him for the way in which he has conducted this inquiry. I want to ask him in particular about the need to find a way to open access to Rakhine province, including in respect of any process of repatriation, because we must be very concerned about the lack of access and scrutiny, and the news of the arrests of two Reuters journalists believed to be attempting to report on the situation there. The UK Government and others in the international community must find a way to ensure that there is independent monitoring and oversight of what is happening in Rakhine province, especially in connection with repatriation.

Tom Tugendhat: I pay tribute to my right hon. Friend. As is being evidenced this morning, it is a pleasure to chair this Committee, with such experts and intelligent counsellors; his cup runneth over.
and supportive friends serving on it. My right hon. Friend is of course right that an essential part of the Government’s duty now is to make sure access is possible. I welcome the efforts of my right hon. Friend the Minister in seeking that when he has been working with the Association of Southeast Asian Nations and other regional organisations. I also welcome the support he has given to the United Nations, and we of course discussed in Committee making sure the UN had that access.

Mr Philip Hollobone (Kettering) (Con): I visited the Kutupalong Rohingya refugee camp near Cox’s Bazar last month. It is now equivalent in size to the city of Bristol, but it has no hospital and has inadequate roads and very few schools. It was described by the United Nations High Commissioner for Refugees as the most congested camp it had experienced anywhere in the world in the past 15 years. Page 32 of my hon. Friend’s report highlights the fact that ethnic cleansing has not stopped for the past 15 years. I agree that the need now is for genuine humanitarian assistance, not just from the Department for International Development but by mobilising the whole world to make sure we are treating the situation with the gravity it deserves.

Tom Tugendhat: My hon. Friend makes an excellent point. I welcome his call for ethnic cleansing to be defined as a separate crime. The approximately 550,000 people in Kutupalong demonstrate that this is not only a crime of the past, but that it is very much having an effect in the present. I welcome his efforts and personal courage in going there, which has enabled him to report back to the House.

Tony Lloyd (Rochdale) (Lab): I returned from Cox’s Bazar on Monday. I commend what is generally an excellent report: every word of it has value. The real issue concerns the return of refugees to Myanmar-Burma. That is not possible under present circumstances. Does the hon. Gentleman agree that the need now is for genuine humanitarian assistance, not just from the Department for International Development but by mobilising the whole world to make sure we are treating the situation with the gravity it deserves?

Tom Tugendhat: I hear the hon. Gentleman’s comments on a regional response, because that is an essential part of this. The work of Her Majesty’s Government in putting up money initially will only go so far and it is unreasonable to expect that they could bear the entire burden. The work the Minister is doing regionally should be welcomed. He has been visiting partners and neighbours to make sure there is a regional response to what is, frankly, a regional problem.

Paul Flynn (Newport West) (Lab): Visiting the camp was an overwhelming and heartbreaking experience. I believe that, having met the refugees who have suffered the worst experiences life has to offer, all of us have a sense of duty to make sure they do not become invisible. I congratulate the Chairman on a very good report. It is realistic and does not offer any facile solutions. May I suggest that the only long-term answer to their problems—certainly more aid is needed; the situation is pitiful at the moment even though a great deal is being done—is for them to return to their lands in Myanmar? The only way to do that is to give an absolutely cast-iron guarantee of having armed forces with them. The British Army has a fine record in operations of this kind.

Tom Tugendhat: The hon. Gentleman—my hon. Friend; he has been a dear friend for many years—makes some very good points. I certainly welcome his call that we must support the returning refugees. The Committee makes the clear case for humanitarian access being essential before any refugees can return. We were very cautious, for various historical legacy reasons and the misunderstandings that could arise, about recommending that Her Majesty’s Government send British soldiers. However, we raised with the Minister—he was extremely receptive to it—the idea of regional support, whether under the Association of Southeast Asian Nations or the United Nations, and some sort of alert force or even support force to be there with the refugees as they return.

Tim Loughton (East Worthing and Shoreham) (Con): I congratulate my plainly hon. Friend on this excellent report. Further to that question, Myanmar is not a member of the Commonwealth, but does he think there is a role for Commonwealth countries, not least those close to Myanmar, to advise, help and support, so that these instances do not happen in the future and that we can get over the current tragedy soon?

Tom Tugendhat: I am sure my hon. Friend joins me in the sadness we feel that Burma is not currently able to seek re-admittance to the Commonwealth because of these very tragic events that, sadly, she has done nothing to prevent. There is of course a role for the Commonwealth in the region and more widely. We should also welcome the words of Archbishop Tutu in condemning the silence of the State Counsellor. Frankly, it is only voices like his that carry a weight that is equal to hers.

Helen Goodman (Bishop Auckland) (Lab): We welcome the report from the Foreign Affairs Committee and agree with the conclusion that any repatriation must be safe and voluntary. Does the hon. Gentleman agree that, to ensure that there is no repatriation that does not meet these conditions, the United Nations High Commissioner for Refugees must have access on both sides of the border?

Tom Tugendhat: The hon. Lady makes an extremely valid point. Of course, we called in this report for absolute access in various areas, and for the special representative of the Secretary-General—Special Representative Patten—to have access, as she is expected to do this week, to the capital. But that needs to go further. The hon. Lady is absolutely right that the representatives of the UN High Commissioner for Refugees need access on the ground, not just with the Government.

Hannah Bardell (Livingston) (SNP): I commend the hon. Gentleman and his Committee for the excellent report. My Scottish National party colleagues and I agree with the Committee that the UK bears significant responsibility for the international failure effectively to respond to the crisis, considering the UK’s role on the UN Security Council. Does he agree that the UK
Tom Tugendhat: I not only agree with the hon. Lady; I welcome the fact that the Government have already done so.

Mr Speaker: I think that I speak for the House in thanking the hon. Gentleman and his Committee very warmly for their ongoing work, for this report, for the hon. Gentleman’s statement to the House today and for his courteous and comprehensive responses to questions.

Joan Ryan (Enfield North) (Lab): On a point of order, Mr Speaker. I fear that I inadvertently misled the House during business questions, when I suggested that right hon. and hon. Members could enjoy the pantomime of “Dick Whittington” at the Millfield theatre this Christmas. In fact, that was the last pantomime that I saw there. If hon. Members wish to attend the Millfield theatre this year, it will be to enjoy “Jack and the Beanstalk”.

Mr Speaker: I am grateful to the right hon. Lady for that extremely helpful clarification. Moreover, in the process of offering that clarification to the House, the right hon. Lady has served further to highlight the important work done by, and the continued pleasure brought about by, the theatre, which I believe to be in her constituency.

Joan Ryan: The theatre is in my borough; it serves my constituency.

Mr Speaker: We now know that the important work of this theatre is in the London Borough of Enfield, for which I think both the theatre and the borough will be eternally grateful.
Backbench Business

Pension Equality for Women

[Relevant document: e-petition 200088, entitled "Make fair transitional state pension arrangements for 1950’s women"].

12.8 pm

Grahame Morris (Easington) (Lab): I beg to move,

That this House calls on the Government to publish proposals to provide a non-means tested bridging solution for all women born on or after 6 April 1950 who are affected by changes to the State Pension age in the 1995 and 2011 Pension Acts.

I thank the Backbench Business Committee for granting this debate, and the sponsors who have supported me in the application for it. I also thank the WASPI campaign nationally, which is well represented in the Gallery. Its members are involved in protests and demonstrations outside the Palace in support of their legitimate claims.

Ian Murray (Edinburgh South) (Lab): I pay tribute to my hon. Friend for all his work on the issue. As he says, a lot of WASPI campaigners are listening to the debate in the Gallery, so does he think that this would be an opportune time for the Minister to apologise for the crass remark he made in Westminster Hall that WASPI women could get modern apprenticeships?

Grahame Morris: I will come on to the Minister’s remarks in that debate, but if he did want to take the opportunity, I am sure that the WASPI women would welcome it.

What we and the campaign are asking for, as set out in the motion, is simple: a non-means-tested bridging pension. That would mean that some 3.8 million women would not have to live in poverty. The pension would be paid as a percentage of the full state pension, with compensation offered over the period between the age of 60 and the new state pension age.

Norman Lamb (North Norfolk) (LD): I congratulate the hon. Gentleman on securing the debate. We all agree that this injustice needs to be dealt with, but should we not also consider how that could be funded? I have discovered from the House of Commons Library that bringing forward the proposed increase in the pension age from 67 to 68 from 2037 to 2036 would in itself raise approximately £7.5 billion, which would go a considerable way towards helping these women to address the injustice that they face.

Grahame Morris: I am grateful for that intervention. I shall come to some of the proposals that have been made and how the injustice might be addressed.

Joan Ryan (Enfield North) (Lab): I, too, congratulate my hon. Friend on securing the debate. Does he agree that it is shocking and unacceptable that the WASPI campaigners have had to work so tirelessly to get absolutely no response from the Government?

Grahame Morris: I completely agree. We have debated this issue many times—perhaps 29 or 30—in the Chamber and Westminster Hall, and we have been incredibly active over the past few months. Early-day motion 63 has 195 signatures, while an e-petition that was laid before Parliament attracted 109,000 signatures, and that number continues to grow. A Westminster Hall debate was so oversubscribed that some Members were sitting on the window ledges.

Derek Twigg (Halton) (Lab): I congratulate my hon. Friend on securing the debate and his tireless work in supporting this cause. I certainly support the call for fair transitional state pension arrangements for all WASPI women, but a number of options have been suggested. Will my hon. Friend be dealing with those in his speech?

Grahame Morris: Absolutely. There are a number of options. There are things that the Minister could do immediately to mitigate and alleviate the worst hardship that is being suffered. This is a matter of concern throughout the House, as is demonstrated by the number of signatures to the early-day motion, and representations have been made from every UK nation and region, as well as every political party in the House.

Mr George Howarth (Knowsley) (Lab): My hon. Friend is doing a good job in making his case, but may I put to him the words of a retired teacher from Knowsley who was born in July 1954? She says: “The boy I sat next to in school was born in November 1953. We left school at the same time and began to pay our NI and income tax at the same time but he receives his state pension on his 65th birthday. I have to wait 10 months beyond my 65th birthday. How can that be fair”.

Does she not sum up the position very well?

Grahame Morris: Absolutely. I am sure that Members on both sides of the House can give many examples of WASPI women who have come to their surgeries, written to them and sent them e-mails. Every day I receive heartbreakingly letters and e-mails from women in my constituency and further afield who have been suffering extreme hardship.

Tim Loughton (East Worthing and Shoreham) (Con): I am proud to be a co-signatory of the motion. So far the hon. Gentleman has referred only to WASPI but, as we know, there is an awful lot of interest in this whole issue, and only some of the groups involved call themselves WASPI. We are actually talking about all the women born in the 1950s who are suffering from an injustice that has been disproportionately inflicted on them as a result of changes to the pension qualification age.

Grahame Morris: I agree with the hon. Gentleman, and I welcome the contribution that he has made to the campaign.

Mark Tami (Alyn and Deeside) (Lab): I thank my hon. Friend for all the hard work that he has put in. I am sure that he, like me, has come across many women who have based all their retirement plans—their partners may have already retired—on what they were told, and assumed, would be their retirement age. They all say to me, “It is just not fair.”

Grahame Morris: I entirely agree with my hon. Friend. Many of these women have worked since they were 16. They signed up to a deal that they considered to be an
agreement with the Government, but that deal has been cast aside with little or no regard for their financial circumstances.

Ian Austin (Dudley North) (Lab): I am grateful to my hon. Friend for securing the debate. A moment ago, he used the word “heartbreaking”, and it genuinely is heartbreaking to listen to women—as I have in Dudley and the Black country—who had to retire early to care for a relative, or in some cases a husband, and were subsequently widowed. They are left with no income and face the prospect of having to wait much longer for the pension on the basis of which they had planned their whole future. Does my hon. Friend agree that particular attention must be paid to women in that position?

Grahame Morris: Absolutely. There are things that the Minister and the Government can do immediately. We are unnecessarily creating a generation of women in which many now rely on food banks. Some are being forced to sell their homes and to rely on the benefits system, which is degrading for them.

Chris Stephens (Glasgow South West) (SNP): Does my comrade agree that we should praise the role of the trade union movement in supporting the WASPI women? WASPI campaigners in Glasgow and north Lanarkshire are watching a live broadcast of this debate in the Glasgow city Unison office. One of them is my constituent Kathy McDonald, who has worked for 40 years—since she was 15—but now has to go on working until she is 66.

Grahame Morris: Absolutely. This huge injustice affects all nations and regions of the United Kingdom. These are hard-working, decent women who have contributed through the national insurance fund and expected to receive their state pension.

Dr Roberta Blackman-Woods (City of Durham) (Lab): I pay tribute to my hon. Friend for securing the debate, and for all the work that he does in support of the WASPI campaign and others. Does he agree that many of these women are being dealt with very inappropriately by both jobcentres and the benefits system?

A lady who came to my surgery last week had just been made redundant from the Walkers crisps factory. She has a full employment and contribution record, but then was made redundant from the Walkers crisps factory. She does not know what benefits she will get. She is really fearful about what will happen to her over the next few years. Will she be forced into inappropriate work? She does not know what benefits she will get. She is really stressed. Given her full contribution record, should she not benefit from proper transitional arrangements? Women should not be treated in this way.

Grahame Morris: That case is doubly relevant to me. The Walkers crisps factory in my constituency is closing this week—just before Christmas—and 400 people will lose their jobs. Many of them are long-serving employees who have worked hard. Some are in their late 50s and early 60s, and had expected to receive their state pensions.

Mike Hill (Hartlepool) (Lab): I am grateful to my hon. Friend and neighbour for giving way. I take great pleasure in praising him for his work on behalf of the WASPI women. Some 5,500 women in my constituency have suffered because of the Government’s lack of action. Some have been forced to go to food banks, and in all cases the women feel victimised.

Grahame Morris: These women are disadvantaged in a number of ways, and Members might not realise how many. For instance, people have raised with me the issue of free bus passes. Many women who live outside London—in regions such as the north-east and the south-west—do not drive, and without those bus passes, they cannot travel.

Mrs Pauline Latham (Mid Derbyshire) (Con): May I ask the hon. Gentleman and other Labour Members how much fuss they made when Gordon Brown introduced this change?

Grahame Morris: We need to address where we are now—[ Interruption. ] Well, the hon. Lady asked a question. Do we think that the change was wrong? I think that the 1995 changes were incorrect. Under the Pensions Act 2011, those changes—they were originally spread over a longer period—were expedited, and the former Pensions Minister, Steve Webb, has elaborated on that point.

Alan Brown (Kilmarnock and Loudoun) (SNP): I commend the hon. Gentleman for his speech. To clarify, the Pensions Act 1995 was introduced by a Tory Government, while the Pensions Act 2011 was put through by a Tory-Lib Dem coalition. Why the hon. Member for Mid Derbyshire (Mrs Latham) referred to Gordon Brown is a mystery.

Several hon. Members rose—

Grahame Morris: I will give way to the Minister.

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): The hon. Member for Kilmarnock and Loudoun (Alan Brown) will be aware that in 2007, after 10 years of a Labour Government, the then Government considered all matters of pensions legislation and passed the Pensions Act 2007. During their 13 years in power Labour Members had total capacity to do something about what they now say is not appropriate. With respect, there is a legitimate point to answer.

Several hon. Members rose—

Grahame Morris: I will give way again in a minute, but I would like the opportunity to respond to the Minister’s point. We must recognise the injustice faced by these women, because there were many missed opportunities. There is no doubt that the 2011 Act accelerated the changes, and Steve Webb, the former Pensions Minister, is quoted extensively as indicating that. When he wrote to the WASPI women on behalf of the coalition Government, he not only informed them about the change in pension age of one year, as under the 2011 Act, but informed them for the first time about the earlier changes, meaning that some people’s state pension retirement age was being extended by six years.

Mhairi Black (Paisley and Renfrewshire South) (SNP): As someone who was one year old when the 1995 Act came into effect but is sitting here just like everybody
else, may I ask all Members that we get past the party political nonsense of whose fault this is? The mess has been going on for long enough and the current Government are in charge now. This problem is not going away, and the Government need to deal with it.

Grahame Morris: Absolutely, and there are things that the Government could do immediately to mitigate the worst cases of hardship. For example, the winter fuel allowance can be worth up to £300. If the Minister is looking for suggestions, that would be a decent start. If the Government were to give the WASPI women that payment each year, they would be able to have some level of comfort during this cold winter weather, but many in my region are having to choose between heating and eating.

Mr Mark Prisk (Hertford and Stortford) (Con): The hon. Gentleman is right to say that the problems date all the way back to 1995 under three or more Governments. Does he agree with many of my constituents who feel that this issue is as much to do with communication as policy? Many of my constituents who are affected tell me that if they had known the effects of the changes in time, they would have been able to respond to them.

Grahame Morris: The hon. Gentleman makes a completely reasonable point. I am sure there is common cause across the House—I am looking at the Minister and hoping that common sense can prevail—and there must be an acknowledgement that there was poor communication. I am sure that the Minister is aware that a collective action is being taken by the WASPI women through Bindmans solicitors, and there could be a case of maladministration if the matter is found in their favour.

Bill Wiggin (North Herefordshire) (Con): I have been listening carefully to the hon. Gentleman and he seems to know what he is talking about. Can he give an idea of how much this will cost? I suspect that there is a range of amounts, but I am curious to know what he thinks would be the right amount of money that could go some way towards putting this right.

Grahame Morris: I think there are things that the Government and the Minister could do immediately; and I will come to those a little later—I have set out my Government and the Minister could do immediately, some way towards putting this right. Would be the right amount of money that could go of amounts, but I am curious to know what he thinks to know what he is talking about. Can he give an idea of listening carefully to the hon. Gentleman and he seems to be a case of maladministration if the matter is found in women through Bindmans solicitors, and there could be a case of maladministration if the matter is found in favour.

Absolutely. The hon. Gentleman, with typical alacrity, has hit the nail on the head. Nevertheless, there is an injustice that must be rectified, and the Government need to do that.

Scott Mann (North Cornwall) (Con): Does the hon. Gentleman contend that the changes in 1995 were wrong, or were the changes in 2011 wrong? Many people I have met feel that the 2011 changes were too rapid.

Grahame Morris: The fundamental point, which has also been made by Government Members, is the lack of notice about the 1995 changes, and in some cases, the failure to give any notice at all. There is an issue of communication. A number of groups are campaigning on this issue, and there is a general acceptance of the need to equalise state retirement pension age—I do not think there is dispute about that and we are in agreement on it. The issue is the phasing, and the acceleration of that phasing in of the original changes in 1995.

Geraint Davies (Swansea West) (Lab/Co-op): My hon. Friend is making a marvellous speech and I do not want to disagree with him. Does he agree, however, that the equalisation of the pension age for this group of women is not fair? In the era in which they worked, many were responsible for the children and had to undermine their career; they had lower wages and did not make allowances for their pensions. Some have since suffered divorce or a break up, and many of those who come to me in Swansea are becoming impoverished because of this change. It is all very well imagining a future utopian world where there is equal opportunity that justifies an equal pension age, but that is not what has happened to these women. It is quite wrong to say that this issue is just about how they were told about the changes.

Grahame Morris: Absolutely. These women are falling off the edge of a cliff owing to the lack of transitional relief. There are many examples of women who made plans to retire at 60 to care for elderly relatives, and of women who worked in arduous, physically demanding employment who really cannot work beyond 60. This huge injustice affects 3.8 million women in this country, and it really needs to be addressed.

Mr Howarth: My hon. Friend is being very generous in giving way. To support that point, I shall quote a woman from Knowsley who was born in June 1955:

"The 2011 Act, which I was responsible for, did not add any more than 18 months to people's pension age, typically 12 months. But when we did write to people—and we did write to them to tell them what changes we had made—this was the first time they had heard about the first changes. So instead of me writing to them to tell them there was an extra year on the pension age, we were effectively telling them they had six extra years added to their pension age, which is of course why they were outraged."
The Government have repeatedly stated that they are committed to supporting people aged 50 years and over to remain in and return to work. Several policies and initiatives have been put forward to support people to work longer, such as older people’s champions in jobcentres, lifelong learning and apprenticeship opportunities for people of all ages. However, these suggestions completely disregard the issues at the heart of the WASPI campaign. In reality, they are completely unworkable for the majority of WASPI women, as was illustrated by the case highlighted by my hon. Friend the Member for City of Durham (Dr Blackman-Woods).

I was incredibly disappointed that the Budget did not offer any form of help or relief to the WASPI women. I know that some Conservative Members made representations to the Chancellor in all sincerity, and I was disappointed that neither he nor the Prime Minister responded to them. I am rather incredulous that Her Majesty’s Opposition are being attacked for being weak on women’s issues by the Prime Minister. I understand that she herself is a WASPI woman, and I am curious to find out whether she received notification from the DWP about the change in her pension arrangements. Quite simply, women born in the 1950s were not given sufficient notice by the Government that their state retirement age would be increasing. I could go on and give further specific examples, but I do not intend to do so, because I want to leave time for other Members to make contributions. I am sure that they will have examples of their own.

Several hon. Members rose—

Madam Deputy Speaker: Order. As I have indicated, a great many people wish to speak, so we will have to start with a time limit of six minutes.

12.36 pm

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I thank my north-east colleague, the hon. Member for Easington (Grahame Morris), for securing this important debate.

Yesterday, in Parliament, we celebrated the centenary of the formation of the Women’s Royal Naval Service. We celebrated and remembered the service and sacrifice of the women who gave so much to our nation. Today, we are yet again debating the plight of 3.8 million women from across the United Kingdom who have been financially impacted by the lack of notice of pension increases—our WASPI women. Those women have quietly contributed to our nation’s economic growth throughout their working lives in paid work, alongside providing the bedrock on which our families and children depend, through unpaid parental and caring duties, without question. Those women have now created one of the biggest campaigns we have witnessed in many years, because Governments of all colours over two decades have failed them.

As a believer in the power of people peacefully coming together to campaign for change and working together for what they believe is right, I am completely supportive of the WASPI women from across our country, many of whom are here today, including two dedicated and effective campaigners from my own constituency who are leading the campaigning. They are giving up all

Grahame Morris: Absolutely, and I am sure that every—
their time to voice the concerns of my 6,200 Berwick-upon-Tweed WASPI constituents, the 23,800 WASPI women across Northumberland and the 3,777,000 across our four nations.

In this debate, we need to remember that the WASPI women have served our nation in many different forms and guises. We have military service personnel, teachers, doctors, nurses, mothers, midwives, accountants, farmers, lawyers and office workers—those are just the ones who come to see me in my constituency—and many others who have been the backbone of our nation’s economy since they started work in the late 1960s. Those women have provided the building blocks that have taken our country through the strong economic times and the hard. We need to keep them in mind during this debate, not just as one big story, but by remembering the individual story of each WASPI woman who has come to our surgeries with problems of financial hardship.

With that in mind, I would like to reflect on some of the issues faced by my WASPI women living in north Northumberland. People in my patch have a strong and ingrained spirit of independence and self-sufficiency. Perhaps it is a remnant of the border reiver spirit that being on the border of two nations brings, but I sit comfortably with my Scottish friends here today.

A long history of hard work, regardless of weather—of which we have much—remains the hallmark of rural Northumberland. That is particularly clear in the strength of the women who have been to see me. They have raised families alongside a lifetime of hard work and have made sacrifices to ensure that future generations have better lives than previous generations. That last point means that it is hard for some women, who have explained this to me in great detail, to ask for benefits to survive, particularly because they were led to believe that they would be receiving the state pension, into which they had paid, at a certain time, but that has now been altered without due time to prepare.

Mark Menzies (Fylde) (Con): I recognise the type of people to whom my hon. Friend is referring. Women out there clearly feel that they have experienced miscommunication, and they are facing genuine hardship, so I ask my hon. Friend to continue her cause.

Mrs Trevelyan: I thank my hon. Friend. It is so important that we think of the individual women. There may be 3.8 million of them, but that means 3.8 million individual women across our nations. These women have worked hard all their lives and now face some incredibly difficult circumstances, and ill health can mean that they are struggling to survive on what they have. The lack of notice of changes to their pensionable age means that their financial plans—where they were going to work with my constituents to find a fair and honest solution. I urge the Minister to meet me and my Northumbrian WASPI ladies to start that process in a spirit of conciliation and understanding.

12.43 pm

Mr Jim Cunningham (Coventry South) (Lab): Like many hon. Members, I have taken part in at least seven debates over the past two or three years, and still the Government have not actually done anything about the situation. Nor have they actually listened to what has been said. It is not my intention to rehash all the arguments that have been put over the past seven or eight debates, but we obviously have to congratulate the WASPI women on their tenacity over the past few years and on staying the course, to get justice for themselves. I urge the Minister to meet me and the other women who have travelled down here today from all parts of the country, some of whom have had to do so at their own expense.
I want to emphasise just one or two points. The Government had a golden opportunity to do something in the Budget. They could have made some sort of gesture—perhaps an elderly house—towards achieving what the WASPI women want, but they totally ignored the situation, while telling the public that they want to listen to their concerns on a whole range of issues. In some ways, the Government have actually used austerity to justify not taking any action on help for WASPI women. If they can spend £50 billion or £60 billion on high-speed rail, I am sure that they could find the money to cover the costs of helping these women.

The WASPI women were not given time to plan for their retirement. That is the tragedy here, and it is important to emphasise that point. Somebody suggested earlier that that was not the real point, but it is. That and finding resolution to the problem are the two main points. It was also suggested that Gordon Brown somehow had something to do with the situation. Well, we all know that that is not true, but we are where we are, so we should not dwell too much on that; suffice it to say that it was the John Major Government who introduced pension age equalisation, so Members should bear that in mind. We should also bear in mind that 53% of the WASPI women actually rely on their pensions to make ends meet. Many of them look after elderly parents. Some of them have children who suffer from disabilities. People tend to forget that many of the women have to look after grown-up children—probably in their 20s. There is an organisation in Coventry that supports such women, but it gets no help whatsoever.

Mr Cunningham: I will come on to that, because it was suggested in a debate two weeks ago that WASPI women were not given time to plan for their retirement. That is the tragedy here, and it is important to emphasise that point. Somebody suggested earlier that that was not the real point, but it is. That and finding resolution to the problem are the two main points. It was also suggested that Gordon Brown somehow had something to do with the situation. Well, we all know that that is not true, but we are where we are, so we should not dwell too much on that; suffice it to say that it was the John Major Government who introduced pension age equalisation, so Members should bear that in mind. We should also bear in mind that 53% of the WASPI women actually rely on their pensions to make ends meet. Many of them look after elderly parents. Some of them have children who suffer from disabilities. People tend to forget that many of the women have to look after grown-up children—probably in their 20s. There is an organisation in Coventry that supports such women, but it gets no help whatsoever.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I know that my constituent Anne Potter and all the Glasgow and Lanarkshire WASPI women are watching this debate at home. In addition to what my hon. Friend says about the WASPI women who are in work, does he agree that many of them had to fight for equal pay in work and have worked in highly physically demanding jobs? It is therefore offensive for the Government to suggest that they could simply take up apprenticeships to fill the gap.

Mr Cunningham: I know that many other Members want to get in, so I will finish by saying that the classic example of this Government’s meanness towards women can be seen in the cuts to funding for women’s refuges. As we all know, refuges are often a haven for women who have been abused, assaulted and, in some cases, raped, so the Government should start to think about whether they really support women.

12.48 pm

Scott Mann (North Cornwall) (Con): It is a pleasure to follow the hon. Member for Coventry South (Mr Cunningham), and I congratulate the hon. Member for Easington (Grahame Morris) on securing this important debate. I am here to speak on behalf of my North Cornwall WASPI women. I have met them numerous times at different events over the past two and a half years. I presented a petition on their behalf last year, and many of them have come to see me at surgeries in the towns and villages of my constituency to express their concern about the challenging times that many women are facing. Other hon. Members have alluded to some of those challenges today.

Most people who come to see me have worked their entire life. They might well own their own home and not be in a position to make the transition for those 18 months. I support transitional measures for our WASPI women, and I believe we can reach a practical solution by reducing the state pension over a longer period of time. Private pension providers already allow that. The option should be given to people with public pensions.

The changes in 2011 were rushed and wrong. The equalisation of pensions from 1995 was the right thing to do but, with increases of between two months and 18 months, people have suffered in different ways, which we should acknowledge. People should be able to take their pension earlier, or have the option to wait and have the £159 a week, as it currently sits. I have produced some figures, and my benchmarks are based on the current life expectancy for a woman in the UK of 83 and the pension age in 1995 of 66.

At the moment, the state pension is £159.55 a week. Over the 17 years leading up to average life expectancy, the pension would cost just over £141,000. I have done some modelling based on £130 a week, £140 a week and £150 a week for a reduced pension over a longer period. I have used the baseline to measure that against the least affected women, those affected for two months, and the most affected women, those affected for 18 months.

I put together my proposals over the past few days. The conclusion I have reached, according to the figures, is that the only group that would be affected if the proposals were introduced are the people who have to wait for 18 months, the most affected group. Even then, the Government would have to find only £2,357 over the lifetime of the pension. All the other models come out positively for the Government. We should do this as a gesture to the affected women.

Will the Minister sit down with me to look through my figures to see whether there is a satisfactory solution to the problem? I am happy to meet him if he is happy to meet me. We should consider a sensible way forward. I am not entirely sure I will be here for the winding-up speeches, but I would welcome the opportunity to meet the Minister at a later date to discuss a practical solution.
12.53 pm

Carolyn Harris (Swansea East) (Lab): I congratulate my hon. Friend the Member for Easington (Grahame Morris) on securing this important debate.

I say to the Government, one more time, that they need to stop burying their head in the sand and do the right thing by these women. We are at the same point yet again, debating the unfairness and injustice to women born in the 1950s as a consequence of the pension changes. Without time to prepare and make the necessary alternative arrangements, so many women born in the 1950s are left in financial despair. The reality is that the women are desperate. Affected women call, write and email my office every day to let me know that they have had to sell their belongings and are relying on family, friends and food banks just to exist.

More than 2.5 million women have been wronged by this injustice, which is 2.5 million voices that will not be ignored and 2.5 million women who will not go away.

The changes in the Pensions Act 2011 gave women insufficient time to prepare for retirement, which has caused particular hardship for certain groups: those with lower average life expectancy; those who depend more on their state pension in retirement; those who are more likely to suffer from health problems or disability; and those who have to care for elderly parents, husbands and grandchildren, limiting their ability to work up to and beyond 65.

For some of those women, their jobs are physically demanding and, because of their health, they can no longer do the things they were able to do when they were younger. Although the Minister believes that apprenticeships and accessible work are available to these women, I believe that is an insult. Caseload data shows that the number of women aged 60-plus claiming unemployment benefits increased between 2013 and 2017, more so than the increase among claimants of all other ages.

Alex Sobel (Leeds North West) (Lab/Co-op): Does my hon. Friend agree that there are still loads of inconsistencies, such as that a one-year change in date of birth means an additional three years to reach the pension age for some of these women? That makes the way in which the Government have introduced these changes even more illogical.

Carolyn Harris: I have put my thoughts on that on the record many times. Yes, I agree with my hon. Friend.

The number of women aged 60-plus claiming benefits increased by some 9,500 between 2013 and 2017, a 115% increase. Pension age changes have played a substantial part in that increase. It is crucial that this Government recognise the need for fair transitional payments. Many of these women have justice. They should do the right thing, the honourable thing, and give the WASPI women, and all 1950s women, the transitional payments they deserve.

Alex Sobel: Retirement for which they have worked very hard over many years.

Carolyn Harris: I have received nearly 90 responses from groups representing many thousands of women. These women are the people who are living with the consequences of the pension changes, and their voices will be heard.

I have met many women, both in my constituency and as chair of the APPG. I have visited many constituencies across the country to speak to affected women. Most recently, I have visited women with my hon. Friends the Members for Rhondda (Chris Bryant), for Ogmore (Chris Elmore) and for Aberavon (Stephen Kinnock). My office is currently dealing with requests to visit 1950s women’s groups in Scotland, northern England and across Wales.

Wherever I go, the story is always the same. These women feel cheated and disrespected, and they are angry. Every meeting is packed. Not one of these women has any intention of giving up until they get the result that they have earned and that they deserve—fair transitional payments that allow them to enjoy the retirement for which they have worked very hard over many years.

What about women born in the 1950s who have left this country to live in other parts of Europe? They are not only concerned about how their lives will pan out after Brexit; they are currently feeling extremely vulnerable and, to be honest, left out in the cold when it comes to their pension. Those women do not have an MP to voice their concerns, so they have contacted me and, I am sure, many others in the Chamber to ask what is happening to their pension. They left this country believing that they would get their pension at 60, and they feel robbed.

Many colleagues on both sides of the House agree that the changes to the state pension are unjust and unfair, so it really is time for the Government to stop blocking their ears and start listening. They should let these women have justice. They should do the right thing, the honourable thing, and give the WASPI women, and all 1950s women, the transitional payments they deserve.

Opens session with applause.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Before I call the hon. Member for Waveney (Peter Aldous) to begin his speech, let us make it very clear that we do not have cheering and clapping in any part of this Chamber. We do have, “Hear, hear” and we do have loud and angry . Every meeting is packed. Not one of these women has any intention of giving up until they get the result that they have earned and that they deserve—fair transitional payments that allow them to enjoy the retirement for which they have worked very hard over many years.

Many colleagues on both sides of the House agree that the changes to the state pension are unjust and unfair, so it really is time for the Government to stop blocking their ears and start listening. They should let these women have justice. They should do the right thing, the honourable thing, and give the WASPI women, and all 1950s women, the transitional payments they deserve.

12.59 pm

Peter Aldous (Waveney) (Con): Owing to my cold, I will not be able to speak quite as passionately and as loudly as the hon. Member for Swansea East (Carolyn Harris). I congratulate the hon. Member for Easington (Grahame Morris) on securing this debate. He has played an important role in continuing to highlight the very difficult situation in which many women born on or after 6 April 1950 find themselves as a result of the changes to the state pension age in the 1995 and 2011 Acts. This unfairness needs to be addressed and we need to get on with finding a solution.
I fully support the case for equalising the retirement age and the need to raise the pension age. The latter is required on the grounds of increased life expectancy and financial sustainability. However, such changes have a profound impact on people and the lives they live. Such changes need to be properly researched, to be subject to full consultation and then to be introduced in a fully transparent way. Those steps have not been taken in this instance. Even though the Pensions Act providing for the pension age for women to increase from 60 to 65 was enacted in 1995, government waited 14 years, until April 2009, before it began writing individually to the women affected. That lack of notification meant they had no time to make alternative arrangements for their retirement.

At the time of the 2011 Act, it was clear that there was a problem, and women were raising their concerns with me. As a result, the Government did make changes to limit the impact on those most affected. With hindsight, it is clear that the full scale of the problem was not recognised and that legislation should have been preceded by a full impact assessment.

The WASPI briefing for this debate highlights the unique barriers many women born in the 1950s face in mitigating this sudden change in their circumstances: many have no other source of income, and until the 1990s many women were not allowed to join company pension schemes; many women face difficulties in returning to the workforce and may be suffering from long-term health problems; many, on the expectation of an earlier retirement, have taken on caring responsibilities; and for some, divorce settlements were calculated on the assumption that the state pension was going to be received earlier. Baroness Altmann, in her February 2016 article, provides a compelling case as to why this matter needs to be revisited.

The message from the Waveney constituency and from Suffolk is that this situation must be addressed. When many of us presented petitions in this Chamber last autumn, I was in second place, behind the hon. Member for Kingston upon Hull North (Diana Johnson), in terms of the number of people who had signed up—2,249 Waveney constituents had done so. Last year, Conservative-run Waveney District Council unanimously endorsed this petition, and last week Conservative-run Suffolk County Council unanimously backed the campaign for equality of pension provision for women. In Suffolk, there has been a tradition of women going out to work, whether in factories, agriculture, fishing, food processing or clerical posts. This was often part-time work, often on low salaries. These changes are disproportionately affecting a lot of them and their families.

Sandy Martin (Ipswich) (Lab): I hope the hon. Gentleman and you, Madam Deputy Speaker, will forgive me for intervening. I just wanted to say that the hon. Gentleman has my full support, and that the reason I am not speaking in this debate is simply that so many other people are down to speak. The whole of Suffolk is behind him on this one.

Peter Aldous: I am grateful for that endorsement from Suffolk.

I acknowledge the challenges the Government face in finding a way forward that is affordable and that complies with equalities legislation. However, it is clear that a particular group of people have been unfairly penalised. I thus support the motion, and I urge the Government to find a way forward that is fair, fully considered and affordable.

1.4 pm

Chris Elmore (Ogmore) (Lab): I rise to speak as secretary of the all-party group on state pension inequality for women. I congratulate my hon. Friend the Member for Easington (Grahame Morris) on securing this debate. The manner in which the state pension change has affected 1950s women is totally unjust, unfair and immoral. This injustice has short-changed 2.6 million women, causing untold damage to them and their families. It is extremely important that we acknowledge that this is having an impact on families: women are moving back in with their children; and this situation is leading to some marital breakdowns. There are awful stories linked to these financial burdens that women are now facing.

Previously, during Prime Minister’s questions, I have mentioned my constituent Dianah Kendall, who suffered a bleed on the brain in 2012. She carried on working, under the assumption that she would be able to retire in September this year. She was not told of the change and she has had to carry on working, because she simply does not have the money to retire. When I asked the Prime Minister when Dianah would be able to retire, I was told, yet again, that she would wait no more than 18 months—she is waiting six years. That is the reality of what was wrong with the Prime Minister’s answer. Dianah has carried on running her business and has carried on working. She will not be able to give up working, yet the Government seem completely disinterested in helping women, even those who have major health issues, to be able to retire.

I have other constituents with arthritis, heart conditions and mobility problems who have had to simply deal with the hike in the state pension age. Despite finding it extremely difficult to work, these people have been forced to do so. That is unacceptable for a group of women born at a time when employment rights, support for national insurance contributions and maternity rights simply did not exist. It is deeply unfair that these women are facing yet another injustice.

As part of my work as secretary of the all-party group, I have spoken to women in my constituency and in other constituencies. Women have contacted me with countless lists of problems they are facing. There are women saying to me that they own their own home but they are selling their furniture. How can Ministers justify these sorts of things that are happening to women? Some of them have worked for 40 years, only to be told that they cannot retire when they are expecting to. The answer they are getting is, “Well, simply carry on. By the way, you will only wait 18 months.” That simply is not true.

Beyond this House, it is not just the women who were born in the 1950s who are campaigning; there is a huge amount of support from the public. There is also support from Members from across this House. I have made a list of no fewer than 50 Government Members who support the campaign, in addition to colleagues from the Democratic Unionist party, the Scottish National party, the Liberal Democrats and Plaid Cymru. That should mean that if the Government gave us some legislative time to reverse these decisions, we would win.
Is it not about time they stepped up and offered support to these women, because there is support right across the House for actual support and change for these 1950s women?

Like my hon. Friend the Member for Swansea East (Carolyn Harris), I held a meeting, just two weeks ago, for women across my constituency, many of whom still are not aware of the pension changes, or have only recently become informed because of the campaign being led by 1950s women. More than 100 turned up. Some of them raised new issues—for example, when some were deciding to defer their pension, as is their right, they had not realised that they should have been entitled to it two years before. It was only when they have engaged in what the 1950s women are campaigning for that they realised they should have had it two years before. But because of the lack of information and no letters telling women about the changes, they were not been aware that their deferment is forced, whether they want to defer or not.

I truly believe the tide is turning, with the pressure on the Government. I hope the Government and Ministers are listening to what is going on out in the country and to the fact that these women are suffering. We need the Government to step up, cave in and find the legislative time to make changes to support the 2.5 million women affected. I will always fight for the women in my constituency who are affected, and for women up and down the country. The Government need to listen. I urge Conservative Members—the co-chair of the all-party group, the hon. Member for East Worthing and Shoreham (Tim Loughton), is a true champion of this issue—to come with us, to get the Government to change their mind and to start to help the 1950s women who need our support now.

1.9 pm

Jo Churchill (Bury St Edmunds) (Con): I congratulate the hon. Member for Easington (Grahame Morris) on securing this debate on such an important subject. It is a great pleasure to follow the hon. Member for Ogmore (Chris Elmore).

I, too, have had meetings with WASPI women. As my hon. Friend the Member for Waveney (Peter Aldous) discussed, this is a real and prevalent issue for many women in Suffolk. Nevertheless, I have discovered that stories differ. It is important to treat people as individuals on their journey through life. We do not necessarily serve all our population well if we lump everything together in our discussions of these matters. As I understand it, the primary thing is that no matter what the hue of the Government, there needs to be clarity in the information that is passed down on these important issues. There is blame across the piece for people not getting the information. People tell me that letters often were not received, and I have no reason to think that they were. There is a problem in ensuring that people are properly informed.

Neil Parish (Tiverton and Honiton) (Con) rose—

Mims Davies (Eastleigh) (Con) rose—

Jo Churchill: What choices did I give way to my hon. Friend from the south-west first.

Neil Parish: Does my hon. Friend agree that this is very important for the generation of women affected? Although some of them saw the letters, others did not, and some did not receive them, so they have not been able to make plans for their retirement. The next generation of women will know exactly what is coming. We have made some alterations, but the Government need to be much more generous than they have been to this group of women.

Jo Churchill: I agree with my hon. Friend, but it also affects those of us who were in our late 40s when we received the letters. I received one in 2011 or 2012, which proves that they do work. I took a 10% hit in my working life. I will be working until I am 67, I think—

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): You are not on the minimum wage.

Jo Churchill: Granted, but I spent a great deal of my life looking after children and so on. I am not in any way undermining the fact that in my surgery I have had not only women who have been carers—that is a broader issue for many Departments and successive Governments—but individuals who made life decisions prior to 2010. I have lobbied the Minister on that and he has discussed individual women’s cases with me at length. One in particular involved a midwife who went off and did five years’ work overseas for charity, predicating her decision on the information she had when she left. When she came back, not only was her situation affected by the fact that she had spent those five years serving other people, but she found that her midwifery registration was affected. When she tried to return to work, the job for which she could apply was compromised. So there are genuine cases, but perhaps we miss some of the importance of what we are discussing by treating everybody in this universal way.

Mims Davies: I, too, have lobbied the Minister on this issue. I pay tribute to the Solent WASPI women, who have also presented a petition here in Parliament. Many of the affected women are unable to go back to work because they have already taken on a caring responsibility. That very much affects what they can do financially.

Jo Churchill: I thank my hon. Friend for raising that point. She works unstintingly for carers up and down the country, and we could have a broader discussion about how we value carers, who are predominantly women.

The hon. Member for Swansea West (Geraint Davies) highlighted the specific issues facing a lot of the affected women, but I say gently that those are issues that women—whether they are in their 50s, 40s, 30s or 20s—are dealing with across the piece. Women tend to bear the brunt of these things. As my hon. Friend the Member for Berwick-upon-Tweed (Mrs Trevelyan) said, there are challenges in rural areas, and my hon. Friend the Member for Waveney brought up the issue of financial service organisations and banks not playing their part by also being a conduit of information for women. A series of events led to the current situation, and we have all found ourselves learning that communication should be better.
At the nub of this is the fact that we have a problem. In 1917, 24 letters were sent from the Monarch to women who were turning 100; last year, the Queen sent 24,000. By 2050, some 56,000 people will celebrate their 100th birthday.

Jo Churchill: Indeed we will. The nub of my point is that many of us come to this place as women and as carers. My husband and I still have four living parents, which is great. It is a sign of improved medical care and so on. Nevertheless, we have four children who arguably will bear the brunt of paying for these costs.

In one of my surgeries recently, I spoke to a woman who is affected by the changes to the state pension age—she is a WASPI woman. She said:

“I was born in 1956 and have been fortunate to work all my life.”

I take on board the point made by the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy)—

“in a variety of careers that I have enjoyed.”

She explained that some of those careers were due to necessity of circumstance. She was warned in two letters that her state pension age would be changing. She will receive her state pension at 66.

She went on:

“I will be 62 next birthday and even if I was in receipt of a pension, I would struggle to stop working as I thoroughly enjoy my current job.”

That is what I mean about the need to consider this issue on a more individual basis. The woman continued:

“I appreciate that I am very fortunate as I am blessed with good health”—

there have been several allusions to that in the debate.

She said that she had a supportive husband

“and 3 lovely children. I expect to live longer than my parents but my perception is that my children struggle more financially than I did at their age. I realise that my taxes contributed to my parents’ pensions and my children’s taxes will fund mine. I cannot expect my already financially challenged children to contribute to my pension, for many, many more years. That would seem very unfair.”

If we do not see through these changes to the state pension, the burden on our children will be astronomical. This is not fair, but it is where we find ourselves. We must ensure that our response is proportionate.

It is about choices. I say gently to the hon. Member for Paisley and Renfrewshire South (Mhairi Black) that the Scottish National party has the ability to make a unilateral decision if it wants to.

Christine Jardine (Edinburgh West) (LD): I agree that the SNP does have that ability, but should we not look at making a decision for all women in the United Kingdom, rather than saying, “Well, you can do it there and you can do it over there,”? This is a UK-wide problem, so we should not be singling people out.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Everyone is running out of time, so I am reducing the time limit to five minutes.

1.19 pm

Liz Twist (Blaydon) (Lab): First, may I declare an interest as one of those 1950s-born women who are directly affected by changes to the state pension age? Unlike many—some are sitting in the Public Gallery—I am fortunate to be able to raise the issue in the Chamber. The fact is that many of these 1950s-born women have been hit not just once but twice by changes to the state pension age.

Those of us born in the 1950s were first hit by the equalisation of the state pension age to that of men, with transitional arrangements in place according to date of birth up to 2020. Sadly, the then Government did not see fit to tell the women affected about the change, so many remained unaware and looked forward to receiving their state pension at 60. As they approached 60, they were devastated to find the financial ground shifting beneath their feet. In 2011, the coalition Government sped up the changes, so the state pension age for women reached 65 by 2018, and would rise with an increase in the state pension age for men and women to 66 by April 2020. Many women were left completely unable to make up that financial gap, and that would have been the case even if they had been aware of the earlier changes, which many of them were not. It is ironic that measures that were designed to increase state pension equality should have such a discriminatory effect on women in particular. They have indeed had a discriminatory effect, as many 1950s-born women face real hardship.

Out of the thousands of women in my constituency, I wish to refer to two whose cases particularly struck me. Barbara, whose door I knocked on during the election campaign, had worked all her life; indeed, she was working until just before I knocked on her door. She had worked for British Home Stores, but following the collapse of that company, she found herself without a state pension and, in a classic double whammy, without a company pension at that stage. Then there was the woman who approached me, quite unsolicited, in Blaydon shopping centre who said, “We need to do something.” She said that she had retired early to look after her mum, thinking that she would get her state pension at 60, only to find, after her mum’s death, that she could not get her pension. She had to rely on benefits and family support, and that was after working most of her life.

These cases are not unique, so the issue will not go away. Many women still contact me to say that they have joined the WASPI campaign and registered cases for maladministration with the Department for Work and Pensions, leading to even more of a backlog with the independent complaints examiner who is considering this issue.

Where do we go from here? The Government must address the issue as a matter of urgency. I have no doubt that we will hear about the measures that the Government have put in place to help people into work
or apprenticeships. That is absolutely fabulous for any woman who wants to work and is able to do so, but there are many women whose circumstances mean that they are not able to do so. They were not expecting these changes and they find themselves unable to work, having looked after parents or family. Frankly, in a competitive market, it is just not that easy for 1950s-born women to find work.

Mr Pat McFadden (Wolverhampton South East) (Lab): Does my hon. Friend agree that whatever measures the Government might have taken, those measures have not worked and nor have they dealt with the problem? The continuing sense of injustice is still there, which is why we are having this debate.

Liz Twist: Yes, I most certainly do agree. I am asking the Government to meet the WASPI campaigners, explore solutions, look at transitional state pension arrangements, and make resolving this issue a priority for the 3.8 million women affected. This is a campaign powered by women with determination and courage, and I commend all who are determined that this cause will be addressed.

1.24 pm

James Cartlidge (South Suffolk) (Con): It is a great pleasure to speak in this debate and I congratulate the hon. Member for Easington (Grahame Morris) on bringing it forward.

I have received a considerable amount of correspondence about this matter from the ladies in South Suffolk who are affected by the change, although I do not know whether they are in the Public Gallery today. As everyone else, quite rightly, is focusing on the specific issue faced by that cohort of women, I want to consider its long-term implications for the state pension system. We need to ask ourselves whether the system is really fit for purpose. Do we have a state pension system that actually delivers any longer?

The key thing is that we have a pay-as-you-go system. The most common argument that we hear from ladies who have been affected by these changes is, “I have paid in contributions all my life; it is my pension pot.” They believe that as they have paid in their money, they have a contract for what they should receive in return. The problem is that there is no such pot. None of us in the state pension system has a pot with our name on it. We have a pay-as-you-go system. This month’s national insurance contributions from the working population pay for this month’s pension liabilities in the state system. I am afraid that that system is extremely vulnerable in the face of demographic change.

Mhairi Black: Will the hon. Gentleman give way?

James Cartlidge: I always give way to the hon. Lady.

Mhairi Black: I am very grateful to my former Committee colleague for giving way. I would just like to ask whether the same pay-as-you-go system applies for the Democratic Unionist party and remaining in power.

James Cartlidge: That is not a function of the state pension system. I will resist the bait to which the hon. Lady tries to get me to rise.

It is important that we remember the costs involved. The DWP spends £264 billion a year, of which the largest part is for the state pension. At £111 billion, it is by far the biggest single piece of public expenditure. That sum gives out a state pension of on average just under £160 a week—not exactly a king’s ransom. Of course pensioner poverty would be far higher in the current age were it not for the fact that many of this generation of pensioners are fortunate enough to have occupational pensions—and good luck to them. My parents are in that generation, many of whom own property. Savills estimates that the housing equity of people over 65 is about £1.5 trillion, so that generation has been cushioned to a certain degree. It has also been cushioned by the Government’s actions to protect pensioner benefits and introduce the triple lock, all of which have protected state pension expenditure from the necessary savings made in other Departments.

Christine Jardine: Does the hon. Gentleman not agree that, regardless of the figure that he quoted, the people who are paying the price for this are women born in the 1950s?

James Cartlidge: Actually my point was going to be that everyone will end up paying the price. Of course this debate is about a specific cohort that has been hit quite directly and over a specific period, and there is also the whole issue of notification. However, although young people going into the workforce know about the change in the retirement age and have had notification, that does not mean they will be able to save adequately for a pension. It also does not mean that they will be able to afford one, or to get a foot on the housing ladder, and they probably will not have an occupational pension. We cannot look at this issue in isolation; we need to look at the whole system.

Patricia Gibson (North Ayrshire and Arran) (SNP): Does the hon. Gentleman agree that we must get away from talking about women born in the 1950s as though they are some kind of burden on society? These women are asking only for what they were promised and what they themselves have paid for. They are not a burden; they are people looking for justice.

James Cartlidge: No one is saying that. My whole point is this: when the women say they have paid in, that does not exist. That is just a mathematical fact; it is not a nefarious thing. The system was not designed for this ageing population and the demographic changes that we are seeing. The duty on us in government and in this place is to be open and honest about that, and to try to come up with reforms that address it.

In my view—and this is a big deal—we should try to move to a funded pension system. Let us be honest: that is not a minor detail. If my hon. Friend the Minister asked his officials what they would think of that, they would say, “Sit down, put a cool, wet flannel on your head, have a cup of tea, and move on to the next issue.” What I suggest is not a minor deal. As I understand it, the only Government who ever moved from a pay-as-you-go system to a funded one was Pinochet’s in Chile—and he did not have to worry about Back-Bench rebellions and so on.
A funded pension would be extremely difficult to achieve because, of course, a generation would have to pay twice, but I believe that it could be done. We have had two proposals on this. During the April 1997 general election campaign, our party proposed basic pension plus. Peter Lilley came up with a system that would move us from the current state pension to a funded one. It would have been fully in place by 2040, so just 23 years from now, the liability for the state pension would have started to fall very dramatically. Instead, according to the Office for Budget Responsibility, the forecast for public spending 50 years from today, at current prices, is an extra £156 billion. That is mainly due to demographic change, higher costs of health care, more complex health needs and so on. That is an extraordinary position to be in and, as the OBR says, it is not remotely cost-neutral.

My hon. Friend the Member for Weston-super-Mare (John Penrose) has said that the other option is a sovereign wealth fund. Any funded state pension is effectively a sovereign wealth fund. It is a way of taking all the money that we pay into an unproductive, pay-as-you-go state pension system and investing it to meet our country’s needs, thereby boosting productivity and investment, and giving a greater return and greater ownership to people in an age when ownership in the capitalist system is under threat. There are huge benefits to be had. At the moment, the savings ratio is extremely low—that is one of the most worrying things in the Budget Red Book—but if the system forces people to save from a young age, it can be very effective. That is what we have with the new system.

There are specific issues, and we should look at the ladies who have been affected by this change, but if we really want to resolve it, we have to learn the long-term lessons. We owe it to those affected to ask how we can stop future generations being affected. If people own their pension—if it is theirs—the state cannot arbitrarily put in place this sort of change. It will take many years to establish a fully funded system, but there would be immediate short-term benefits as we moved to an economy on a more long-term keel. There would be more confidence in investment and we would move away from a more boom-and-bust, higher consumer debt model, which is why I think my hon. Friend has it spot on with a sovereign wealth fund. Either way, we need to start looking at the problem. We will need cross-party consensus, to be radical, and to look to the future rather than focusing on the short term.

Several hon. Members rose—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I have to reduce the time limit to four minutes.

1.31 pm

Fiona Onasanya (Peterborough) (Lab): I not only congratulate but commend my hon. Friend the Member for Easington (Grahame Morris) on introducing this important debate. I have heard many voices across the Chamber, but we must recognise the injustice that these women have suffered. It is not a case of simply saying, “We hear the issues that our constituents have raised with us.” We need to listen. The hon. Member for Bury St Edmunds (Jo Churchill) talked about proportionality and cost. The Government could take actions such as early draw-down now. It would be cost-neutral and would have a beneficial impact. I do not understand what prevents the Government from introducing early draw-down for women who wish to pursue this option. To do nothing is not only inadequate, but unfair and unjust.

I have been contacted by a number of constituents about proportionality. We cannot simply say that only one or two women in our constituencies have come to our attention and we need to look at individuals. This is a massive issue for a number of women, which the WASPI women’s plight brings to our attention. We must do something; it is not enough just to say that we hear. We need to listen and take action. While I understand that the pension age has to go up, the rate of the increase has been rapid and women have been given little warning or time to prepare. Many Members will have heard the phrase “to forewarn is to forearm”. Where was the forewarning for some of these women? We cannot sit back and say, “Oh, we are very sorry that you didn’t get a letter.” We cannot compare them with young people much like myself and say, “But in years to come we will have to deal with differences in the state pension we are eligible for.” This is the specific plight of the 1950s-born women who have been dealt a very unjust blow. It is simply not acceptable to say, “There were letters. Everyone has to suffer. At some point everyone will come across this. Younger people will be affected.”

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): A disproportionate number of 1950s-born women do not have occupational pensions, so they are uniquely exposed and are reliant on the state pension. Does my hon. Friend agree that this is all the more galling for them as a result?

Fiona Onasanya: I agree with my hon. Friend. That is absolutely correct. We need to understand that the state pension is not a welfare benefit. We are not saying, “Sorry, some of you have paid in but we just cannot do what we promised you.” If someone has worked since they were 15 and paid into a system that they believed would pay them back in their time of need, if they have been relying on that and it is then taken away, and if they do not have a workplace pension or did not get put into that type of pension, that will have dire consequences and cause negative impacts on their life.

I was contacted by a number of women in my constituency, one of whom was Wendy Hopkins. She advised me that she had been working since she was 15 and had paid all her national insurance contributions, thinking that she could retire at 60. Two years before, she was told that the retirement age had been increased to 63. Within 18 months of that, she was told that she had to wait until she turned 66. As hon. Members can imagine, that did not afford sufficient time to make arrangements to make up her financial loss. She had to rely on her husband, who is 67 and is taking a part-time job to cover their financial loss.

It is important and prudent to acknowledge that some women received the letter about the Pension Act 2011 advising them that their pensionable age would be increased by another 15 months. However, personal circumstances, which some hon. Members seem to overlook, mean that not everyone is in a position to take up an apprenticeship, or work. They may have to care for their
partner or even their children. They should not have to continue to work. This is something they were promised, and we need to respect that.

We need to act now. There are cost-neutral actions that we could take, and we need to take them.

1.36 pm

Tim Loughton (East Worthing and Shoreham) (Con): Another day, another debate on pensions for women born in the 1950s. We have now had many more debates on this subject than Elizabeth Taylor had husbands, and much like her seventh husband, I find it difficult to know what new to bring to the bedroom, if not the debate today.

This situation is not going to go away. I am proud to be the co-chair of the all-party group, and I am pleased to have co-sponsored the debate here today. WASPI is not just those groups calling themselves WASPI; it is hundreds of thousands and millions of women who find themselves in this position. I welcome the work that the all-party group is doing and the survey that we have sent out. I hope that we will get some concrete data back, and I will certainly support the Bill when it comes to the House in April.

There are three main problems. First, no one is complaining about equalising the pension age; it is the process and mechanism of doing so that is at fault. The impact on a specific group of women—more than 3 million now—is disproportionate. It is calculated that 33% of men will retire with just the state pension to rely on, but 53% of women will do so. The issue is much more important to women.

The second problem is the arbitrary cut-off date that many women have suffered retrospectively. The pension age of a woman born on 6 May 1953 will now be November 2016—a loss of some £2,000 on what she might originally have expected. The pension age of someone born a year later on 6 May 1954 will now be January 2020, a loss of £20,000. That is a huge difference for the sake of 12 months.

Peter Aldous: My hon. Friend is making his case very well. Does he agree that, before the 2011 changes were introduced, some sort of analysis should have been done to address the problems he identifies?

Tim Loughton: That is right, because there is a cliff edge effect. I am afraid that we hear time and again from Ministers that £1 billion transition money was given in 2011, but of course half that money went to men to make up for their transition differences. Women did not benefit proportionately from that additional money, ungenerous though it was.

The third problem is the lack of notice. Many women, even if they got the notice, were not in a position to make preparations and alter their lifestyle to enable them to survive through their 60s. Many of them have caring responsibilities. They have depleted savings. They have disabilities.

Of course, there are other disadvantages that women suffered. Women were, and still are, paid less than men. Women’s pension savings are typically 66% less than men’s. Back in the 1970s—the decade when most 1950s-born women started work—women were often ineligible to join their employer’s pension scheme, and they were often passed over for promotion in favour of male colleagues. That is the legacy that these women bring with them now. There are other disadvantages. The 2001 changes to the widow’s pension mean that those widowed prior to their state pension age no longer receive a full widow’s pension until they reach their full SPA, which has now, of course, been delayed.

We need to find a solution. The Government need to listen, get round a table and discuss this. There are many different transition arrangements we could bring in. Scaremongering that it is going to cost tens of billions of pounds is really not helpful. We can do things around bus passes and the winter fuel allowance that would have a meaningful effect for many women, but we need to help those who are in most need and who are suffering now.

It is important to reiterate that this is not a benefit; it is an entitlement. Some of these women could have paid national insurance contributions—I appreciate that that is not directly linked to a pension—for as long as 50 years by the time they retire. It is reasonable for them to expect that they would start to benefit at the time they contracted to when they started working and paying their employment dues to the Treasury. I also echo the points made by my co-chair, the hon. Member for Swansea East (Carolyn Harris), about women overseas.

We have a duty of care to these women—a specific set of women who should not be affected in the future because we have changed the law. That duty of care needs to be honoured before women suffer or, worse, come to the end of their lives. As my co-chair said, they are feeling cheated, disrespected and angry. Last year, the Prime Minister said she wanted a country “built on...fairness...where everyone plays by the same rules”.

Let us start by demonstrating that and by righting this injustice now.

1.41 pm

Rachael Maskell (York Central) (Lab/Co-op): I completely agree with the hon. Member for East Worthing and Shoreham (Tim Loughton): this is an entitlement for women. I also commend my hon. Friend the Member for Easington (Grahame Morris), who has a real determination to ensure that women get justice.

I am so proud of women. Women in York and across the country are standing up for their rights, and we will back them. My question is this: why is it always women who have to experience so much financial hardship and poverty in later life? We know that the structures of employment drive women into poverty. Some 36% of women work part time, compared with 22% of men. Women working part time earn a third less than full-time men. Women take on responsibilities for intergenerational care. A quarter of women do not return to work after having a child—for 17% of them, that is because of pregnancy discrimination. Therefore, women are already economically disadvantaged.

We know that vertical pay structures with job segregation mean that women earn £25,000 on average, compared with men’s £30,000. There is a north-south divide in this issue too, with women in the north earning less on average than women in the south. We also know that women tend to be concentrated in low-paid jobs. As we...
have heard, those jobs follow the “Cs”—childcare, eldercare, catering, cashiering, cleaning and clerical work. Often, this is physical labour, which means that it is hard for women to work in later life, and that must be recognised.

When we hear a story in our surgery, as I did on Friday, of a woman who has five jobs—three zero-hours jobs and two part-time jobs—we know that it is tough for women. However, many more women cannot get any employment at all in later life. We also know that the occupational pension that women have saved up for is far less than men’s. On average, women get only £2,500 a year from an occupational pension. Then, there is the further injustice of not being able to receive their state pension, after they have made their contributions. That is a complete disgrace. I am fed up that it is always women who have to pay the price.

If we look at other countries, we see that they take a lifelong approach to pensions. If they bring in changes, people are aware of them decades before. Here, even though the Turner commission talked about a period of 15 years, women are not having their rights honoured.

We therefore have to look particularly at women in poverty and their experience at the moment. As we have just heard, 1.9 million people in our country are living in poverty, and 40,000 people died last winter because they could not even afford to heat their homes, so we have to address the issue of women of pension age in poverty. We know that, among the WASPI women, pensioner poverty has increased from 12% to 21%. There is a real issue to be addressed there.

It was not women who failed, but it is women who have been failed. Women are now having to pay; they have always had to pay, and they have always been discriminated against—to the point of poverty. It was the Government who made these changes. It was the Government who failed to notify these women. We must rectify this gross injustice to end poverty for women in later life. Let us have real dignity for women in the future, and let us honour what they paid into.

One lady continues to look after three generations, as well as holding down a full-time job. However, because of the stress caused by her concerns over her pension age, she is now off sick. Another lady, who is close by in the Chamber at the moment, says:

“I am now 64, so four...years without my pension.”

She has worked since she was 16, and she has 43 years of national insurance contributions. To echo some of the comments made by other hon. Members today, this constituent has two schoolmates born in the same year as she was, 1953—one was born in February, and one in July—and they already have their pensions. So birthdays only nine months apart can mean two years’ difference in terms of state pension pay-outs.

Another constituent resigned when she was 61 from an extremely stressful job, and she felt she could live off her savings until she got to her pension age at 62, only to find out that it had changed to 66. She then had the double whammy of trying to claim her occupational pension and being advised that, if she took it, she would lose 5% each year before she reached state retirement age of 66.

In the short time available, I want to finish with another story from Moray. This lady is a carer for her husband, who took a dense stroke five years ago. They were going to use some of the state pension money to buy specialist equipment that was not available on the NHS. That story is harrowing, but the key point for me was that she never, ever received a letter informing her that she would not be getting a pension at 60.

Mark Menzies: My hon. Friend hits the nail on the head. There are lots of women who find themselves taking on caring responsibilities because their partners have life-changing health conditions. It is really important that the Minister takes this into account when looking at the pension implications for these women.

Douglas Ross: I am grateful for that intervention. We have heard that message from both sides of the Chamber, and I am very hopeful that the Minister will take it on board.

The final point I want to make about this specific constituent was that she had lived at the same address for 27 years—she had not moved house, and she had not moved around the country—yet she never received a single letter from the DWP about these changes. That is the inadequacy we have to look at.

I would like to echo the comments of the hon. Member for Swansea East (Carolyn Harris)—sadly, she is not in the Chamber at the moment—and my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), who spoke about the all-party group’s study into this issue, which I fully support—I was at the launch in Westminster Hall recently. It is great to hear that there have been 90 submissions so far, but we need more because this is an opportunity for WASPI groups and WASPI women across the country to get involved and to ensure that we go through the process and have something to offer the Minister and the Government. We want to identify a solution, and it is important that the women affected by these changes are involved in that.

All 3.8 million WASPI women agree with equalisation, as we have heard across the Chamber today.
Jim Shannon (Strangford) (DUP): Does the hon. Gentleman share my concerns, and those of many others in this Chamber, about women who are doing physical and perhaps menial work and who are unable to continue to work for another two years? Does he agree that the Government should consider those who are physically unable to work and to cope with the extra two years and that action should be taken to help those women?

Douglas Ross: I am grateful to the hon. Gentleman for raising that point. I was able to raise only some of the testimonies that I have had from Moray WASPI women, but I would have included those who are continuing in very hard labour jobs and have worked for a very long time in these sectors, where they have also experienced gender inequality. They suffered while they were working, they thought they were coming up to retirement age, and they have had to continue extremely strenuous work into a period where they thought they would have been retired. They have been hard-working, conscientious employees for so long, and they deserve our support. I hope that the many who are here with us today, and indeed the many around the country who are watching this debate, will feel that there is support around this Chamber and across the parties.

As I said, the key issue is the lack of notification. That is indefensible on the part of any Government. These decisions were made not only by the current Conservative Government but across these green Benches. Governments have let these women down by not ensuring that they had the notification they required to make their plans for the future. As we have heard, they were faced with a cliff edge with no prior notice. That is wrong, and that is why I support the WASPI women.

I also support the very positive comments that we heard earlier about the fact that we are fighting for these ladies’ entitlement to something that they have paid into for their entire lives. They should not have to fight for it—they should be given it. They entered into a contract with the Government that said, “At the end of it, you will receive this pension at this age.” That is why I support these women in fighting for that entitlement. It is why I support the Moray WASPI women who are with us today, all the WASPI women in the Gallery, and all the WASPI women who are watching at home.

1.52 pm

Clive Lewis (Norwich South) (Lab): This is a fantastic debate. I pay tribute to my hon. Friend the Member for Easington (Grahame Morris) for the hard and tireless work he has done on this issue.

Many of us in this House, on both sides of the Chamber, do not see pensions as a burden but as an expression of collective solidarity among generations. We are proud of pensions— they are part of the glue of a civilised society and we will always defend them. That is why we defend and speak up for the WASPI women.

Like so many others in the Chamber today, I am here to represent many constituents who are among the millions of women—it sounds as though half of them are up in the Gallery today—who have suffered as a result of Government policy on pensions. The basic facts of this whole issue are now well-known. Many of the cases that Members will raise today will tell fundamentally the same story, but it is important that those stories be told. That is because the injustice of this consists not only in its quality—the sheer, brazen wrongness of it—but in its scale, with 3.8 million women being robbed of that which they were promised.

This is a huge scandal that must be faced up to by the Government as soon as possible. I have case studies of my own to tell—stories of constituents. Perhaps one of the most chilling and telling aspects is that I have been asked by my local 1950s women’s groups to anonymise them so as to not reveal their identities, because some of these women have been reduced to utter poverty and embarrassment. That is shocking. Women who have, in one way or another, spent their whole lives either working or caring for others—women in their 60s whose entire life plans were based on the knowledge that they would be receiving pensions in a given year—have been tossed casually on to the benefits system, with all its attendant humiliations. Some of my constituents have been forced to go out and get cleaning jobs on the minimum wage. Almost as bad as the financial robbery is the humiliation and insult. One woman is now forced to sell her home because she is unable to qualify for benefits—to sell the only asset she had acquired in a lifetime of work and service.

I have mentioned the quality of this injustice and its quantity—the numbers of those affected. However, there is another element that makes this scandal a terrible stain on all of us in this place—the perpetrator of the injustice. It has been carried out not by some faceless corporate financial mega-business domiciled in Panama, or by some fly-by-night wheeler-dealer, but by Her Majesty’s Government. I am chair of the APPG on fair business banking and finance. We have found in our work alarming evidence of malpractice and fraud in our financial sector that is truly disgraceful. We have also found that trust and faith in our financial sector are now shockingly low. But why should we be surprised by what is happening in the private sector if the Government themselves—the same Government who are supposed to regulate and keep the system fair—are so ready to casually rip off millions of women?

Trust, as we know, is hard won and easily lost. Yet without it, the entire basis of consent under which democratic government operates is lost. If we allow this injustice to persist, we will be doing our whole country a great disservice. I call on the Government to bring forward a fair and reasonable plan to solve this without delay.

1.55 pm

Martin Whitfield (East Lothian) (Lab): It is a great pleasure to follow my hon. Friend the Member for Norwich South (Clive Lewis), who so eloquently described the problems in his area. I congratulate my hon. Friend the Member for Easington (Grahame Morris) on securing this debate. I especially thank all the WASPI women up and down the United Kingdom who continue their fight for justice and for their voice to be heard.

We have rightly debated on many occasions, and at length, the technicalities of why we are in the position that we are in today. It boils down to poor notice, poor care and apathy for many years. It is time that that finished. There has been maladministration. It is time for us to stand up and admit that, face the consequences, and across this House—and, indeed, across the United Kingdom—find a way to successfully end it.
I would like to raise two cases from East Lothian—a constituency with just over 6,000 women affected by this. The first is that of Diane. She was born in 1952, and worked full-time. In 1969, she was told that she had to pay her full national insurance contribution to make sure that she would get her full pension at 60, and this she did. She started work at 16, attended evening classes and worked through day-release to carry on with her job. She was unable to attend college because her parents could not afford it. She worked her entire working life, going part-time when her children arrived to look after them. She has paid in for 44 years. Today, it is necessary to contribute for only 30 years to guarantee a full pension, so she has contributed for 14 years longer than that. She was not informed that her pension age was changing from 60, or that she was going to get a reduced pension. She genuinely feels, and rightly so, that she has been let down by her country.

The second case is that of Lorna. Born in 1954, she started work one month before her 16th birthday. She now has two grown-up children raised by her and her husband. She and her husband have both paid their way, and provided for their family, for their entire lives. She always believed that she would receive her state pension on her 60th birthday, but it did not occur. Her sister, born in 1953, received her pension at 63, but Lorna, born in 1954, has to wait until she is 66. Her husband works full-time on 12-hour shifts. Lorna is unequal. She has huge mobility problems and significant other problems. Her husband will not receive his pension until 2022. He is two years younger than she is. They still have a mortgage to pay and are still expected to contribute to that. If she had received her pension at 60, she would have been able to live a life in which she was shown some respect. This has been removed from her, as from so many women we have heard about today, so many women who are here with us in the Gallery, and so many women around the country.

Now is the time for this Government to listen. We have heard support across these Benches for proposals that would rectify this. Now is the time for us to give justice to the WASPI women.

1.59 pm

Tonia Antoniazzi (Gower) (Lab): I congratulate my hon. Friend the Member for Easington (Grahame Morris) on securing this debate. I speak in support of this motion, delivering on the pledge I made when I was elected to this place that I would fight for the rights of 1950s women to obtain what they are entitled to. The way in which those women have been treated by the Government is disgusting and downright disrespectful. It is totally unacceptable that women born in the 1950s are suffering financial hardship because the Government failed to communicate state pension rises to them effectively. My hon. Friend the Member for Swansea East (Carolyn Harris), who travels widely across the country to fight for 1950s women, will be attending a 1950s women’s event in Gower on 20 January, and I thank her for her support.

Some women were given only one year’s notice of the change; others got up to five years’ warning, but many never received a letter at all. Labour Members recognise the injustice that those women have been dealt. Our policies complement the legal action for compensation that some 1950s-born women’s groups are seeking.

Our policies are tangible, and they represent action that the Government could take now to ensure that women in their 60s do not have to face homelessness, claim through the broken social security system, or have to make impossible decisions about their family life. We have heard the personal stories of Diane and Lorna, and my hon. Friend the Member for Gower (Tonia Antoniazzi) will also like to say a word of thanks to her. Everyone in this House is aware of the WASPI women. This has been an excellent debate so far, and I thank the Backbench Women’s Group for helping to bring it to the House.

When we discuss this inequality, it is important to note that we are talking about women’s lives being affected. Indeed, many 1950s WASPI women in my constituency can tell harrowing stories that illustrate the personal impact of pension inequality. My constituent’s mother was born in April 1953, and she was an extremely hard worker who worked all her life. Some 20 years ago, she split from her husband and worked full time, raising her child as a single mother. She had always said that although she loved her work, she was looking forward to a much deserved retirement at the age of 60. After 60, however, her attitude changed. She would say things like, “I wouldn’t know what to do if I retired anyway.” During that time, she was still travelling and working five or six days a week at a garden centre in Llansamlet.

After my constituent’s mother turned 60, she decided out of the blue to take a job closer to home at another garden centre, which she said was not so difficult to get to. Her family kept on at her about why she would not retire, but she just said that she did not really want to. Changes in the state pension age meant that instead of retiring at 60 in April 2013, she would have had to until July 2016. Like many WASPI women, she was given very little notice that her retirement age had changed.

Sadly, my constituent’s mother passed away on 30 October 2015 from pneumonia, aged just 62. She had chronic obstructive pulmonary disease, but even with that, she refused to slow down. That was what ultimately led to her death. It was only after her death, when they were dealing with the estate, that her family realised that she had carried on working not because she did not want to retire, but because she could not retire, despite their best efforts to convince her to do so. She had not wanted to tell them, because she had not wanted them to worry. The situation has caused a huge amount of distress to her family, who feel that if she had retired when she originally planned to, she would have lived longer, even with her COPD.

My constituent’s mother, and many like her, should not be put through such ordeals after a lifetime of work. The motion would provide for fair transitional arrangements for women born on or after 6 April 1950 who are affected by the Government's chaotic management of state pension equalisation. I and my hon. Friends will continue to fight for and work with the 1950s women to right the wrong that they have been done.

2.3 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I start by paying tribute and dedicating this speech to my good friend and sister Mary Moore, aka Doyle. As I speak, her family will be attending her burial service, and I know that Mary would have been the first to ask me to speak out and stand up for her generation of women—the WASPI women. I would also like to say a word of thanks to my hon. Friend the Member for Easington (Grahame Morris). He is a tireless champion in this House of working people and the WASPI women.
We have come together to debate an issue of fairness, of decency and of what is right and wrong. I know that women affected by the inaction of this Government—particularly the WASPI women in Glasgow and Lanarkshire—are watching this debate live in Glasgow today, and I thank Unison in Glasgow for making that possible. The WASPI women are watching and listening, and they deserve action. They deserve honesty, and they deserve decency and equality. I say to them: “I am with you, and I know that Labour Members are with you, too.”

Like many Members of the House, I have campaigned with, welcomed to my surgery, cried with and listened to the stories of WASPI women. Take Helen, for example. Helen lives in my constituency. She was born on 18 January 1954, and she will shortly be celebrating her 64th birthday. Helen has spent her adult life working, and her job will come to an end in April. If she followed the advice of the Under-Secretary of State for Work and Pensions, the hon. Member for Hexham (Guy Opperman), Helen should either apply for jobseekers’ allowance or apply for an apprenticeship. Yes, Members heard me—an apprenticeship at 64. I think she should be able to claim her pension and enjoy dignity and respect. Helen and women like her should not have to sing their favourite Beatles song:

“Will you still need me, will you still feed me
When I’m sixty-four?”

Yes, Helen, we do still need you, and yes, Helen, we will feed you.

I would like the Minister to let us know why he refused a meeting with the WASPI campaign. I know that he has turned down a request to meet several times, and I would like to know why. The Government have a duty to bring our country and its people together, and I want to know why they have not and will not. A few short weeks ago, I was very pleased to be able to lead the debate, Torry Back Benchers made only two interventions. They had an opportunity to speak up that day and stand up for their constituents. It was sad that during the debate, Tory Back Benchers made only two interventions. They had an opportunity to speak up then, but they did not take it.

I was sent to this House to stand up for working people, and there is no greater pleasure for me than to know that I give voice in this Chamber to decent, working people out there. I have had many emails, letters and calls from WASPI women, and it has been an honour to receive every one of them. I say to the Government, “Don’t mess with the WASPI women—they will sting.” I say to the WASPI women, the women in the Gallery and the women back home in Glasgow, “Until justice is done, I will be fighting with you.”

2.6 pm

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): During the many questions and debates on pensions for women, we have heard the facts, the figures and the dates relating to the 3.8 million women who are affected, so I am not going to cite figures or talk about dates. Instead, I am going to talk about a woman I met a few weeks ago, whom I will refer to as Mary.

Mary came to see me in my surgery on a particularly wet and cold morning. When she arrived she was visibly shaken and upset, because she had slipped over on a wet leaves as she walked into the room. I offered to meet her at another time, but she was insistent that she wanted to speak to me that morning. She apologised for being late, and explained that she was so tired that it was making her clumsy. I asked how I could help her, and she told me that she was on bereavement leave because her son had died in July and, despite support from work, her grief made it impossible for her to return to work in the local supermarket.

Mary told me that she acts as a carer for her husband, who has a degenerative condition. His health has declined to the point where he is unable to leave his chair and needs constant care, and that was why she did not want to rearrange our appointment. She was adamant that she needed me to hear her story. She told me that she had not found out until 2013 that she would have to work until 65, and that the memory was vivid in her mind. She was told about it by a colleague, and she did not believe it at first. She told her colleague, “You must have got this wrong,” and she went home and phoned the pension line. Afterwards, she was in shock.

We know that Mary is not the only one. The Department for Work and Pensions failed to record how many letters were returned undelivered, and no further action was taken to trace women who had not received letters. A few years previously, Mary’s mother had become ill, and Mary had had to choose between going part time and giving up her management position to care for her mum, or continuing to work and sorting out carers. Mary believed at the time that she only had a few years until she could draw her pension, so she decided to go part time and care for her mother in the last few years of life.

Because of Mary’s decision to care for her mum and go part time, her work pension is vastly reduced. Mary is so broken by grief that she cannot work. She is watching her husband decline, and she faces her retirement as a widow. Knowing that her pension would change would not have stopped what happened to her son, husband or mother, but it would have enabled her to have made an informed choice about whether to have continued in full-time employment. That could have resulted in her facing retirement as a widow in a situation much more comfortable than the one she now faces.

Millions of women across the country are living in financial difficulty because of the mismanagement of the changes, having made important life decisions in the expectation of receiving their pensions at age 60. I accept that even a Labour Government cannot change what happened to Mary, but I strongly believe that it is the job of every Government—no, of every person—to reach out a hand to help people back up when they have been knocked down by life. The Government can dress this up in any way they like, but we all know that an injustice has been done to 1950s women such as Mary. Now they must right that wrong by introducing transitional arrangements for all the women affected.

2.10 pm

Stephen Lloyd (Eastbourne) (LD): First, I thank the hon. Member for Easington (Grahame Morris) very much for securing the debate. One of his key, salient
points was the complete failure of Governments—plural—to communicate the changes. Initially, there was the Pensions Act 1995; afterwards, there were the Labour Governments and the coalition. As I have flagged up in the House before, all of us are culpable—all the political parties let women down.

From 1995 to 2009, there was no communication at all from the Department for Work and Pensions to the women affected, some of whom are in the Gallery—14 years during which Governments could have told them exactly what was happening; that way, at least, there would have been time for them to prepare. That did not happen, which is why so many women justifiably feel so frustrated, angry and hurt.

While the Minister is here, I want to make some specific proposals about what the Government can do. They are in charge and have the responsibility. First off, as the hon. Member for Easington said, there should be an opportunity for early access to pension credit. The Government should consider doing proper actuarial research into whether WASPI women should be able to take their pensions earlier, even if the amount is lower, and then to the higher amount by the time they reach 66.

There has to be a financial cost-benefit, not least because many WASPI women are facing real financial challenges. Whatever happens, the Government should seriously consider providing a flat sum of transition money, and I have a proposal about how they could do that. The Government absolutely insist that they are the party of aspiration—sometimes they are and sometimes they are not. Some of the shambles that I have seen since I was re-elected would indicate that they are not very good on aspiration. When she took over from David Cameron after the referendum, the Prime Minister said that she wanted to help those who are just about managing: she wanted to be there for the common man or woman.

One of the things that the Government are continuing to do—it happened in the recent Budget—is cut corporation tax. I have a proposal that I think a lot of businesses would accept, particularly the giant corporates: why not defray one year of corporation tax cut and use that money to ensure that WASPI women have a sufficient amount for a transition payment that makes things a little less difficult? I think that suggestion would fly in the House across party and out there, and I suspect that an awful lot of corporations would say, “Fine—we’ll do it. We appreciate that WASPI women have been short-changed because for more than a decade they were not informed, so we accept the proposal.” That is just an idea.

Last but not least, I have something else to put to the Minister. Seriously, it is time for the Government to allow not just debates—Backbench Business Committee or otherwise—but a votable motion. I say directly to the Minister: listen to people across the House and give us a proper vote on this issue. I believe that a lot of Government Back Benchers would support us.

2.14 pm

Chris Bryant (Rhondda) (Lab): It takes a particular talent to transform a justice—the introduction of pensions equality for men and women—into a massive injustice for the 1950s women whom we are talking about. That is what has happened over the past three years. The righting of a wrong has been turned into a new wrong, and everybody in the House, apart from a few people who want to be desperately loyal to the Government in their hour of need, says that the issue really needs resolving.

The injustice is twofold; it is not just the sudden speeding up of the process. When I wrote to the 3,000 women in the Rhondda who we thought might have been affected, I was amazed when people told me at a subsequent meeting. “You know what? The first time I realised that I was going to be affected was when I got a letter from you.” For heaven’s sake, the Government knew when the women were going to retire and had all the information, so they should have been getting in touch. This is not a partisan point—it is as true of the Labour Government as it is of the coalition and this Government. Nobody carried out the due diligence of making sure that all the women who were going to be affected knew that.

Just as I say to Great Western Railway every time it forgets to give us any information about the delayed train or whatever, one announcement or one letter is not enough. These are complicated matters. All too often, the post gets mixed up with something else or delivered to the wrong house. It was the Government’s job to make sure that everybody knew what was going to happen to them. It is one thing for a person to be told that in 30 or 15 years’ time their pension will not be what they thought it would be; it is quite another for them suddenly to discover, with moments to spare, that they will have to work extra years.

The people whom we are talking about in my constituency are women who have been absolutely dutiful—they have slaved their way through life. Many have worked since the age of 15, doing tough, often physically demanding jobs for minimal pay. The phrase they often use is “clapped out”. They say, “Frankly, I’m clapped out. I don’t have the energy to go on to some apprenticeship scheme or to do something else. I would if I could—that is in my nature—but there is just nothing left in me.” The situation feels like a terrible injustice.

There is another thing that I mention as the MP for the Rhondda. This is not something we are proud of, but it is just a fact: if we look at the map of deprivation across the country, we see that people in my constituency are paid less and have less money. They probably end up working many more hours than others simply to put food on the table. In a community such as mine, this issue makes a phenomenal difference, so the injustice is very toughly felt. People do not have savings to fall back on, lots of extra money or family members to turn to. Often this generation of women are looking after elderly relatives in their 80s and 90s as well. The issue is really having an impact on the whole of my community.

Finally, I pay enormous tribute to Dilys Jouvenat, who is running the campaign in the Rhondda. I know that the Minister is a decent man, but trying to tough the situation out for years and years and hoping that it will all go away is not going to work. The Rhondda women want justice—and by heaven, they’ll get it.

2.18 pm

Mohammad Yasin (Bedford) (Lab): I thank my hon. Friend the Member for Easington (Grahame Morris) for his excellent work on this important and serious
issue that is facing some women in this country born in the 1950s. Five and a half thousand women in Bedford borough are affected by the pension changes, which were drawn up with little or no notice, and with no time being allowed for people to make alternative plans for such a life-changing event. I was very pleased to hear last week that Bedford Borough Council voted unanimously to support those women through the WASPI campaign. Depriving people of the money they have worked for and ought to have been entitled to is one of the greatest injustices imposed on a large section of our society.

But it is not just about the injustice. Women from the brilliant Bedford WASPI group told me that they have been robbed of their money, their independence, their pride, their future and even their homes. Some of those women are here today. Many women are destitute. I know of one woman who is now living in sheltered accommodation with her mother, because it was especially women on their own without the safety net of a partner’s income who were simply unable to re-plan their lives with less than five—and sometimes less than two—years’ notice.

The women I spoke to told me they were opposed not to the pension age going up, but to the way it was handled. The first shift in pension age was bad, but the second time the goalposts were moved, under the coalition Government, was the straw that broke the camel’s back. One woman told me that although she tried to carry on working, health problems got the better of her and she could not carry on. She said that decades of working and looking after an elderly parent left her with nothing more to give. Her story is a common one, which was why hearing the Government telling women in their 60s why hearing the Government telling women in their 60s—surprisingly, even unbelievably. But I

The Government’s shambolic handling of this situation is the rightful source of much frustration and anger from women born in the 1950s. As we have heard from Members on both sides of the House, the lack of communication from previous Governments meant that a large proportion of women born in the 1950s received letters stating that their pension age had increased by six years only when they were 59, and therefore within a year of their expected retirement age of 60. From the stories I have heard, they were the lucky women, as some received no communication at all. If these women had been adequately informed, sufficient measures could have been put in place. I will be speaking on behalf of those women today.

I have heard at first hand from a woman in my constituency who has a disabled husband and therefore has been the breadwinner, despite being in a low-paid, physically demanding job. At 63, she still has to work every single weekend despite being in very poor health herself. She works weekends instead of resting, and then during the week, like most people of her age, she helps to care for her grandchildren, who live quite a distance away, to help her son and daughter-in-law with the cost of childcare. This woman never rests and is terrified of going off sick in case she loses her job.

Such stories are common throughout the country, particularly in places like Leigh where low-paid work is, unfortunately, commonplace. Had these women been able to plan for a late retirement, or received adequate support during their time of crisis, they might have been able to retain their independence.

The Government have been treating these women with total disregard. They have failed to show any sympathy to those who planned their entire lives around their state pension age only for the Government to start moving the goalposts. The total communication failure has resulted in understandable stress and anxiety, and this has already begun to have an effect on their livelihoods, families and health.

Fortunately in Leigh, our women born in the 1950s have become a support group for other women affected. The group is constituted and has become a support organisation. The women can talk with others in the same situation, help one another and plan for their futures, so I give particular credit the Leigh Pension Group. I know its members are watching this debate with great interest. They are an inspirational group to be around and I am sure the whole House will join me in thanking them for providing such fantastic support to the women affected.

On 19 January, Manchester will follow Leigh’s example by lighting up the town hall in purple in support of our WASPI women. While that is only a small gesture, it is important that our communities show solidarity with the campaign and send the clear message to those affected: “We stand with you, and you will not be alone.”

2.26 pm

Thelma Walker (Colne Valley) (Lab): I thank my hon. Friend the Member for Easington (Grahame Morris) for securing the debate.

I declare an interest because I am one of the women affected by these changes, as I was born in the 1950s—surprisingly, even unbelievably. But I
am not speaking in this debate just for myself; I am speaking for the 7,000 women in my constituency who have been affected by these shambolic changes, which the Government have brought in without due warning or notice.

We have heard time and again that Conservative Members care about 1950s WASPI women. They make impassioned speeches about the issue, but they then advise the women to take on an apprenticeship. I do not want to spend time focusing on those Members, however; instead, I will focus on the issue before us. But we all know that the way the Government chose to roll out the legislation was just plain wrong.

We need only look back through the Official Report to see how often right hon. and hon. Members have spoken on the issue. Today, I would like to add my voice and tell the House about a constituent of mine, Susan, who lives in Colne Valley. When Susan was 49, she injured herself at work. She tried to work for several years, but had to leave—she just could not manage. Susan was meant to get her pension at 60. Then the age was moved back to 62, and now it is 65.

Susan gets £535 a month from a private pension. She is also a carer for her mother, and she earns £63 per week for 36 hours’ care. Susan has £800 per month to live on. Of that, £114 goes to paying council tax, and £80 is the cost of her bus fares to see her mum. After her expenses are taken out, Susan has £50 per week to live on. She usually eats Weetabix for her evening meal when she gets home, because that is all she can afford. She does not get a bus pass and she does not get a heating allowance. Susan is on her own, so she does not have support from a partner.

Can the Minister really tell me that these changes are not having a detrimental impact on Susan’s quality of life? Let us all for a moment put ourselves in Susan’s shoes as someone who, through no fault of their own, is unable to work and has no disposable income at the end of the month, while providing the vital service of being a carer for her mother.

Poverty for those affected by the state pension changes is a reality. No one in the UK should be facing a choice of heating or eating because of the changes this Government have made to the legislation. I say to them: do not ignore the voices of us 1950s women, because we are not going away—pay us what we are due.

2.29 pm

Helen Goodman (Bishop Auckland) (Lab): I am very pleased to follow my hon. Friend the Member for Colne Valley (Thelma Walker), who spoke beautifully. I, too, am a 1950s woman, but I am speaking in the debate because this issue affects 6,300 of my constituents. We are all in favour of equalisation, but we need a proper transitional period. That is what these women have not been given and that is why it is unfair. They had no time to prepare, no time to save and their legitimate expectations have not been met. Some have lost significant amounts of money, even though they have been paying national insurance contributions for many years. Ministers say that this is because life expectancy is rising, and it is, but it is no use to a person born in 1953 to know that a baby born now will live to the age of 83. When they were born, the average life expectancy was 72. Let us look at the differences in life expectancy in different parts of the country, and even in my constituency. In the most well-off ward, the healthy life expectancy is 71, but in Woodhouse Close and Shildon the healthy life expectancy is 55.

When I started work in 1979, I expected to retire next year aged 60, but now I have to work until 2024. The big difference between me and my constituents is that I started work aged 21, having stayed on at school and gone on to university. Many of my constituents started work on leaving school aged 15. Ruth started aged 15 and worked in local government and health. She has three children and six grandchildren. She thought she was retiring at 60 to look after her dear old mum. Now she has to go back to work to sustain her husband, her children and her mother. She asks, physically, emotionally and financially, where is the time, health and energy going to come from? Shawn is in the same situation. She has had three jobs to keep herself and her family. Aged 15, Pamela left school on the Friday and went to work on the Monday. Jane—the same. She worked 70 hours a week from the age of 15. She finished at 54 with a disability. Jane and Pamela exemplify those people who are being moved on to employment and support allowance. They are using up their savings, which they had put by for their retirement. They are not exceptional or unusual. The number of women aged over 60 on ESA has shot up fourfold.

2.34 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I was wondering what to say today, because I have spoken in every single WASPI debate since I was elected and I am struggling to find anything new. I would say that in their treatment of the WASPI women the Government are behaving like dodgy used-car salesmen.
This is the political equivalent of being mugged in the street. I thought, “I know what I’ll do, I’ll talk about the injustice.” But the Government already know about the injustice. I am sure the Minister is going to trot out the old arguments about people living longer. Actually, that is no longer true, because life expectancy is in decline. Whether we are living to 80 or 150 is not the point at issue today. The point is that the WASPI women were not given proper notice. That is the issue today and that is the issue I would really like the Minister to focus on.

I was also going to talk about the hardship and the penury in which these women have been placed, but the Government and the Minister know about that—they have heard it time and again. I was also going to talk about the cruelty of moving somebody’s pension age further and further away every time they approach it, but of course the Minister knows about that as well. He has heard it a dozen times. I could also talk, as many other Members have, about the caring responsibilities these women have taken on, but the Minister knows about that, as well as everybody else in the Chamber.

What I will talk about briefly is the social contract. Members have talked about what this will cost and asked, “Can we afford it?” I suggest to the Minister that we cannot afford not to address this matter. This goes to the heart of the social contract between those govern us and those who are governed by us. If people cannot have faith in the contract they have with those they elect to represent them, where can they find justice and support? The Government have cruelly and callously ripped up that social contract. The hon. Member for Bury St Edmunds (Jo Churchill), who is no longer in her place, talked about WASPI women as though they are some kind of burden on the state. Nothing could be further from the truth.

The Minister and other Members have spoken about apprenticeships. There might be some WASPI women out there who are terribly excited at the prospect of a £3.50 an hour apprenticeship, but I just have not met them. Perhaps the Minister has. Perhaps his colleagues who have been lauding that have met them. WASPI women are not interested in whether they will get a telegram from the Queen. The fact is that that does not pay the bills and it does not put food on the table. Unless the card is edible, it is not much use.

We need to stick to the matter at hand. These women have been let down. They have been sold a pup. They are now living in hardship through no fault of their own. It really is time the Government recognised that in contrast to their impassive, stubborn and unfeeling lack of response, the WASPI women are showing dignity and fortitude. Everybody watching this debate can see the difference between the two camps. I urge the Minister to get a grip, do the right thing and give these women the money they are entitled to.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Before I call Luke Pollard, I am sure that right hon. and hon. Members will be very pleased to hear that the Speaker of the Kosovo Parliament is with us. Welcome, Mr Speaker Veseli.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank my hon. Friend the Member for Easington (Grahame Morris) not only for securing the debate, but for joining me on my Facebook Live last night to take questions from WASPI women in Plymouth.

First, I would like to declare an interest: I am the son of a WASPI woman and am very proud to be so.

There are so many WASPI women born in the 1950s who, instead of being treated with dignity in their retirement, are struggling to make ends meet, without enough money to spend on food or to heat their homes. They have worked hard all their lives, paid their taxes, raised children, contributed to society, cared for their loved ones and believed that when they retired the state would honour the obligations set out to support them. That has not happened, which is a disgrace.

In Devon, there are 78,000 WASPI women who deserve pensions justice. Cornwall and the Isles of Scilly have a further 33,000 women in that situation. In Plymouth, there are 8,000 WASPI women. As the only Plymouth MP here today, I speak not only for the 5,703 WASPI women in Plymouth, Sutton and Devonport, but for all of them. All these women deserve justice for the pensions, which have been stolen by this Government. Since standing to be a Member of Parliament, I have found the WASPI campaigners to be decent and honourable women who are passionate and determined to get justice. Jackie, Morticia and so many others are an inspiration. But, as my hon. Friend the Member for Gower (Tonia Antoniazzi) said, there are many WASPI women who are not here to see this debate. They are not clustered together in trade unions or around computer monitors looking at the internet, because they have lost their battles. They are no longer here, and they were denied pensions justice.

Many WASPI women were not previously active campaigners or political activists. It is so important to stress that these incredible campaigners did not choose or want to have the life of an activist, as many of us in this place have chosen. I am sure that many would have enjoyed a quiet life in retirement with their pension, embarking on the plans that many had taken years to prepare, but the injustice that they face has been sprung on them. It has forced them to stand up and campaign on this issue. These women are the same generation that fought for equality and against poverty. Now they are fighting for the very justice that they deserve in retirement—a decent pension.

I have spoken to many brave WASPI women and campaigners in Plymouth and across the far south-west, such as Bernice, Val and Jackie. They wanted to share their stories so that they could be heard. There are so many women who saved, put aside and hoped for dignity in retirement, but who face poverty and humiliation. A point raised by many Members on both sides of the House is that these WASPI women are proud. They wanted to do the right thing and they thought that they had been doing the right thing, only to find out at the last moment that they were doing the right thing was, in fact, actually not right, because the Government failed to communicate to them. They are proud women who have worked hard, and they deserve a decent pension.
Luke Pollard: I will not. I apologise, but I do not have much time.

The WASPI women have been betrayed. They have been robbed of their dignity and were insulted when they needed help from the Government. I believe the Minister to be a good man who has taken a lot of stick on this matter, so he is in the perfect position to give the WASPI women hope, although his comments on apprenticeships have not built trust in this Government.

Let there be no more debates after today, and no more excuses. Let us have a decent settlement for women. The Minister and the Government are on the wrong side of history. These WASPI women are not going away. They will fight on; they will not tire; and they will not give up. As the son of a WASPI woman, let me say that neither will I.

2.42 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): I stand to speak again on behalf of the 6,500 women affected in my constituency. I would also like to pay tribute to the campaigns up and down the United Kingdom, including by my local Ayrshire WASPI group.

In the last debate on this matter, I compared the different world that many Tories live in with the real world, and then—right on cue—up popped the hon. Member for South Thanet (Craig Mackinlay), who is looking to raise funds to bring back the Royal Yacht Britannia. You could not make it up—that is actually considered to be a serious option. It is even worse given that year-one apprentices over the age of 19 are entitled to a minimum wage of only £3.50 an hour. In the same debate, giving bus passes at an earlier age was also considered to be some mitigating concession, but that would go no way to make up for this injustice. In Scotland, the Scottish National party Government already give bus passes at the age of 60, so that measure would do nothing for women in Scotland. While I was thinking about these things yesterday, I got an email from the hon. Member for South Thanet (Craig Mackinlay), who is looking to raise funds to bring back the Royal Yacht Britannia. You could not make it up—that is actually considered to be a serious campaign when there are all these other injustices.

In the real world, life expectancy has dropped this year for the first time in decades, as actuaries have shown. In the real world, The BMJ report estimates that 120,000 deaths are attributable to Tory austerity measures. In this real world that I live in, I get notified of a WASPI woman, suffering from cancer, who is likely going to lose her house. Her husband is stressed by having to work much longer to try to keep the household going. Meanwhile, her MP, the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), has confirmed in writing to another Ayrshire WASPI woman that "in Government difficult decisions have to be made and whilst in opposition you can promise the earth but do not need to deliver it".

No one here is promising the earth. We want justice for these women. They should get the money that they are entitled to.

The hon. Member for Ayr, Carrick and Cumnock also says that he believes "that successive Governments have taken adequate steps to inform the public about these changes". That is effectively saying that it is these women’s fault that they did not know about the changes. No one can credibly say that successive Governments have notified the women properly. Then there is the myth the Tory Government mitigated the impact on those most affected by the Pensions Act 2011. That is like saying that the school bully only took £2 rather than the £3 they demanded, so it is therefore a £1 mitigation measure. That is not mitigation at all.

In the wider world of the Scottish Tories, they argue, on some technicality, that the Scottish Government have the powers to do something about the situation. The Scottish Parliament does not have the competence to deal with pensions. At the same time, the Scottish Government’s budget has been cut by £2.5 billion and the Scottish Government are having to mitigate the effects of other measures, including bedroom tax and council tax. It was Westminster that refused to devolve pensions and voted against full fiscal autonomy for Scotland, so there is no way that the blame can be levelled at the Scottish Government.

There have been arguments about how much mitigation measures may cost and the Government have queried the independent report commissioned by the SNP that said that such measures would cost £8 billion. In the last debate, the Government Minister threw in the figure of £70 billion for good measure as an estimate of the cost of reversing the Pensions Act 2011 and the Pensions Act 1995, even though we did not call for that. I have updated figures from the Library on the Government’s tax giveaways such as corporation tax, inheritance tax, savings concessions and the higher tax threshold, extrapolated until the year 2025. These will cost the Treasury £63 billion. Corporation tax giveaways until 2025 will cost £50 billion. There is the solution. It is staring the Minister in the face. These are the choices that the Government have to make.

2.46 pm

Laura Pidcock (North West Durham) (Lab): I thank my hon. Friend the Member for Easington (Grahame Morris) for securing this debate. My mam is a WASPI woman. As the daughter of a WASPI woman, worse than the so-called burden on my generation or younger generations is seeing my mam not getting what she deserves, and the consequences of that, so I definitely do not see it as a burden.

There is an overwhelming case to reach a compensatory and transitional arrangement for women who were born in the 1950s—women who, through no fault of their own, have been robbed of a decent retirement. However, despite this long debate, I am sure that those women do not feel as though their voices will be heard by this Government. We will see when the Minister rises to his feet. If the hardship was really heard, the Government would take action.

I asked women to share their experiences, and they were stark and heartbreaking. Contrary to the comments on the Government Benches about the individualised nature of these experiences, there were patterns. It was a collective experience. For example, it is clear and cannot be disputed that these women have been left without information by the Department for Work and Pensions. The word that they used repeatedly about how they felt was “cheated”. The lack of notification has consequences; that is clear and cannot be disputed.
Women who often started work at the age of 15 have been suddenly asked to rip up their retirement plans and scratch around to make a living. Because of those new and sudden realities, they have been forced into often back-breaking temporary zero-hours work with no security or job satisfaction just to make it through to their retirement age. Illness has made them desperate and trapped, and having to search for ways to make ends meet is frightening in this new financial environment. Financial insecurity and poverty have caused many to experience acute mental health problems. Caring responsibilities have left them exhausted and with gaps in their pensions through no fault of their own.

Overall, these women, who have worked all their lives and have not had the advantages of many in this place—and for many, life has been a struggle—have felt utterly let down by the DWP, by their representatives in the House, and by the Government. What happens in this place has massive consequences.

This is one woman's reality. She says that she is living from “hand to mouth”. It really is about whether she can “heat or eat”. She writes:

“I am not in the best of health... If I am unwell and cannot work I don’t get paid. I should not be in this position! I should have been informed years ago of the massive increase in state pension age! An additional six years to work is... unfair; it’s the best part of a decade and that means a lot when you’re in your 60’s! I feel hopeless and frustrated. What will my health be like in another four years’ time? Will I ever get to enjoy my retirement?”

Those words are truly heartbreaking, and there are thousands of similar stories from thousands of women in my constituency.

These women want to know where their money is. They want to know how a contractual relationship with the state—and for many, life has been a struggle—have felt utterly let down by the DWP, by their representatives in the House, and by the Government. What happens in this place has massive consequences.

Two dogs are talking to each other in a field. One says to the other, “What the hang am I going to say?” I have said everything multiple times, and there are only so many ways you can state the same facts.

I had an email from a lady called Hazel. She said this morning that her daughter was 40 years old and did two or three jobs in order to make ends meet and that was with £8 billion spent across five years—one whole Parliament—things could effectively revert back to the

2.50 pm

Mhairi Black (Paisley and Renfrewshire South) (SNP): I too woke up this morning and thought, “What the hang am I going to say?” I have said everything multiple times, and there are only so many ways you can state the same facts.

I had an email from a lady called Hazel. She said that, just out of curiosity, she wanted to look at the old TV adverts for the multi-million-pound campaign that the Government had apparently launched. Given that we have focused so much on communication today, I think this is a very valid point. Hazel showed me various adverts; having searched the whole archive, we could find three. The first was presumably aimed at women. It is very patronising, as is the one that is aimed at guys.

Two dogs are talking to each other in a field. One says that it is very confused by pensions because there are so many different types. The other dog says, “Well, the Government have this great new handbook that you can request to be sent to you.” The punchline is “Is that you a guide dog now?” Oh, the banter. That is very good, right? But it was not adequate in the slightest when it came to getting across to people the grave changes that were being made.

My favourite is the third advert. It is only 10 seconds long, and half of it shows a dog chasing its own tail. There is no dialogue whatsoever. That summed up, for me, the Government’s reactions to this entire saga. They are just spinning in the one circle, refusing to acknowledge the facts that people are pointing out to them.

I raised that for two reasons. First, it is the only new thing that I have to add, and secondly, the onus is still on the women to request the information. The onus is still on them to go and find out what the Government might or might not be up to with their pensions.

It is incredible that we are still having to have this debate. As far as I am aware, this is the 13th in which I have taken part since I was elected, and I know that there were others before that. The key issue is that at no point have these changes been explicitly mentioned, and at no point have they been communicated to the women affected.

Until the speech made by my hon. Friend the Member for Kilmarnock and Loudoun (Alan Brown), I thought that everyone here agreed that there was poor communication for many years. I think that that still stands. It is a historical fact that both Labour and Conservative Governments totally ignored the problem and, to an extent, there is still a huge communication problem that we have to look at.

From the admission that there is a communication problem, we can safely draw two conclusions. The first, which is the more important, is that the women are utterly blameless. The second is that it is actually an admission of guilt on the Government’s part. It is a recognition that the institution of government has failed those same women again and again.

The hon. Member for North Cornwall (Scott Mann) said earlier that the 2011 Act had been rushed, and I agree with him. It was shoved in at the last minute. Then, all of a sudden, people said, “Wait a second: there is a 1995 Act. Oh my God, this has kicked off.” Instead of doing the sensible thing and saying, “Let us step back and see what we can do to soften the blow,” the Government decided to walk away with it anyway.

Can we deal with the fact that the job of current Governments is to fix the mistakes made by previous Governments? That is what we are all here for. We are trying to move society forward, and it is not going to get anywhere if the response is always, “We looked at that; it is rubbish, but let us move on.” However, that is all that we are getting from the Government. We can shout about whose fault this is until we are a Tory shade of blue in the face, but it will not fix a damn thing. I recognise that the Government have made slight concessions to the 2011 Act. That gave some women an extra few months, but it was a wholly inadequate response because it totally neglected the chaos that started back in 1995, and the huge leap that nobody knew about. Can we focus on how to fix the issue now, rather than getting drawn into the blame game of whose fault it is or is not?

As has been mentioned, the SNP produced a report that did the Government’s job for them. It stated that with £8 billion spent across five years—one whole Parliament—things could effectively revert back to the
original timetable of the 1995 Act. That would allow a lot of breathing space for a lot of women, especially those worse affected. The national insurance fund has a surplus of £23 billion. People can disagree with that all they want—I am happy to talk to them afterwards.

James Cartlidge rose—

Mhairi Black: I am about to come specifically to the hon. Gentleman. He mentioned the problems faced by the pensions system, and I completely agreed with the spirit of his speech. I understand that Gordon Brown had a field day with the pensions pot and made things a hell of a lot more complicated for everybody. I accept that as reality and a historical fact. However, the fact that I agree with the hon. Gentleman about those grave concerns shows why we need to fix this problem. We always hear the argument about it being unfair to put costs on to the younger generations because they are the ones who will be footing the bill—the pay-as-you-go system that the hon. Gentleman referred to. I am from that generation, and I am looking at this problem and thinking: these women have done nothing wrong, yet the Government are still able to afford all these things that I really do not think are that important. Are the Government really not going to act because of me? Wait a second—why should I be paying national insurance, if at the last hurdle the Government can change the rules and move the goalposts? Why should my generation pay that—an opportunity, that is all I ask.

Where the hon. Member for South Suffolk (James Cartlidge) and I will disagree is when I say that this comes down to tough political choices. The Government have a deal with the DUP to maintain power, and billions of pounds are being spent on Trident. There is the refurbishment for this place, and we have heard about some ridiculous campaigns for boats and royal yachts and so on. I am sorry, but those things are not the priority right now. These women entered a contract—national insurance is a contract; it is a basic fundamental of our welfare state as it functions. We cannot undermine that, yet that is all the Government are serving to do. If this were a private company it would, rightly, be getting dragged through the courts right now, and the Government should reflect on that.

The hon. Member for Bury St Edmunds (Jo Churchill) said that section 28 of the Scotland Act 2016 gives the Scottish Parliament the power to mitigate these changes. I have a problem with that argument because section 28 of that Act states that we cannot give pension assistance or assistance by “reason of old age”. We are not allowed to do that—pensions are completely reserved, and when we campaigned for the devolution of pensions we were told no.

Douglas Ross: Does the hon. Lady also agree that an SNP Government Minister stated in a letter to the UK Government about the WASPI women:

“I accept that ‘old age’ is not defined in the legislation, and that most people would not regard this age group as old”?

When she speaks about pensions, does she agree that these women are not pensioners because they have not received their state pension? There may be an opportunity to use that—an opportunity, that is all I ask.

Mhairi Black: I appreciate what the hon. Gentleman says, but the WASPI women are not receiving a pension because the UK Government will not give them one, so that is a ridiculous notion. I commend the hon. Gentleman because he supported us during an Opposition-day debate. That was commendable and brave, so fair play to the guy, but that is a totally ludicrous point of view and I will explain why.

As I have said—I am coming to a conclusion, Madam Deputy Speaker—I disagree with Labour on constitutional grounds, but that is because I want to cut out the middle man. This is the perfect example of why I support independence. Why are we paying taxes to come to London to be told by a Conservative Government what we can and cannot spend the money on? The irony is that, when those policies start to take effect, the Government turn round and say, “We want the Scottish Government to fix it.” I don’t think so! If they want to devolve pensions, great. Until then, this is a UK problem and a Conservative problem, and it is not going away. It has to be fixed, and it has to be fixed soon as. Do the right thing.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I congratulate my hon. Friend the Member for Easington (Grahame Morris) on securing this important debate, and I am absolutely delighted to be able to speak in support of his motion. We have had an excellent and passionate debate with some fantastic contributions, and I would like to thank each and every one of them. On the whole, it has been completely cross-party, recognising the real injustice that women born in the 1950s have been dealt. There can be no doubt that women have borne the brunt of this Government’s cuts over the past seven years, but that applies particularly to women born in the 1950s, who have been dealt a real injustice with the accelerated increase in their state pension age.

Lilian Greenwood: Does my hon. Friend agree that it is absolutely no surprise that 1950s women such as my constituents Jane Yates and Glenys Daly feel robbed? They have worked hard for 45 years and they say that their bodies are giving up, yet they cannot get the pensions that they have paid for.

Debbie Abrahams: There are so many cases like theirs, and I shall touch on a couple of them, if I may.

Women born in the 1950s have had their state pension age quietly pushed back, many without receiving any notice. They expected to retire at 60, only to find that they had three or more years to wait. In spite of some appalling stories of the dire circumstances that some of these women are facing, the Government have still refused to provide any transitional support. During our national pensions tour, which my hon. Friend the Member for Stockton North (Alex Cunningham) and I started this summer, we have heard from many women who are not only struggling but facing destitution. I shall mention a couple of cases, all anonymous of course. The first woman states:

“I’ve been paying national insurance for 43 years, but have no private pension or anything else for that matter. I’ve supported 2 children on my own salary as a divorced, single parent. I had no notification of the 1995 Act but in Feb 2012 I was told that my retirement date was May 2019. I’ll be 65 and 4 months. I’ve worked,
got extra qualifications, had good jobs, but at 63 I am unemployed and am claiming JSA which finishes soon. I’ve little savings. Have applied for over 40 jobs since Sept. I’m at my wits end”. The second woman states:

“I don’t remember ever getting a letter saying my pension age had changed. I’m disabled and have had a lot of stressful things going on in the last few years. Incapacity Benefit changing to ESA and worrying about that, then the bedroom tax and having to downsize, then news that DLA is changing. The change in State Pension Age just sort of crept in there and came to my attention when WASPI highlighted it. I kept hearing the words that no one will wait longer than 18 months! Then I realised not only would I not get a state pension when I was 60 but also the winter fuel allowance and bus pass would be affected. I’m tired of not mattering.”

Those women deserve more than this.

As we have heard, many of these women have had to rely on the wider social security system beyond the state pension to survive. This means that if they are claiming jobseeker’s allowance or universal credit, they will be expected to undertake 35 hours a week of job search activity, or be sanctioned. I would be grateful if the Minister commented on the recommendation in the final report of John Cridland’s review of the state pension age, which suggests that older jobseekers should be required to find only part-time work. Do the Government support that recommendation?

When the plight of women born in the 1950s was first raised by Women Against State Pension Inequality and various other groups two years ago, they stated that 3.8 million women were affected by the lack of notice of the changes in the Pensions Acts of 1995 and 2011. The change in the 2011 Act affected 2.7 million women, of whom only 150,000 have reached their revised state pension age to date. By 2026, they will all have retired. Those women feel palpable and justifiable anger. As they have said, they have done the right thing. They have worked all their lives, paid into the system for decades, cared for their children and cared for their parents, only for the goalposts to be moved. Many are seeking legal redress against the Government. They need action now, not in 10 or 20 years’ time.

Labour has presented two options that the Government could take forward now. The first, which was included in our manifesto, is the extension of pension credit to those most badly affected by the accelerated increase in the state pension age, enabling them to get additional support based on the 1995 state pension age timetable. That would provide approximately half a million women on the lowest incomes with up to £159.55 a week. We have repeatedly called on the Government to implement those costed measures—about £800 million, as my hon. Friend the Member for Eastington mentioned—but they have sadly refused to act.

Our manifesto commitment said that we would consider other options as well, and I set out an additional option at conference that would give women the opportunity to retire up to two years early, rather than as expected under the Government’s plans. Given that the Government have so far refused to set aside additional expenditure, we felt that it was imperative to present cost-neutral proposals, so that there was no excuse to rule it out. Under the second option, women born in the 1950s would see a small reduction of 6% in their weekly state pension entitlement for each year that they retired early.

Based on the state pension today, a woman retiring a year early would receive £149.98 a week instead of £159.55. That option would be available to all those waiting to retire—around 2.6 million women. However, as I said then and want to reiterate now, that proposal is a starter. It is to complement additional action on transitional protections. These women need action now, and the Government could introduce these options now, which also do not preclude compensation. We want to continue working with women to right the wrong that they have been done.

Labour’s options were developed after listening to women and men as part of the national state pension tour to discuss the future of our state pension system. We also met the various 1950s women lobby groups, and something that struck us profoundly was the urgency for many women. They need something now and cannot wait six months, let alone three, four or five years. As we all know, most 1950s-born women will retire in the next few years, so something needs to happen now, but this Government have ignored their pleas for help and have ignored the tangible measures that could be taken. Their approach is not only morally bankrupt and shows that they have no commitment to tackling burning injustices, but, given the prospect of a lengthy and costly court battle as women seek compensation for the years that they have lost, it is also extremely foolhardy.

Last week, my hon. Friend the Member for Stockton North challenged the Government on their contingency planning in the event of the courts awarding compensation to the affected women. The Minister said the Government believed that they were on firm ground, but history is littered with court and other decisions when injustice has been proved and Governments have had to pay up. It is clear that this Government have even less support in the House for their position on 1950s women than they do for a meaningful vote on the negotiated settlement with the EU, so I ask the Minister to work with us and with these women on a comprehensive set of bridging arrangements now.

3.8 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): I congratulate my good friend the hon. Member for Easington (Grahame Morris) on securing today’s debate on the state pension age and the 30-odd colleagues who have spoken.

The decisions by successive Governments concerning the rise in the state pension age were reached by reason of equality legislation, increased life expectancy and sustainability of the state pension. Since world war two, we have seen huge changes in life expectancy. Thanks to a better NHS, changes in the job market and improvements in medicine, there have been improvements for men and women such that they are living longer, staying healthier for longer, and leading far more active lifestyles, regardless of age. People living and staying healthier for longer is to be welcomed, but the Government must not ignore the fact that it also brings enormous financial and demographic pressures. The key choice that a Government face when seeking to control state pension spend is to increase the state pension age or pay lower pensions, with an inevitable impact on pensioner poverty. The only alternative is to ask the working generation to pay an ever larger share of their income to support pensioners,
as my hon. Friend the Member for Bury St Edmunds (Jo Churchill) made clear in her speech.

In July 2017, the Government published their first review of the state pension age, which set out a coherent strategy targeted at strengthening and sustaining the UK state pension system for many decades to come. It accepts the key recommendation of John Cridland’s independent review, which was to increase the state pension age from 67 to 68 between 2037 and 2039.

The review is clear about increasing life expectancy and the challenges it poses. People are living longer. Almost 6,000 people in the UK turned 100 in 2016, compared with 3,000 in 2002. By 2035, there will be more than twice as many people over 100 as there are now.

Stephen Lloyd: What does the Minister have to say about my two specific asks? First, the Government should give us a meaningful vote on this, because I know there is a lot of support on the Government Back Benches. Secondly, rather than giving one year of the corporation tax cut to business, I think business will be happy to give the money to WASPI women.

Guy Opperman: The hon. Gentleman and I both voted for the 2011 Act to increase the state pension age, with the circumstances that apply, after much consideration of the variety of options that had been proposed. He and I, and certainly the Scottish National party and the Scottish Government, have differing views on taxation, such as on whether it should support Trident, but, with respect, the tax reduction he proposes would reduce the job-creating power of the businesses upon which we rely for the jobs and public services we all wish to support.

Debbie Abrahams: Will the Minister acknowledge that, two days before John Cridland’s report was released, data showed that life expectancy at 60 is actually going down and life expectancy at birth is flat-lining? This is the only developed country where that is happening.

Guy Opperman: I am grateful to the hon. Lady for raising that specific point, because I genuinely believe she is scaremongering—[Interruption.] Oh, yes. On the issue of life expectancy, there are two fundamental sources. The first is the ONS, which has repeatedly made it clear that life expectancy is rising across the board. We cannot get away from the fact that the ONS reported only this month that life expectancy continues to rise.

The Labour party manifesto sought an independent review of all aspects of the state pension age. Well, the Government did that with the Cridland report, which makes it critically clear that life expectancy has increased. Life expectancy at birth in 2016, for example, was 91 years for females and 89 years for males. In 50 years’ time, by 2066, life expectancy at birth in the UK is projected to rise to 98 years.

Debbie Abrahams: If the hon. Lady will bear with me, I will answer her point.

In relation to specific areas of Scotland, the long and short of it is that I do not have the life expectancies for specific constituencies, as has been asked for, but in the Glasgow city area, for example, life expectancy at birth, according to the December 2017 ONS figures, has increased by more than four years for men. Life expectancy at 65 in Glasgow city is 15 years for men and 18 years for women, an increase on 2001 to 2003. [Interruption.] The hon. Member for Oldham East and Saddleworth (Debbie Abrahams) asserts from a sedentary position that I am using the wrong data. The data I am using is what the Office for National Statistics has said and from the Cridland report.

Patricia Gibson: Will the Minister give way?

Guy Opperman: If the hon. Lady will bear with me, I will answer her point.

The state pension was initially addressed in the 1995 Act. The need to do so arose because of life expectancy changes and the anticipated increase in the number of pensioners in the years to come. As I have said, the Labour Government introduced the Pensions Act 2007, which again increased the state pension age. I should point out that the Labour party has now relied from that position and seeks to argue that both the Blair and Brown reforms were wrong.

The Government listened to concerned voices during the passage of the 2011 Act, as I indicated to the hon. Member for Eastington. The proposed two-year acceleration was reduced to 18 months, benefiting more than a quarter of a million women, with the concession being worth more than £1 billion. Going as far as some campaigners have argued—he mentioned early-day motion 63 and what he described as “full compensation”—would represent a cost of more than £70 billion to the public purse. With respect, the requirements those changes would make in relation to taking into account the difference between men and women would require new legislation, meaning that an ongoing inequality would potentially be created between men and women.

Patricia Gibson: Perhaps the Minister could offer me some assistance. He talks about life expectancy increasing, and I do not want to argue the toss about whether it is or is not. I am curious about something, and I hope he will be able to explain this to me. Just because people are living longer, I do not understand why this particular generation of women should pay the price, given that they expected to receive their pensions at 60. The argument about life expectancy might be one about reforming pensions in the future, but we are talking about this particular group of women, who feel very let down and cheated because at 60 they have not got their pension.

Guy Opperman: I am conscious of Madam Deputy Speaker’s desire that I should end my speech speedily, so I will write to the hon. Lady with a detailed reply to the point she just raised.
I have barely had a chance to address the arguments made by my hon. Friends from Scotland, which include the point raised eloquently by my hon. Friend the Member for Moray (Douglas Ross) that Jeane Freeman, my opposite number as Pensions Minister in Scotland, has indicated that her Government have the powers to act under sections 24, 26 and 28 of the Scotland Act 2016. I stress the point strongly that there is no question but that they have this power, because this is not about dealing with pensioners as such; the provisions we are dealing with concern people who are of working age, according to the law. I rely strongly upon the words not of this Government but of the Scottish Government, as set out in her letter of 22 June.

The issue of notification was raised, and I can answer the points on that briefly. Clearly, there was massive parliamentary debate, on repeated occasions, in 1995. Thereafter, we saw multiple articles in the press and media; the distribution of a huge number of leaflets; a campaign in 2004 to educate people about their state pensions; adverts in a variety of ways; correspondence in two different ways, both prior to 2010 and after 2011; and state pension forecasts sent to 19 million people over the past 17 years.

I wish to make a couple of final points. We recognise that some men and women are forced to reduce their working hours or cannot work for reasons of sickness, disability or caring responsibilities. The Government are committed to supporting the vulnerable, and we spend about £50 billion a year on benefits to support disabled people, those with health conditions and carers, as my hon. Friend the Member for Eastleigh (Mims Davies) particularly mentioned. That equates to 6% of all Government spending. With increased financial pressures, we cannot change a policy that was implemented over 22 years ago and supported by all three political parties.

I finish with a point about life expectancy, as the hon. Member for Easington and I are good examples of that—we have both suffered from cancer. I am delighted to see that he has made a recovery from lymphatic cancer. I have made a recovery from a brain tumour. Those illnesses would have killed us both 30 to 40 years ago. There is no question but that the life expectancy changes are what has driven this approach on the part of successive Governments. With increased financial pressures, it would be unaffordable and not right, in the light of the changes we have had, to place an unfair financial burden on future generations.

3.19 pm

Grahame Morris: I thank the more than 30 Members who have participated in the debate, either directly through speeches or in the numerous interventions. I hope that the Minister has taken note of what has been said. I am an eternal optimist, perhaps formed by my experiences, and I think that all sides are going to build momentum and bring this campaign to a successful conclusion. I point out to the Minister, with all due respect, that if the maladministration cases are found against the Government, we could be looking at a huge settlement, so it may well be in the Minister’s interests and those of the Government to seek a parliamentary solution. These women, many of whom were in the Gallery today, deserve justice, and we are here to try to deliver that. I hope that Parliament will speak with one voice in support of the motion.

Question put and agreed to.

Resolved.

That this House calls on the Government to publish proposals to provide a non-means tested bridging solution for all women born on or after 6 April 1950 who are affected by changes to the State Pension age in the 1995 and 2011 Pension Acts.
Hormone Pregnancy Tests

3.20 pm

Sir Mike Penning (Hemel Hempstead) (Con): I beg to move,

That this House regrets that the terms of reference for the Commission on Human Medicines Expert Working Group on Hormone Pregnancy Tests asked the Commission to consider evidence on a possible association between exposure in pregnancy to hormone pregnancy tests and adverse outcomes in pregnancy, but the Commission’s Report concluded that there was no causal association between the use of hormone pregnancy tests and babies born with deformities between 1953 and 1975, even though it was not asked to find a causal link; believes that the inquiry was flawed because it did not consider systematic regulatory failures of the Committee on Safety in Medicines and did not give careful consideration to the evidence presented to it; and calls on the Government, after consultation with the families affected so they have confidence in the process, to establish a Statutory Inquiry under the Inquiries Act 2005 to review the evidence on a possible association with hormone pregnancy tests on pregnancies and to consider the regulatory failures of the Committee on Safety in Medicines.

I think we all, as constituency MPs, would have hoped that this debate was unnecessary. We all hoped that the “inquiry”—I use the word advisedly—that the Government constituted in good faith would give confidence to the families and loved ones of thousands—[Interruption.] Shall I pause while the hon. Member for Paisley and Renfrewshire South (Mhairi Black) stops laughing?

Mhairi Black (Paisley and Renfrewshire South) (SNP): No, I was talking to my colleagues.

Sir Mike Penning: Thousands of people went in good faith to see their GP because they thought they might be pregnant. That is probably the most important time in any woman’s life. Certainly, as the father of two gorgeous girls, the most important time in my life was when my wife told me that she was expecting our children. It was so important to these families that often they went to their GP, which is a natural thing to do, so we had an NHS patient going to an NHS surgery to see an NHS doctor for advice about whether they were pregnant.

Look at the dates for when these potential mothers-to-be went to see their GP: between 1953 and 1975. That is quite a span of time. My mother could have gone to her GP then, because I was born in 1957. In many ways, it could easily have been me who was a victim of this—God forbid—and my mother would have been a victim as well. That is one of the reasons why I am so passionate about getting to the bottom of the disaster that happened to these ladies who went to their GPs.

These women went to their NHS GP in an NHS surgery as an NHS patient, and very often that GP would open the drawer and give them a tablet—two sometimes—with no prescription or advice, and no concern about the consequences or side effects of the drug. The GPs handed the tablets over to the ladies, and many of them took them there in the surgery. The GP simply said, “If your period starts tomorrow, you’re not pregnant. If your period doesn’t start, you are.” In good faith, which we all have for our GPs, the ladies followed that advice, even though the Department of Health and the drug companies knew that there were issues with this drug.

I am going to use a tiny bit of privilege, because every time I look around for information to do with this subject, including in the House of Commons Library debate pack “Hormone pregnancy tests” and the “Report of the Commission on Human Medicines’ Expert Working Group on Hormone Pregnancy Tests”, I see the phrase “hormone pregnancy tests”. The drug was Primodos. It was made by a drug company and often given free to GPs, who then handed it out without a prescription to determine whether a lady was pregnant.

Other companies in the world knew that there were issues. I will not go into all the evidence that was given to the so-called review, but let me just touch on some of the things that Ministers asked for when the group was set up. The first point was that the Government should set up an expert working panel “inquiry”. No such inquiry took place. At the third meeting, as I understand it, the barrister to the inquiry advised that the word “inquiry” should be changed to “review”. Under whose authority? When a Minister sets up an inquiry, should there not be an inquiry? Perhaps those people did not want an inquiry, but who cares? They should have come back to the group—the victims—and, more importantly, to the Minister. They could have spelled out their advice and the Minister could have made a decision. Some might think that this is just semantics, but it is not. If people are trying to get to the truth, it is vital that they know what a group can do. Even when the report came out—not the original report, because that was removed and draft was changed, as others will mention—it did not say “review”, because it was not a review.

There should be full disclosure and a review of all the evidence. That “review” said that it did that, but it did not. The Royal College of General Practitioners, to give just one example, informed the Department and the drug company that it had concerns way back in the 1960s, but its evidence was never sought. If Members read the report, they will find that no evidence at all from the Royal College of GPs was given to this review, which should have been an inquiry.

Margaret Greenwood (Wirral West) (Lab): I thank the right hon. Gentleman for giving way. Is he aware that The BMJ reported that most of the scientific evidence considered by the working group was from the 1960s, ’70s and early ’80s. One expert in the field, Dr Neil Vargesson of Aberdeen University, told The BMJ that there were not that many scientific studies available. Does he agree that the Government should fund new research with the aim of enabling a definitive conclusion to be reached?

Sir Mike Penning: Yes, I do, and I will come on to that point. It is vital that we have proper evidence, not some historical evidence that was used by the report. More modern evidence was rejected because it had not yet been peer reviewed. The whole point about having all the evidence is one reason why the motion under debate today, which I hope will be passed unanimously, actually says that there should be a judge-led inquiry so that all that evidence can be considered.
Mims Davies (Eastleigh) (Con) rose—

Sir Mike Penning: I will give way to my hon. Friend and then I will make some progress.

Mims Davies: I thank my right hon. Friend for giving way. I must acknowledge my constituent, Charlotte, and her family, who are here on behalf of her brother, Stephen, who has been greatly affected by this drug. One of the biggest issues is the way in which the drug was handed out with absolutely no discussion of the risks.

Jackie lost her baby, Louisa, 19 years later—in 1977. At that time, the product had been on the market for two years with Government warnings, but still GPs did not point that out to patients. There is a lot of evidence here, so why is it not in the report?

Sir Mike Penning: I completely agree with my hon. Friend. One thing that has surprised me is that although, on average, every single MP will have a victim of Primodos in their constituency, many of the victims think that what happened was their fault and that they are on their own. In the fantastic documentary on Sky, people came forward to say, “I have been affected by this, but I thought that I was on my own. I thought that I was the only one.”

Mr George Howarth (Knowsley) (Lab) rose—

Sir Mike Penning: Another point was that the inquiry should be conducted fairly and independently. Members should consider that for a few seconds and take a look at who was on the committee while I take an intervention from the right hon. Gentleman.

Mr Howarth: The right hon. Gentleman is making a very powerful case. Given that the inquiry/review has now been very much discredited—it has certainly been rejected by all of those who have suffered—does he agree, as I am sure he will, that the way forward is set out in his motion, which calls for a fair and independent investigation?

Sir Mike Penning: I praise the Clerks who helped me to draft the motion. I was very angry when we started drafting it, after reading the report, but they helped me get it into some kind of parliamentary language.

An inquiry has to be independent and judge-led, and it has to be able to subpoena people to give evidence before it on oath, so that we can get to the absolute truth. It also has to look at the regulatory system that was in place at the time. I am afraid that the Department of Health cannot hide behind this report. To me, that is vital.

Let us look again at the point about the inquiry being fair and independent. One of the ways we thought it could be independent and fair was to have an expert witness who was not part of the campaign, but whom everybody massively respected. For those of us who have been involved in the thalidomide campaign over the years, it was a really positive thing when we heard that Nick Dobrik’s name would be put forward. Interestingly enough, although Nick was there as an expert witness, he was not asked to play a part in drawing up the conclusions in any shape or form. In fact, he was asked to leave the room. Nick was very surprised—actually, he was gobsmacked—when, in good faith, the Minister and then the Prime Minister said that Nick Dobrik had fully endorsed the conclusions of the report. I know now that the Minister and the Prime Minister know—I have met the Prime Minister, and Nick has done an interview with Sky today—that he categorically does not endorse the conclusions of the report. It was fundamentally wrong for anyone to advise the Prime Minister or the Minister that he did. He does not blame the Prime Minister; I do not think I blame the Prime Minister. As a former Minister—I know that there are former Ministers on the Opposition Benches—I know that we take advice from our officials and they tell us what the situation is. In good faith, the Minister at the urgent question, and the Prime Minister at Prime Minister’s questions, said that Nick endorsed the conclusions.

On behalf of Nick, who cannot defend himself in this Chamber, I would like whoever gave that advice to the Minister and the Prime Minister to formally apologise to Nick Dobrik. He is a fantastic campaigner not only for the Thalidomide Trust, but for all injustices, especially within the pharmaceutical area. The victims do not feel that the inquiry was fair and independent at all. They should have trust and confidence.

The most important thing is that the inquiry was asked to find a “possible” association—not “causal”, but “possible”. I and other members of the all-party group asked the experts from the panel why, after taking the word “inquiry” out, the remit was changed again, because “causal” is very difficult to prove. They said that they followed the science, but they were supposed to follow their remit and do what they were told. If they felt that they could not do that based on the evidence in front of them, fine. They could have gone back to the Minister and the victims and explained that. Instead, we had the farcical situation of the group looking for something when they knew full well—it is clearly in the documents—that they could not reach the conclusion that there was a causal link.

Interestingly enough, the group also could not come to the conclusion that there was not a causal link, because the evidence was not there for either conclusion. As I said during the exchanges on the urgent question, an injustice has taken place. Natural justice is the reason we are sent here. We defend our constituents when the system has come down against them and caused such horrific, horrible things to happen to them, so we need to address that injustice.

Chris Elmore (Ogmore) (Lab): Will the right hon. Gentleman give way?

Sir Mike Penning: I will give way once more and then I will conclude to give other colleagues time to speak.

Chris Elmore: I am exceptionally grateful to the right hon. Gentleman. He says that everyone has constituents who have been affected. Two of my constituents have told me that they believe that they lost their children as a result of the drug. It is even more severe than losing a baby; one of them lost several children by taking the advice of their GP. This is a fundamental issue of
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trust—trusting the GP, trusting the NHS and trusting
the inquiry. All those things have failed. Both my
constituents told me over and over, “We no longer have
any faith in the system.” They believe that the report is a
whitewash, which is why I wholeheartedly agree that
there should be a full and frank inquiry.

Sir Mike Penning: I thank the hon. Gentleman for his
support for the victims.

As I said earlier, there is no constituency in this
country that does not have someone who lost their baby
due to stillbirth or dying shortly after birth, or whose
life was transformed—for those who survived. However,
many people were advised to have an abortion, and the
figures on that are not available to us. Reports that the
inquiry was not allowed to have are starting to come
through.

I fully endorse the fact that we need some money so
that we can ensure that we have modern reports, because
the methodologies used back then would never be allowed
today. We also need to see the missing reports. We need
to find the stuff that has gone missing in Germany,
where the drug company knew there were issues. We
need to know why the drug company settled in America—it
was using a slightly different name for the product, but
it was the same company. What evidence was put before
the legal system in America, where the company settled
as fast as possible, and then gagged everybody and kept
everything quiet?

We have a duty in this House to call things into
question when they go wrong. These things started
going wrong many years ago—before I was born. I have
been a Minister, so I know that Ministers have to
support their Department, but one role of a Minister is
to question the advice that they get. I know that that is
what the Prime Minister is going to do now, and I hope
the House will support the victims so that they can have
some confidence in the system and the NHS once again.

Several hon. Members rose—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. We
have a lot of people to get in and we have very limited
time. Can I suggest six-minute speeches?

3.36 pm

Yasmin Qureshi (Bolton South East) (Lab): Six years
ago, I met my constituent Nichola Williams, who shared
with me her struggle with her health over her lifetime.
Her mother had been prescribed Primodos. From there,
I carried out my research, searching for answers and
going through thousands and thousands of pages of
documents.

One document was a 1969 study by a Dr Norman
Dean, who worked with the Royal College of General
Practitioners. He found that when women used this
hormone pregnancy test, there was a higher incidence
of malformed babies, miscarriages, stillbirths and infant
deaths. He found the findings so alarming that he wrote
to the manufacturers advising them that Primodos should
be withdrawn. However, it took another eight years for
it to be finally taken off the market, unlike in Norway
and Sweden, which apparently acted very swiftly.

In the last six years, I have exchanged countless
letters with Ministers and Department of Health officials,
working alongside Jason Farrell from Sky News, who
has dedicated an enormous amount of time to exposing
this issue, and Marie Lyon, the chair of the victims
association, who has tirelessly campaigned for justice. I
have raised this matter on the Floor of the House many
times. I raised it with the Prime Minister several weeks
ago, and I also met her predecessor to discuss it.

In 2014, after a debate in this Chamber, we were
informed by the then Minister that an inquiry would be
conducted, and we were very excited about that. We
were promised that the inquiry would be fair, open and
transparent, would have the trust and confidence of all
the victims and would look at all evidence. Instead, we
found that some experts on the panel had conflicts of
interest and close ties with the manufacturer, which is
now Bayer.

The victims who were invited to give evidence were
treated appallingly and were given a very short period—I
think it was two hours—to explain what had happened
to them. Ms Lyon, who had been appointed as an observer
to the panel, was forced to sign a gagging clause, which
meant she could not raise with us any of the concerns
she had about how the inquiry was going.

Mims Davies: I thank the hon. Lady for mentioning
the interest our Prime Minister has shown. She met
Conservative Members recently, and she is watching
with interest. However, the issue I would like to reiterate
on behalf of my constituents and many other MPs is
the treatment of the campaigners during this process.
We had unacceptable timescales, and some of these
people were caring for very ill children. The treatment
of the campaigners, at the very least, needs some kind
of apology.

Yasmin Qureshi: I entirely agree with the hon. Lady
on this matter.

The inquiry was intended to look at a possible
association, not a causal link. That is very important
because a different burden of proof is required for a
possible association as opposed to a causal link. That
was changed, and nobody can tell us who gave the
authorisation to do that. The EWG was asked to look
at regulatory failures. There are thousands of documents
from archives in Berlin and Kew that show that there
was a link between the deformities and these drugs. The
Committee on Safety of Medicines looked at these
documents and decided not to do anything with them.
Why was that? When the report came out, the initial
draft said that it was impossible to reach a definitive
conclusion. However, the final document was changed
to say that it could reach that conclusion. When the
chair of the inquiry was asked why this happened—by
Jason Farrell, by me and by other colleagues in a recent
discussion—she said that the Commission on Human
Medicines looked at the documents very thoroughly
and told the panel that

“we should strengthen the wording and put a greater clarity
on it.”

It is unacceptable for the commission to have asked the
panel to change its conclusion.

When I raised the report with the Prime Minister
recently, one of the reasons she said that there was
confidence in it was that Nick Dobrik had said that he
endorsed it. However, he has said:

“I was very angry when I was informed that my name was used
to endorse the conclusions of this report.”
Is the Minister aware that the EWG refused to look at the most up-to-date study on Primodos conducted this year by Dr Neil Vergesson? It said that the study had not been peer-reviewed, yet it looked at 44 other non-peer-reviewed studies, some of which had been produced by the manufacturer itself, Schering. Dr Vergesson found that Primodos deformed fish embryos, and if given in high doses actually killed them. Dr Dean apparently carried out a study and wrote to Schering telling it what his findings were. He also informed the Royal College of General Practitioners about this. That study has also been ignored, and there is no record of it at all. We know that it exists only because a letter was found showing that he had discussed this matter and told all the parties concerned what was going on, but again nothing happened.

The man in charge of the Committee on Safety of Medicines—its chief scientist, Dr Inman—also conducted a study and found that there was an adverse reaction. Instead of dealing with the issue, he contacted the manufacturer and told them to “take measures to avoid medico-legal challenges.”

Documents from Berlin show that he later said that the documents on which he based his investigation were going to be destroyed. He made that admission at a meeting with a Schering scientist in Bermuda. A Dr Greenberg carried out a study that showed a significant twofold increase in risk of malformed babies being born to women who took this drug. Eventually, in 1977, the Committee on Safety of Medicines wrote to doctors saying that the drug should stop being given. It said that “the association is confirmed” between Primodos and deformities. It was “confirmed”, unequivocally—and that was in 1977.

Why does the EWG seem to have disregarded all these studies, not to have bothered to take any interest in what was happening and failed to look at the regulatory failures? It is vital that further scientific research is carried out not only to establish an association, but because the EWG report says that the component parts of Primodos are currently safe to be used. That is very worrying, because it is being used in many contraceptive pills. Studies and independent research should be carried out on this, because we might find that even though the drug is being used, it might be harmful to women, and we could prevent further problems from occurring. I am asking for an independent inquiry into the regulatory failures. We must put the families first.

3.44 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): I thank the hon. Lady for that intervention, which corroborates my constituent’s concerns. This may be a common thread throughout the United Kingdom. As I understand it, general practitioners’ records are normally required to be retained for the duration of a patient’s life. In the case that the hon. Lady describes, if it had been possible to recover the GP records, it might have been interesting to establish whether there was a cluster pattern for such cases.

My constituent advises me that in June 1975, only months after she was prescribed or supplied with Primodos in the January, a warning was added to the packaging, stating that the drug should not be given to pregnant women. My constituent perceives that to be a response to a realisation that a risk had been identified, at least by that point. Her child was born in August 1975 with serious birth defects, which required major surgery. That child, in adulthood, still has to contend with the associated medical complications. Credit to both mother and child, however—despite the trauma and hardship that they have endured, they contribute positively to society and champion the care of others.

One has to ask, if Primodos is not linked to birth deformities in children whose mothers took the drug, what is the common denominator for the tragic outcomes of those pregnancies? It has, as I understand it, sadly been mooted that such women should consider genetic tests to identify other potential causes. In other words, the suggestion seems to be that all who took Primodos might coincidentally also have a defective gene—I do not think so—and that that defective gene was supposedly passed to their child and formed the root cause of miscarriage or deformity. I very much doubt that, although I might not be qualified to comment.

My constituent does not consider that she has received justice for herself or—more importantly—in her eyes—justice for her child. She feels let down by the outcome and the process followed by the EWG. She had high hopes for that outcome, but it brings us nowhere nearer to the truth or to justice for those who might have fallen foul of a drug that might not have been fit for purpose when it was prescribed, or simply given, to the patients.

For the families involved, I would welcome a broad-based and—as has been said—indepedent inquiry to review the evidence, of which there is a great deal. The hon. Member for Bolton South East (Yasmin Qureshi) alluded to the fact that the journey has been long, and many pieces of the jigsaw are missing. Those should be secured to enable the independent inquiry to find the truth.
There might have been a regulatory failure; we need to find out. Outcomes for the people who were subjected to hormone pregnancy testing between 1953 and 1975 have been devastating. The families deserve both truth and justice, and it is the role of parliamentarians relentlessly to pursue the truth about Primodos and other such drugs.

3.49 pm

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I raise this important issue on behalf of my constituent, Amanda Darroch, and other affected constituents, and because it is a national scandal—the tragedy of babies being stillborn or born with severe foetal abnormalities after their mothers were given the hormone Primodos as a pregnancy test between 1953 and 1975. In many cases, Primodos was handed out in the GP surgery.

There has been a double failure: inadequate regulation and the failure of successive Governments to investigate what happened in an open, comprehensive and acceptable way. Hon. Members have highlighted the flaws in the findings of the expert working group set up by the Commission on Human Medicines, which reported in November this year. Those concerns include the unexplained change in the group’s terms of reference, from assessing the possible association between Primodos and foetal abnormalities to establishing a much-harder-to-prove causal link. They include the questions raised by the group’s selective use of research and the limited evidence that it considered. Nick Dobrik’s categorical denial of the Government’s claim that he, a trustee of the Thandemic Trust, has approved the report undermines confidence in the process.

The significant changes made between the production of the inquiry’s draft report and of its final conclusion undermine trust in the findings. Indeed, the draft conclusion stated that due to scarcity of evidence “it is not possible to reach a definitive conclusion”.

By contrast, the final published conclusion was that the evidence did not support “a causal association” between the use of Primodos and birth defects or miscarriages. In short, there is no confidence in the working group’s findings.

What is required now? First, we need an admission that the current situation is unacceptable and that the working group’s report is inadequate. Above all, there must now be a judge-led public inquiry to consider all the available evidence. That was first called for by the inquiry’s draft report and of its final conclusion undermine trust in the findings. Indeed, the draft conclusion stated that due to scarcity of evidence “it is not possible to reach a definitive conclusion”.

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The report was not a study into the drug itself; the commission just looked at documents that were in existence, conducted a review on the basis of those documents and gave an opinion. It was not a study.

Peter Heaton-Jones: I thank the hon. Lady for that clarification. Many of these studies have been into the historical evidence and the paperwork, which have been sifted through over and again—she is right to make that point—but there are still differences of opinion between what was said in the 1970s, in 2016 and in 2017, and that is the difficulty.

I have asked the House of Commons Library for quite a lot of background information, which I was going to try to get into, but in the six minutes allowed to me I cannot do too much. What I will say, however, is that, having read the latest report by the expert working group, it is clear that there is a concern, highlighted by my right hon. Friend the Member for Hemel Hempstead and others, about the contradiction between what it was asked to do and what it then actually found out. The question is whether there is a causal link or an association. We need to explore that: were the terms of reference of this expert working group followed in the way it carried out its investigation? On that, I absolutely agree: we need to look further into what exactly has been done here.

Further evidence from the expert working group is due to be published in the new year. That will be important.

Sir Mike Penning: It is not coming from the expert working group; it is coming from a professor. The expert working group rejected the evidence because it had not been peer-reviewed, but it will be in the next few days.

Peter Heaton-Jones: My point is that there is more information to come and I thank my right hon. Friend for that clarification on its source. It is really important that we keep looking for this information and that we gather everything we possibly can to help the people affected.

Many other right hon. and hon. Members wish to speak, so I shall not continue for too long. The Government and previous Administrations have consistently tried to look for answers and I know the Minister is sincere in seeking to do that. To support the Government and the people affected, I would like to work together to find a way forward to find the answers they seek. Let us get together and everyone be experts—the Department of Health, Members on both sides of the House and, crucially, the families—to try to get the answers.

I would like to end by referring back to my constituent Diane Surmon, because those affected must be at the centre of our work. In a further letter to me, she wrote:

“In my heart, I feel positive it was the drug Primodos which caused Helen’s injuries. After I took those tablets I was in and out of hospital. I carried a lot of fluid, which I have since been told is a sign of an abnormal foetus. I had had two normal pregnancies before Helen.”

She ends with these words, which I think are extraordinarily powerful:

“I feel very angry. I feel we were used as guinea pigs.”

For the sake of Diane Surmon and all the others whom we on both sides of the House represent, let us focus on the effect the drug has had on them and their families. Let us all work together. I know the Minister is sincere in wishing to do that. Let us all work together to find the answers they seek, while keeping them and their suffering at the centre of our work at all times.

Several hon. Members rose—

Mr Deputy Speaker (Mr Lindsay Hoyle): I am going to have to drop the time limit to five minutes. If Members keep intervening it will go even lower.

4.2 pm

Jeff Smith (Manchester, Withington) (Lab): I pay tribute to the right hon. Member for Hemel Hempstead (Sir Mike Penning) and my hon. Friend the Member for Bolton South East (Yasmin Qureshi) for securing the debate and for their work on this issue over the years. I pay tribute to other hon. Members who have doggedly pursued justice for the victims of Primodos over a long period.

I have come relatively late to this issue, but it is very clear to me that, as my hon. Friend the Member for Liverpool, Riverside (Mrs Ellman) said recently at the all-party group, the lesson we have to learn from previous scandals is that any inquiry must have the confidence of the victims. The report of the expert working group has already failed that test.

I am speaking today because constituents of mine have been affected by the tragic events relating to hormone pregnancy tests. They have contacted me to say that they have no confidence in the process or in the conclusions of the report. The Pierce family and the McLellan family have had their lives changed by Primodos. They are convinced that their family’s issues are as a direct result of Primodos use. Louise, the daughter of my constituent Edward, suffered life-changing multiple health issues. They are just one of many thousands of families who need to see justice for the harm caused by this drug. The announcement of the review gave them some hope, but, having been in contact with them in recent weeks, I know they share the disappointment and anger experienced by many following the publication of the report.

There are too many question marks over the process and over the conclusions of the report of the expert working group. The report itself flags up the difficulty of drawing robust conclusions on the analysis of the studies available. It admits that the available evidence was very limited. It then concludes that the body of evidence did not “on balance”—key phrase—support an association between the use of HPTs and congenital anomalies. We need more explanation and more justification of what is meant by the words “on balance” in the light of such limited evidence.

In 1977, the medical regulator wrote that there was an association between the tests and birth defects. We must therefore ask what new study or evidence is available to dispute that conclusion. It strikes me that, without new research that tries to establish a new body of evidence, it is not possible to determine whether Primodos is safe. I agree with the suggestion that the Government create a ring-fenced fund to enable new studies, perhaps using imaging analysis and molecular study to try to get to the truth. Even new studies are unlikely to resolve the
issue definitively—it is likely to come down to a Government judgment on where the responsibility lies—but they may at least give comfort to the victims that the whole process has been carried out thoroughly.

As we have heard, there are questions about the regulatory regime surrounding hormone pregnancy tests—I do not have the time to get into the details—but the biggest question is surely over whether this product should have been allowed on the market at all without proper testing.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): My hon. Friend is making an excellent speech. I commend the right hon. Member for Hemel Hempstead (Sir Mike Penning) for bringing forward the motion, and other hon. Members. I particularly commend my hon. Friend the Member for Bolton South East (Yasmin Qureshi) for all her work over the years. I think that my hon. Friend the Member for Manchester, Withington (Jeff Smith) will be aware that countries such as Finland, Sweden, Holland and Norway actually banned the use of hormone pregnancy tests between 1970 and 1971. Does he agree that the warning signs were clearly indicated at the time, so action should have been taken then to prevent foetal malformations and all the ensuing heartache?

Jeff Smith: My hon. Friend is right and makes an excellent point. We must ask why there was so little regulation for so long, given that it is possible to regulate on a precautionary basis, and whether there is a Government liability under general product law that is meant to protect citizens. Those questions need to be considered in detail.

We heard other questions about the transparency of the report, including that the published report is not the original report that was first presented. A number of inaccuracies were identified and key wording was changed, including the word “definitive”, which was removed. So is this a definitive report? If not, we clearly need a new inquiry. I am running out of time and other people have covered transparency, so I am not going to talk in great detail about it.

There are too many question marks over this issue. In order to regain the trust of the victims, the Government must commit to a judge-led independent public inquiry under the Inquiries Act 2005 to look at the issue again. The inquiry must have all the powers needed to bring to light all available evidence relating to the scandal, including the ability to compel witnesses to give oral evidence. The inquiry must be broad enough to look at the scientific and legal issues in the case, including the allegations of liability. Finally, the victims and their families must be involved in the design and implementation of the inquiry following the Hillsborough inquiry’s families first approach.

As we have heard, there are concerns across the House about this matter. It is not a party political issue. Something is not right and we need to get to the truth. We owe it to the victims and to people who may still be taking products related to these drugs. The only way we will get to the truth is with a judge-led inquiry.

4.7 pm

Mark Pawsey (Rugby) (Con): I congratulate my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) on securing this debate. I add my weight and support to his call for a statutory inquiry into the scandal of the supply of Primodos as a pregnancy test.

He drew attention to the years that the product was in use. Like him, I am a product of 1957, and it could just as easily have been my mother taking this drug. Hon. Members across the Chamber have mentioned their constituents, and it is contact with one of my constituents that brings me to contribute to today’s debate.

The resident who came to see me and who has contacted me on many occasions is Irene Creed, who lives in Long Lawford in my constituency. I owe Mrs Creed something of an apology because I am afraid that I gave a rather standard reply at our first point of contact. I did not really know or understand enough about the issues that were affecting Mrs Creed. However, she continued to write to me and to draw my attention to the issue. We eventually met in June 2014 and then again at my surgery in August 2015, when she brought along her daughter, Tamara. Tamara was born in February 1973, which means that she is now 44. Like the constituent of my hon. Friend the Member for North Devon (Peter Heaton-Jones), Mrs Creed was able to tell me the very date on which she was first given Primodos. It was 19 June 1972, when she understood that she was approximately seven to eight weeks pregnant. She gave birth to a daughter with brain damage, which has led to other debilitating conditions such as learning difficulties and epilepsy.

When we met, Mrs Creed asked me to meet Marie Lyon, who runs the Association for Children Damaged by Hormone Pregnancy Tests. I think we should pay tribute to the association for the work that it has done in drawing attention to the issue and for ensuring that the Members who are present today were informed and knew exactly what had happened.

The other key point made by Mrs Creed was that she was given no advice whatsoever about any side-effects of the drug. She drew my attention to the many meetings of the all-party parliamentary group on oral hormone pregnancy tests. I know that the hon. Member for Bolton South East (Yasmin Qureshi) has done a tremendous amount of work in bringing together the members of the APPG and adding to the lobbying on this issue.

The most recent contact that I have had about the issue was with Tamara herself, who began her letter of 23 November by telling me that she was a victim of Primodos. She referred to the inadequate nature of the report produced by the expert working group and set out the case made by my right hon. Friend the Member for Hemel Hempstead for a further look at the issue, which many other Members have also requested. I agree with my right hon. Friend that we badly need to get to the truth, and, like everyone else who is present today, I look forward to whatever positive remarks the Minister may be able to make.

4.11 pm

Yvonne Fovargue (Makerfield) (Lab): I pay tribute to Marie Lyon. She is an indefatigable campaigner, the mother of a child damaged by Primodos, and my constituent. Families pinned their hopes on this report, but those families, who had been let down by their doctors and by regulators, now feel let down by the report. They deserved a transparent process, but it was shrouded in secrecy. The Observer was bound by the most severe confidentiality order that can be imposed.

I am talking about not just one constituent but nine, in a relatively small geographical area, who have children born with defects. I do not know how many women who
were given Primodos suffered miscarriages or stillbirths, and I think that we should try to obtain those figures. I would also like to know whether if, as is claimed, this was a naturally occurring event, nine babies were born in a similar timescale and with similar defects to women in my area who had not taken Primodos. As we have heard, many women were not given a prescription, but were given a pill, along with the little joke that “We do not have to kill the rabbit now: this is the new way.” We may never know the true figures.

Let me return to the subject of the inquiry. We believed that it had been agreed that the group would look into a possible link, not a causal link—which is not just semantics, because it lowers the burden of proof. That was the first major failing. The second was the existence of conflicts of interest, which was raised by Marie Lyon at the time. Many of the experts had worked for Bayer or Schering. Thirdly, the victims who were invited to give evidence were treated appallingly. Fourthly, there was a selective use of studies: the majority favoured the link. Fifthly, there was the speedy withdrawal of the draft report.

The group had taken two years to reach a conclusion, but all the advice was cancelled very quickly after Marie Lyon gave a presentation. The first draft that she saw had stated that it was not possible to reach a definitive conclusion and contained many inconsistencies. When the final report was published four weeks later, the paragraph containing the phrase had been removed, along with many of the inconsistencies highlighted by Marie Lyon. I have read the report. I am not a scientist, but if ever there was a report that reads as though the conclusion had been written first and the data had been made to fit, this one ticks all the boxes.

I am particularly incensed, on behalf of my constituents, by the offer of genetic testing. A constituent who came to see me has a severely disabled son. She had taken Primodos. She went to the doctor for answers, because she wanted a big family. She said to me that she had a lot of love to give. However, she was told that it was probably “her fault”, so she never had any more children. To have that suggested again in the report is beyond probably “her fault”, so she never had any more children. To have that suggested again in the report is beyond

The report relies on a lot of old studies, and I believe that research funds should now be ring-fenced for new studies. We must also check whether the current regulators are fit for purpose. We cannot allow our children and grandchildren to be put in such a position again. We cannot go back and make things right for these families, but we can give them answers about what went wrong, and how it went wrong, through a fully independent public inquiry. That means full disclosure of all documents through a process managed by the victims—I assure all hon. Members that Marie is quite capable of managing that process.

People need the opportunity to scrutinise written and oral evidence, by compulsion if necessary. The inquiry must be wide ranging and broad, and it must investigate not just a possible association but why the regulatory bodies failed to withdraw the drug, despite being aware of the dangers. Warnings were first given in 1958, but the medical profession was not alerted until 1975, and Primodos was still being prescribed even in 1977.

We must look into allegations of criminal conduct: why was there no intervention by Government bodies, why were the risks hidden from the victims, and what was the role of the manufacturer? Most importantly, families must be front and centre of this inquiry. They must have a role in deciding the panel and the terms of reference, and they must believe that a true light has been shone on what has been a very dark period. There should also be compensation. Nothing can compensate for 40 years of injustice, but financial security would ease some of their worries. This issue will not go away. The families will not go away, and as they age their sense of injustice and the need for answers grow more urgent. I therefore urge the Government to accept this motion and act on it speedily, and to give those families some peace and restore some of their trust in justice.

4.16 pm

Joan Ryan (Enfield North) (Lab): I congratulate the right hon. Member for Hemel Hempstead (Sir Mike Penning) on securing this debate. Like many Members, I represent families who strongly believe that their lives were forever changed because of the drug Primodos.

Today I speak on behalf of my constituents Chris Gooch and her daughter Emma Gooch. They have given me permission to share their story about how hard life has been over the past four decades, their criticisms of the expert working group’s report, and why they will continue to fight for justice, and they are with us here today.

In June 1970, Chris Gooch was prescribed Primodos by her GP to find out whether or not she was pregnant. Like any of us, Chris trusted the words of her GP and had no idea that the drug might be unsafe, or that it had been linked to deformities. It was only when Chris’s daughter, Emma, was born seven months later on 28 January 1971, that she was found to have limb deformities in her hands and feet, with both sets of fingers foreshortened and her toes webbed and foreshortened. Her mum, Chris, told me about how Emma has struggled to live with those deformities for her entire life. She said:

There are many things that Emma would have liked to have done, like playing the piano or guitar, but she has been unable to do so because of limited mobility in her hands. This also came to impact her education and at secondary school she became school-phobic and was physically sick every morning before going to school. Emma has always suffered from severe back problems and has to live in intense pain all the time. She has sought treatment and scans confirmed that she has spinal deterioration, for which she was offered a spinal fusion. This only had a limited chance of success and risked making her condition worse. Emma refused this and is trying to come to terms with her long-term prognosis. She can’t work full time, has to pay for all her medications and has even been refused a blue badge, despite having to use a stick to walk and having no proper fingers or toes. Emma will be 47 next month and can now only manage to work for three days a week and even this she finds extremely draining. She is worried about her ability to keep working in the future, and the implications this has for her financially and socially.”

When I met Emma, she told me:

“Myself and many others have to live with the devastating results of our mothers being given hormone pregnancy tests like Primodos. Whilst the effects on me were much less severe than on some victims, I was born with very specific deformities which I have only ever seen shared by fellow Primodos victims, so in my mind this can be the only possible cause.”

Tom Tugendhat (Tonbridge and Malling) (Con): The right hon. Lady is speaking very powerfully. Does she agree that there are many who are not as severely affected as her constituent, about whom she speaks so

[ Yvonne Fovargue]
courageously, but who are similarly affected and nevertheless feel great pain? I speak of people I have the privilege to represent.

**Joan Ryan**: I absolutely agree. Members across the Chamber today have given examples, but there are many victims with different levels of disability, illness and deformity as a result of this drug.

When I asked Chris and Emma what they thought about the expert working group’s report and how the inquiry process had been handled over the past three years, their criticisms could not have been clearer. Chris told me:

“…I feel angry that they treated us like idiots. We have been treated appallingly. The Expert Working Group produced a report in October and then, following a meeting with our Chair, Marie Lyon, they removed some material and re-issued it a month later. They said it was to make it more readable. They found no causal link, which they weren’t even requested to look for. They only gave us a day’s notice to organise a visit to hear the report’s findings and I am sure that is because they hoped no one would turn up to hear them. Now nearly 50 years on, our children, the ones who are still alive, are still suffering. I am angry that for Emma, and for many other members of the Association for Children Damaged by Hormone Pregnancy Tests, life is a constant struggle and we still haven’t really been heard.”

Emma herself told me that she “cannot help but feel angry that for decades we have waited for an independent and unbiased enquiry, but the Expert Working Group’s obviously flawed report feels like an attempt to discredit us and instead protect the powerful companies and authorities that were at fault.”

Since I was first made aware of the issues surrounding the drug Primodos, I have been reminded of the thalidomide and contaminated blood scandals. I am reminded of the fact that it took decades of tireless campaigning before the truth and natural justice were reached. The inquiry has been accused of failing to consider all the evidence fairly, failing to have the trust and confidence of the victims for whom it was set up, and failing to be transparent and open in its due process. The inquiry failed to consider any evidence regarding systematic regulatory failures of Government bodies at the time. Campaigners have widely dismissed the inquiry as “seriously flawed”. I therefore join the cross-party calls for a public inquiry into the use of Primodos and its connection to deformities and other birth defects. I shall end by once again quoting the words of my constituent Emma Gooch, as I believe that her determination will be shared by Members on both sides of the House. She said:

“Sadly it is too late for some, but the victims and parents still deserve justice and we will continue to fight for it.”

4.22 pm

**Tony Lloyd** (Rochdale) (Lab): I join other hon. Members in thanking the right hon. Member for Hemel Hempstead (Sir Mike Penning) and my hon. Friend the Member for Bolton South East (Yasmin Qureshi), but I hope they will forgive me if I say that even more thanks are due to Marie Lyon and the other people who have been campaigning, some for many decades, to get justice and to discover the truth about Primodos.

I have been struck by the consistency of the stories that I have heard today, but there is one detail that I do not think the Minister will be able to help us with—that is not a challenge to him, by the way. We will probably never know how many women were given Primodos, and some of the victims will probably never be in a position to know whether they were victims of it. I have a constituent who used Primodos for a pregnancy test many years back. She lost her child a month after he was born with a blocked oesophagus and other physical difficulties.

Another of my constituents, Adele Stretch, was born with only one finger on each hand, reduced thumbs and only eight toes. Despite her disabilities, she has tried to live a full life. She is the mother of a healthy child, she works, and she does all those things that we would applaud her for doing. She began to realise that Primodos might have been the cause of her disabilities only when, in a casual conversation with her mother, she was told about the test that her mother had taken all those years ago, before she was born. A little later on, having found no one else with similar disabilities, they linked the disabilities as remarkably similar to those of Primodos victims elsewhere. That is why I say that we may never properly know the number of victims.

Our society—not just the victims—should be able to establish the real truth. That matters, because there is a stench in this case—a stench that vested interests have for 40 years been able to obfuscate and obscure, as they cynically and deliberately prevent the truth from coming out. If the truth does come out, there will of course be consequences. It might be that scientifically provable causality will be difficult to establish over such a period of time—the drug is of course no longer inflicted on women for its original purpose—so it may be difficult to achieve the scientific veracity that would let scientists prove a causal link. That does not mean to say that the statistical consistency of victims relative to the use of the drug is insufficient to give us a genuine belief that there is enough correlation to draw our own conclusion.

That is important, however, because the victims of course want the truth, and they want the scientific and medical communities to accept and own up to the faults. That is important for another reason, because we have to say that this kind of obfuscation can never happen again. We cannot have a medical community and a drug industry that are driven by money—I know why that is the case—and unwilling to let the sun shine into their practices. We cannot have such a regime any more. Primodos matters to the victims, but it matters even more because of what it means.

If we can move the debate forward, have a judge-led inquiry and get some final reports with genuinely believable credibility, that will lead to the demand for compensation, so I understand why the Government might be reluctant. My constituent Adele Stretch says that she is leading a full life at the moment despite her disability, but she is now 51 and says that she can feel the future beginning to impose on her. She would like to believe that as she gets older, when her single fingers will find it even more difficult to carry her shopping, there will be some recognition of that and, where appropriate, some compensation.

4.27 pm

**Sir Edward Davey** (Kingston and Surbiton) (LD): I am here because of my constituent Sue Illsley, who took this drug when she was a teenager. She believes that her daughter has suffered disabilities as a result, and that has obviously affected her whole life. I pay tribute to the right hon. Member for Hemel Hempstead (Sir Mike Penning) and the hon. Member for Bolton South East.
(Yasmin Qureshi), and I hope that the Minister will read their speeches, because they made some powerful points about the evidence, and he needs to ensure that his officials look into that in detail.

I want to use some evidence given to me by Jason Farrell, an investigative news reporter at Sky News who has done a fantastic job over many years to bring this matter to light. I particularly want to refer to documents that he found in the national archives in Berlin, which include minutes of meetings between the company, Schering Chemicals Ltd, its lawyer and a scientific adviser. I will read extracts from the minutes of meetings held on 20 and 21 December 1977 at the Goldsmith Building, Temple, London, where Schering was getting the legal advice of a Mr Clothier, QC. The extracts will show that there has been a cover-up over years, and it has to stop here, today. We have to pass this motion and show that there has been a cover-up over years, and it the legal advice of a Mr Clothier, QC. The extracts will show that has been a cover-up over years, and it has to stop here, today. We have to pass this motion and the Government have to act—no more cover-ups. The minutes state:

“Mr Clothier then went on to the letter written by Dr. Pitchford and Dr. Bye to Dr. Friebel in Germany (6th June 1968) requesting that... it was important that something more must be done. Mr Clothier went into this letter in some detail and suggested that it would be dynamite in the hands of the claimants.”

Another memo from Dr Pitchford to Dr Friebel, dated 22 July 1969, was raised by Mr Clothier. This memo was a summary of events and stated that Schering should abandon the product for use in pregnancy testing. Mr Clothier wished to know what had been done on the Schering side in response. No answer.

Mr Clothier felt, if the case were tried to the end by a judge, the chances were that the company would be found to be in neglect of its duty. Clothier stated that there seemed to be a 5:1 chance that, if there were a malformation in a child and the mother took Primodos while pregnant, it was the fault of the drug.

Page 7 of the memo states that Mr Clothier told Schering

“there were 2 alternatives open to us—one is to establish a voluntary scheme of compensation in which a justifiable claim will be given compensation without proof of liability but simply accepting moral responsibility.”

The other alternative was to take such claims to court.

Dr Detering of Schering said he was

“hesitant in establishing a scheme as the product is marketed world-wide. If we introduce this scheme in one country, we should introduce it in other countries.”

Back in 1977, people were trying to escape their moral responsibilities.

Other prime issues were raised in this minute but, because of the time, I will go on to the other minute, which is the report of a meeting with Professor Tuchmann-Duplessis, a scientist from Paris, on 16 February 1978. The minute is dated the next day and states:

“The meeting...was arranged by Dr. Detering in Berlin in order to determine Professor Tuchmann's general opinion on the validity and quality of the work that had been carried out on Primodos.”

According to this minute, the first question posed was:

“Did we, as a Company, carry out all the studies that we were supposed to?”

The answer was:

“In Professor Tuchmann's opinion we should have done much more. He expressed the view that after discovering that a certain dose was embryolethal in rabbits and in rats, we should have certainly carried out teratological studies in primates in 1968.”

This is a scandal. They knew. The lawyers were saying that the company would be liable, and that it would be found guilty in a court and would have to pay.

Why does this continue? We have heard from many hon. Members today about constituents across our country whose lives have been blighted by this. Why continue? The Minister has to stand up to the official briefings he is getting. He has to stand up to the nonsense of continued obfuscation and cover-up. Surely he must stand up and say at the Dispatch Box that he will support the motion, and that the Government will set up a judicial inquiry as soon as possible.

Several hon. Members rose—

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. The Front Benchers have up to eight minutes each.

4.32 pm

Hannah Bardell (Livingston) (SNP): It is such an honour to sum up this humbling and moving debate. I commend all Members who have contributed, particularly the right hon. Member for Hemel Hempstead (Sir Mike Penning), and the Clerks, to whom he rightly paid tribute, who drafted the motion. I also commend the hon. Member for Bolton South East (Yasmin Qureshi), who has fought tooth and nail for the victims of Primodos, as has Marie Lyon—she is a modern-day hero as far as I am concerned.

Like other Members, this case was one of the first that came to me after I was elected in 2015. My constituent Wilma Ord, who took Primodos in 1970, is in the Public Gallery with her daughter. Kirsteen was born with a birth defect and has been turned upside down, are we going to see justice for our kids? It is now that we need it, because every day we see the difference in mobility and it is real. These people need to be taken care of and it is the opportunities that have been taken from them since the day they were born”.

I asked Kirsteen if she would like anything passed on, and she said:

“I don’t see why there was a cover up in the first place. They should fix it now.”

We can never say it often enough, but this place is at its best when we are in agreement, and today we have had cross-party agreement. I am sure the Minister is aware of the strength of feeling. It is also at its best when we are representing and speaking up for our constituents, as everyone has done here today.

Another lady, who did not want to be named, contacted me this week to say:

“I was wondering if I can count on your support on Thursday. My daughter died at birth after I took The Primodos drug, she was born without the top of her brain and skull.

This week would have been her birthday, December 13th.”
So her birthday would have been yesterday. That is harrowing, as it is harrowing to hear about the deformities and disabilities that hon. Members have spoken of.

I must draw on some of the comments that really struck me. The hon. Member for North Devon (Peter Heaton-Jones) talked about our constituents being treated as—human guinea pigs. Let us not forget that this drug was on the market unregulated and untested for five years before any proper research was done on it. The right hon. Member for Kingston and Surbiton (Sir Edward Davey) spoke about the research and the information that came from Germany and some of the vast number of documents that were not looked at by the expert working group. My hon. Friend the Member for Glasgow North West (Carol Monaghan) could not be with us today, but she has spoken about her constituent Russell Kelly, who has also been affected and wanted to share today, but she has spoken about her constituent Russell Kelly, who has also been affected and wanted to share his experience. Russell is the youngest of four children, the other three having all been born healthy. His mother was prescribed a similar drug to Primodos and he has been left with significant disabilities, which has been devastating.

Since the release of the report on hormone pregnancy tests produced by the Commission on Human Medicines, our constituents have been left without support. The hon. Member for Belfast South (Erasmo Giorgioni) talked about our constituents being treated as—human guinea pigs, and that is, in essence, what they were treated as—human guinea pigs. Let us not forget that this was a matter of injustice and why it is important that any conclusions were drawn. I will then highlight why our constituents were left with significant disabilities, which has been devastating.

As we have heard, the report, which was produced by the expert working group, was changed between the draft and final stages. Given the process and the amount of public money committed to it, it is shocking that the conclusions were not drawn. I was present as I know other Members were, at the press conference—indeed, the hon. Member for Bolton South East and I were walked out of it. Some of the women who took Primodos told me at the launch of the report that they had been told that they should now be happy and take comfort from knowing that it was not taking Primodos that caused their babies to be born with defects or malformations. How offensive and insulting is it to say something like that to victims who have experienced so much trauma? None of these women is happy or comforted, and many were absolutely shocked, particularly at the fact that the expert working group did not want to watch the Sky documentary that we had spoken about. That seems utterly incredible, but the group said it did not want to be prejudiced.

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When it was put to her as a follow-up question that those people are not scientists, she said, “Yes they are.” The point is that those people did not sit through the expert working group for all those months going through the information, so how could they possibly have that information to reach that conclusion?

I know we are pressed for time, so I shall conclude by quoting my constituent once again. She says:

“We need help now, not in 5 or 6 years’ time.”

She says that she does not really want a public inquiry; she wants something to compensate for what has happened to her and Kirsteen. She says that she wants her daughter “to have a house where there are no stairs, but no one is prepared to give her it.”

She also says:

“We need to have trust in the people who are governing us—we look back at all these years ago and we look at what is happening now and they are still failing us. They let drugs go out that should never have gone out and they were negligent. The same people are not around now so why can’t someone now just do the right thing and say we were wronged?”

4.39 pm

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I congratulate the right hon. Member for Hemel Hempstead (Sir Mike Penning), who opened the debate so powerfully, and my hon. Friend the Member for Bolton South East (Yasmin Qureshi), who has been a strident campaigner on this issue for more than six years and knew all about it before it had even reached my consciousness. She gave an excellent, if rather too short, speech. I thank all other Members for their passionate and thoughtful contributions; because of the time constraints, I hope they will please forgive me for not naming them all. Ultimately, thanks must go, as others have said, to Marie Lyon, the chair of the Association for Children Damaged by Hormone Pregnancy Tests. I am sure that she has the utmost respect and admiration of Members from across the House.

I want to touch on not only the science that was used to come to the conclusions in the review, but what is missing and what should have been considered before any conclusions were drawn. I will then highlight why this is a matter of injustice and why it is important that answers are found, so that we can finally conclude this sad chapter.

The main sticking point of the review’s conclusions is that the expert working group found that the science did not support a causal association between HPTs during pregnancy and adverse outcomes. My focus will be on the science used and the historical documentation that we are aware of, but which seems not to have been considered—we heard about some of it in the excellent speech by the right hon. Member for Kingston and Surbiton (Sir Edward Davey). I will not deviate into the important argument about “possible” and “causal”, as that was covered comprehensively by other Members, including the right hon. Member for Hemel Hempstead.

I must make it clear from the outset that I am no scientist—I am sure that Members are aware of that—and my speech is not a critique of the integrity and expertise of the specialists involved. However, the conclusions arrived at in the report, and the conversations I have had with many of those who have been involved in the campaign show a need for us to be critical of what was concluded by the expert working group. That is our duty.
as Members of Parliament, especially when it comes to what is such an important matter for so many women and their families, and also because a great deal of public funds were invested in the review over the past few years.

In the report’s consideration of the scientific detail regarding HPTs, it is argued that there are inconsistencies in the conclusions drawn from the evidence used. Take, for example, the fact that of the 15 studies that looked at heart defects, 11 favoured a link, and of five studies into limb reduction, all found a link, yet those studies were deemed to show “insufficient evidence” of the drug’s harm. Even information I requested recently and got just this week from the Medicines and Healthcare Products Regulatory Agency in the lead up to this debate is at odds with the conclusions of the review, including graphs that plot birth defects against the availability of HPTs. Even to my untrained eye, they show a possible link. In one graph on all malformations, it is clear that birth defects increased during the period in which HPTs were on the market, and shortly afterwards. They began to decrease soon after HPTs were taken off the market.

Further, in the briefing I received, the MHRA said that for every 100 babies born in the general population, around two to four are expected to have a birth defect, which means that 14,000 babies a year would be expected to be born with a birth defect. That is just generally. Using those figures, the MHRA concluded that for the more than 1 million women who took HPTs, as many as 19,000 babies would be born with a birth defect, irrespective of any additional risk from HPTs. Yet let us compare Primodos to thalidomide, for instance. More than 30 million thalidomide prescriptions saw 600 children affected in the UK, which is a rate—I have had help with these numbers—of 0.002%. Some 1.2 million Primodos prescriptions were sold and 800 children were affected, which is a rate of 0.06%. That shows a much higher prevalence caused by Primodos compared with thalidomide. It also shows how little meaning a comparison of HPT adverse reactions has against today’s prevalence of birth defects in the general population, and it is hardly a defence of disproving a link.

As I have said, I am no scientific professional, but I believe that the red flags that arise when reading what the evidence says and what conclusions were drawn from it are not ones that only an expert in this field would see. This reflects the arguments that were raised last week by Dr Neil Varberg—that the report does not provide definitive evidence that the drug was safe. As others have said, the only conclusion that can be drawn is that a link cannot be ruled out.

That leads me on to my next point, which is to touch briefly on the historical perspective and cover-up of the evidence. We have got to use that word—it is the only word we can use—as this is something that should have been considered by the expert working group.

One such example was in 1975, when the UK regulator of a potential five-to-one risk that the drug could cause deformities, but that evidence was apparently later destroyed. This is a running theme—I do not have time to go into it all—through the chronology of this scandal. We see multiple examples of suppressed information regarding the adverse effects and delayed notification of those effects to medical professionals who administered the drugs.

It is also deeply concerning that this drug came into the market in 1958, with no studies on its effects at all until 1963. Five years passed before it even underwent teratogenic testing. It was still officially in circulation until 1975, but we are aware of cases of its use up until 1978. All the evidence uncovered should have been considered as part of the review. The question is: why was it not?

With any scandal such as this, it is important that those affected have the trust and confidence of any review or inquiry undertaken. In this instance, that has not been the case. The victims feel that the review has muddied the waters even more and that their views have been ignored. I have been told many harrowing stories, many of which we have heard today, and how, time and again, they have been ignored. These women did not ask to be given HPTs. Nor were they ever made aware of the effects that they could have on them or their unborn baby. They were just given them—sometimes out of a supply in a drawer on the doctor’s desk. There were no warnings, no explanations, no discussions.

A great injustice has been inflicted on these women. It is up to this House to put pressure on the Government of the day, here and now, in a fully cross-party, non-partisan way, to make things right. It is paramount that a judge-led public inquiry be conducted—one that is independent and can fully examine all the materials and documentation available and insist that all information be made public, including that which has been withheld so far. I hope that this debate helps us to take that one step further to achieving that.

In closing, may I quote the hon. Member for Mid Norfolk (George Freeman), the then Minister for Life Sciences? In October 2014, when he instigated this review, he said that the review would “shed light on the issue and bring the all-important closure in an era of transparency”.—[Official Report, 23 October 2014; Vol. 586, c. 1143.]

Let this debate and the following actions by the Minister ensure that what was promised in 2014 is actually achieved.

4.48 pm

The Parliamentary Under-Secretary of State for Health (Steve Brine): Let me start by saying that this debate has been carried out with a tone and style that do great credit to this House and to the families who have campaigned so hard for so long. The shadow Minister, the hon. Member for Washington and Sunderland West (Mrs Hodgson), and I are becoming known for the non-partisan way in which we approach some of the issues in our portfolio, and long may that continue.

Let me congratulate my right hon. Friend—I also congratulate him on his elevation last week—the Member for Hemel Hempstead (Sir Mike Penning) on securing a further debate on this important issue. I pay tribute to the Members who continue to campaign tirelessly on behalf of those who were given hormone pregnancy tests. I was struck by what the hon. Member for Liverpool, Riverside (Mrs Ellman) said—she mentioned that this was first raised in the House in 1978, when I was four. I hope that we can achieve closure before it is that long again.

Let me be crystal clear from the very start. The Government’s utmost priority is and always will be—my right hon. Friend the Secretary of State has done more than most—the safety of NHS patients. We have listened
to the concerns of patients and their families. We have certainly listened to parliamentarians on the matter of hormone pregnancy tests over many years, and we will continue to do so over the coming weeks and months.

Time and again during today’s debate we have heard that there is a lack of trust and a lack of faith in this process—the hon. Member for Manchester, Withington (Jeff Smith) said this clearly: I thought he made a very good speech—contrary to the words of my hon. Friend the Member for Mid Norfolk (George Freeman) that the shadow Minister quoted. That troubles me, so let me be clear. We have ruled out no options at this time.

The report of the group published on 15 November represents the culmination of a rigorous piece of scientific work by a group of experts all well respected in their field. It is the most exhaustive investigation of the issue undertaken to date. However, it is clear to me that many Members and the families for whom they speak have concerns about this issue. We are committed to listening to them and acting on them. Although we differ on many points, there are surely a couple of things on which we can agree at the outset. The first is that the safety of mothers and their unborn children has to be paramount. The second is that standards in medicine, science and regulation have changed beyond all recognition in the last 50 years.

My hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) and the hon. Member for Liverpool, Riverside said that drugs were handed out from the GP’s desk drawer, and indeed it says that on page xii of the report. The footnote notes:

“This today, there are strict requirements for the supply of free samples of medicines to prescribers, as set out in section 6.12 of the MHRA Blue Guide”.

That is why I say that medicine, science and regulation of prescribing have changed hugely in the past 50 years. It is imperative for me that we continue to seek improvement in this area. That is why we have tasked the Medicines and Healthcare Products Regulatory Agency with implementing the recommendations of the expert group. They are quite wide. They are not just nice to have; they are valuable initiatives that should permanently benefit the millions of women who use medicines in pregnancy.

Several themes came up in the debate. My right hon. Friend the Member for Hemel Hempstead mentioned Mr Dobrik. I apologise if Mr Dobrik feels that his name has been used inappropriately; I think that is the right thing to do. He was invited, as an advocate for families facing these issues, and made a strong contribution throughout. Let me be clear as the Minister. We thank him for his contribution. He is a campaigner who rightly has wide respect across our country and the world, and I know that that will continue to be the case.

My right hon. Friend spoke about the name of the inquiry. I am told that the group was reminded from the start that it had been set up not as a statutory inquiry but as an expert group of the Commission on Human Medicines. It was important to be clear on that at the start because formal inquiries have a very different structure and statutory powers. I do not think that there was an inconsistency there, but we can continue that debate. Almost all those who spoke mentioned the terms of reference—“causal” versus “possible”. The terms of reference set out the scope of the review, and I do not believe that they changed. They were endorsed by the CHM in December 2014 a few weeks after the previous debate, and confirmed by the then Minister, my hon. Friend the Member for Mid Norfolk, in a letter to the all-party group in September 2015. In the same letter, the all-party group was informed:

“it is important to review the scientific evidence to establish whether there is any causal association between use of HPTs and subsequent birth defects in the child.”

It is implicit and integral to any scientific assessment of evidence on medicines and associated harms to see whether the medicine is actually responsible for causing the harm rather than simply being associated with it.

The hon. Member for Manchester, Withington and others mentioned changes to the expert group report. I know that many Members are concerned about differences in the draft and final reports, and especially over the removal of the sentence that said:

“limitations of the methodology of the time and the relative scarcity of the evidence means it is not possible to reach a definitive conclusion.”

That sentence in the draft report was followed immediately by the group’s overall finding

“that the available scientific evidence does not support a causal association between the use of HPTs such as Primodos, during early pregnancy and adverse outcomes.”

The CHM quite rightly considered the two sentences together to be misleading, and advised that the report should be revised to better reflect the scientific—I stress, scientific—conclusion of the group, and that is set out on page 100 of the final report.

The hon. Members for Bolton South East, (Yasmin Qureshi), for Manchester, Withington and for Makerfield (Yvonne Fovargue) and others spoke about historic actions. Ministers have always been clear that issues of historic regulatory process were outside the scope of this review because there first needed to be clarity on whether there might be a link between HPTs and birth defects. That point was made by the much-mentioned former Minister for Life Sciences—my hon. Friend the Member for Mid Norfolk—in his letter to the all-party group in September 2015, when he said:

“the review will include a chronology of events, but the EWG”—the expert working group—

“will not be asked for its advice on systemic or regulatory failures”.

The hon. Member for Washington and Sunderland West and a number of other Members said that that should have been different. As I said to the hon. Member for Bolton South East, I am listening, but the report that I inherited on my desk this summer had that as its guidance. The group was not set up to look at those historic actions. Whether or not it should have is a matter of debate.

The hon. Member for Bolton South East—while we are talking about her—and the hon. Member for Makerfield mentioned the transparency issue and the “gagging order”. As I said during the urgent question, I can assure the House that, in being asked to sign a confidentiality undertaking, Mrs Lyon, who is here today—and I pay great tribute to her for her work—was not in any way treated differently from other panel members. This is standard procedure so that discussions can be held freely and openly in the group without external interference or a running commentary in, God forbid, the media. Despite being an observer throughout the review, Mrs Lyon
was invited to speak after every agenda item and asked to give a presentation to the group on the evidence she had provided for the review.

The hon. Member for Bolton South East mentioned the evidence from Dr Dean and the Royal College of General Practitioners that was ignored. The interactions between Dr Dean and the RCGP are fully described in the annexes to the report, and I will come back to that in just a second before I close.

My hon. Friend the Member for Eastleigh (Mims Davies) and the hon. Members for Livingston (Hannah Bardell) and for Bolton South East mentioned the interactions with the families. I was clear the last time I was at the Dispatch Box on this subject that the families were not treated with the respect and the dignity that I would expect as the Minister from a body that I am responsible for. I have made that very clear to the members of the group, and I have asked them to report back to me as to how they will do things better next time. I look forward to seeing that, and they know that I mean it when I say that.

I mentioned the transparency issue. Minutes of the meetings and declarations of interest were published last week. I can update the House that annexes to the report, all documents from the national archive and studies conducted by Schering have been published today. The remaining documents, including those from the German archive, will be published sooner than originally agreed, once they have been checked for any personal data that needs to be removed due to confidentiality owed.

I am going to close there and give the sponsor of the debate a chance to close. I thank Members for their contributions. Nothing is off the table, and I am listening.

4.58 pm

Sir Mike Penning: I thank everybody for giving up their Thursday in their constituencies to be here. I have been praised extensively for securing the debate, but I would not have been able to do it without the all-party group—we had 57 signatures.

I have constituents whose lives were changed—blighted, completely wrecked—by Primodos, and we have heard of others on both sides of the House today. I heard the Minister say, “Nothing is ruled out. I am willing to listen.” I am really pleased, because he is going to have to listen an awful lot. If this report is still on his desk and being used as a way to go forward, I am afraid that that is an insult to the victims.

This document was described to me in a way that I cannot repeat in the House today, but a better way of describing it is that it was crap. It is fundamentally flawed and does not do what it said on the tin when the Minister asked for it to be done. The Department can talk and move on, and talk and move on, but there has to be an independent public inquiry. If that inquiry decides it needs further evidence, it needs the finance to get that, and it needs to suspend while we find further evidence—and there will be evidence coming forward in the next couple of days.

That is because the victims are the most important people in what we have been discussing today. If we forget that, we forget why we are here and why the NHS has the greatest reputation in the world. Schering is a great brand—we need its drugs—but its reputation has been damaged, and so has the national health—

5 pm

Motion lapsed (Standing Order No. 9(3)).
help to embed these sustainability and transformation plans—in other words, using Government and taxpayers’ money to close down local hospitals.

Despite many people denouncing me and other campaigners for scaremongering, I have remained firm in my view that from the day the two management teams merged, the plan was to downgrade South Tyneside Hospital and move all our services to Sunderland. But I take no pleasure in being right about this. When the first phase of the consultation was launched, we were advised that the clinical teams’ preferred option was to move stroke services to Sunderland. Not only does having a preferred option fly in the face of the Gunning principles, but all our suspicions were confirmed when in October last year, without any public consultation, our stroke unit was closed and moved to Sunderland, with the promise that the measure was temporary and a response to staffing challenges. There is currently no option on the table that would allow the unit to come back to South Tyneside.

In relation to maternity services, gynaecological services, and children and young people’s urgent and emergency paediatrics, all the options presented lead to a drastic reduction in provision of acute services, in particular, for South Tyneside. Yet in October our A&E, inclusive of paediatrics, was found to be the second best in the country, and South Tyneside is one of the very few hospitals that has achieved the four-hour waiting time target.

I have been consistent in rejecting this consultation. I refuse to accept that a consultation that is predicated on a massive cuts agenda, against a backdrop of additional cuts to social care and other services, will do anything at all to improve the health and care that people in South Tyneside receive; in fact, it will do quite the opposite. I am not alone in that view. The trust and the clinical commissioning group state that the proposals before us were formulated by, and are supported by, clinicians and staff at our hospital, but many of those clinicians and staff have contacted me and provided me with evidence to show that they have, in fact, been actively blocked out of the formulation of these proposals. How on earth can the public be expected to trust a consultation that raises such serious questions about transparency and due process and that has lacked integrity from the outset?

I have been trying to get my local authority to refer the whole shambolic consultation to the Secretary of State, so that the smokescreen can be lifted and matters conducted properly, with due process. So far, to my abject disappointment and that of my constituents, that has not happened. Constituents have also raised with me their concerns about the potential conflicts of interest. Our council leader is a paid non-executive director of the trust and chairs the health and wellbeing board. The chair of the CCG is the vice-chair of the health and wellbeing board and a practising local GP.

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On 30 November, a press release was issued, advising that the special care baby unit was closing with immediate effect. The reason given for the closure was staffing issues. That closure, coincidently, sits neatly with all the proposed options put forward by the CCG and trust. The safety and wellbeing of babies and parents should, of course, always be a priority, but subsequent events indicate that this is yet another development in the managed decline of South Tyneside Hospital. On 3 December,
after the local media had been advised, staff from the maternity unit were invited to a meeting to be told that from 8 am the following morning, the maternity unit would be closing as a result of staffing issues. That happened after the trust had discussed matters with regional groups—not local ones, and not staff.

We have now reached the stage at which no more babies are being born in South Tyneside, but the maternity unit has the full complement of staff present, as it did when it was fully and safely operational. The staff presented the trust with a workable rota system to keep the unit delivering, so there is no reason for the closure to continue. Right now, instead of delivering babies, these trained, professional and dedicated midwives are doing admin and transferring mums to neighbouring hospitals.

I have been advised that expectant mums are having to find, on average, £40 for each round-trip journey to another hospital in the region when they thought they were due to deliver. One woman was sent home after being told she was not in labour by a neighbouring hospital. Once home, and very much in labour, she ended up having a home birth because she simply could not afford another taxi, and ambulance waiting times were too long. The situation is dangerous and completely unsustainable for my constituents, and it takes away a woman’s right to choose where she gives birth.

From day one of this process, the trust and clinical commissioning group have given us one version of events, but the evidenced facts from the clinicians and other staff at the hospital tell a different story. The dedicated hard work and professionalism of clinicians and staff is being denigrated, their morale reduced as they work under the veiled threat that if they speak with me they will be risking their jobs.

There remains a multitude of unanswered questions—questions critical to the whole process that have been asked repeatedly. What capacity does Sunderland Royal Hospital have to take the extra patients from South Tyneside? What will happen to the staff at South Tyneside? What transport arrangements will be put in place, bearing in mind that car ownership in the area is among the lowest in the entire country? Does the North East Ambulance Service have the capacity for the increased emergency demand that will be created by the options?

What are the proposals for the next phases of the consultation? This is only the first phase of a consultation that has another two phases to go. We cannot continue with a situation in which those tasked with providing the very best healthcare scenarios for my constituents are acting out with that remit and not promoting good, safe, equitable healthcare. Choice has been removed from my constituents: their health needs—in fact, their lives—are deemed secondary to those of others in the region. I am asking the Minister to support the taking of some serious steps. NHS England must step in, investigate and, if necessary, remove the clinical commissioning group’s powers, and NHS Improvement must take investigative action against the trust.

Things have become very nefarious in Shields; people have misunderstood my representing and relaying of my constituents’ views and laying out of the facts as personal attacks. I remind those who have tried to silence me, and who have stated publicly that I am a liar and tried to bully me into toeing their line, that I put myself forward for public office not to cosy up to others or bow to those in power or vested interests, but to represent the people of Shields no matter how uncomfortable for some that may be. No amount of threats or bullying will stop me from doing the job I was elected and entrusted to do.

I end by paying tribute to all the amazing staff in our hospital and those in South Tyneside who have wholeheartedly joined the fight to save it—especially Roger Nettleship and Gemma Taylor, who have worked tirelessly leading the Save South Tyneside Hospital campaign and are currently crowdfunding to raise money for a potential judicial review. Please, if anyone is listening, donate and help us—this process does not begin and end with our hospital. The Government are coming for our entire NHS.

5.12 pm

The Minister of State, Department of Health (Mr Philip Dunne): I congratulate the hon. Member for South Shields (Mrs Lewell-Buck) on securing this debate about the future of South Tyneside Hospital. I pay tribute to the emotion she showed in standing up for her constituents, but I have to say that I was disappointed by the tone she adopted, particularly at the start of her remarks. Frankly, her allegation of conspiracy—trying to paint the issue as some kind of dasartedly plot to privatise the health service, for which there is not a shred of evidence—is scaremongering that will undoubtedly alarm residents in her area. That rather undermined the force of her quite proper concern for her constituents, so I am sorry that she chose to characterise her position in that way.

I welcome, however, the hon. Lady’s support for the staff at her hospital and join her in congratulating them on their work. Despite significant pressures, South Tyneside NHS Foundation Trust is performing very well for the vast majority of patients under its care. She pointed out the performance in A&E. The trust is one of the few in the country to be performing at and above the four-hour waiting target, but that is not the only area in which it is performing well. It is also one of the few trusts across the country to be meeting all of the eight cancer targets, as well as the referral to treatment waiting time targets—again, that is unusual at present—and all the diagnostic targets. It is therefore one of the best-performing trusts in the country, and I think the hon. Lady and I will be on the same page on that.

The trust and its neighbour, the City Hospitals Sunderland NHS Foundation Trust, recently formed an alliance known as South Tyneside and Sunderland Healthcare Group. That is why the group is looking at a reconfiguration of services across the two trusts to remove unnecessary duplication and improve the sustainability of services to ensure that the local population’s healthcare needs are well looked after across the range of activities.

Ultimately, as the hon. Lady knows, any service changes at South Tyneside Hospital will be a matter for local health authorities. All proposed service changes should be based on clear evidence that they will deliver better outcomes for patients. The changes should also meet the four tests for service change: they have support from GP commissioners; they are based on clinical evidence; they demonstrate public and patient engagement; and they consider patient choice. In addition, NHS England...
introduced this year a test on the future use of beds that requires commissioners to assure it that any proposed reduction will be sustainable over the longer term and that key risks such as staff levels are addressed.

Mrs Lewell-Buck: The Minister says that both hospitals are working together to create safe healthcare for both populations. However, how does shutting down a maternity unit and a special care baby unit with hardly any notice at all help to create that environment? Surely they are failing the task they have been handed.

Mr Dunne: I am coming on to explain precisely why there was an emergency shutdown of that facility because the hon. Lady’s characterisation does not quite represent what happened. I will go into that in some detail to try to reassure her and her constituents about the reasons behind this sudden—and, we hope, temporary—closure.

On 30 November, as the hon. Lady pointed out, the delivery of high-risk births at South Tyneside District Hospital was suspended due to staffing pressures. A number of urgent safety protocols were put in place to accommodate a very small number of low-risk deliveries over the weekend of 2 and 3 December. Since 4 December, all maternity services have been temporarily suspended at South Tyneside Hospital on patient safety grounds. The trust did not take this decision on its own initiative. It sought advice from the Northern Neonatal Network and the heads of midwifery services for the north-east of England. Their unanimous clinical view, based on all the evidence available at that time, was that births should be temporarily suspended in the interests of the safety of mothers and babies.

The trust has about 70 hospital-based staff who are directly affected, who have all been asked to report for duty as normal. The staff are working with the trust to contact the 165 women currently affected to ensure that safe alternative arrangements are made. The trust has been in close contact with neighbouring units and has had overwhelming support from NHS partners across the system. Women have been choosing to deliver in Sunderland, Gateshead and Newcastle, with a number of women opting for a home birth.

The trust is working closely to make sure there is an individual plan for each patient and that there is clear communication between the healthcare professionals involved with their care. The trust aims to reopen the special care baby unit for low-risk births when a safe staffing level has been established.

I now want to dwell on the specific staffing challenges that have precipitated this action. South Tyneside NHS Foundation Trust has been contending with the challenge of safely staffing the special care baby unit over many years, so this situation has not just crept up on it. When the Care Quality Commission visited in May 2015 and rated the trust overall as requiring improvement, inspectors raised serious concerns about its special care baby unit staffing arrangements. Since 2015, the trust management has made relentless efforts to mitigate these staffing issues. Regular recruitment has taken place for permanent vacancies in the special care baby unit and paediatric emergency care over the past two years, with the latest round taking place only this month.

Contrary to the hon. Lady’s allegations of a long-standing conspiracy to compel the unit to close, I want to give her the facts about that unit as I understand them. In recent months, chronic staff sickness has reduced the six full-time equivalent specialist neonatal nurse workforce in the special care baby unit to just four full-time equivalent staff. That has resulted in an unsustainable situation, with the remaining nurses working many extra hours each week to ensure safe staffing on the unit. One of the four remaining nurses then became ill, exacerbated by work pressures, and that led to unsustainable staffing levels to keep the unit open. It has not been possible for the trust, however hard it has tried over the past two and a half years, to fill the rota. It has not been possible most recently to use bank and agency staff to do so, given the very specialised skills required by neonatal nurses in the special care baby unit. This decision, although difficult, was driven by very clear clinical advice that put the safety of mothers and babies first and foremost, and also took account of the health and wellbeing of hospital staff, to whom the trust also owes a duty of care.

The hon. Lady referred to the consultation that has taken place in recent months over the path to excellence.

Mrs Lewell-Buck: I thank the Minister for giving way again, but I am really disappointed. I can see that he has the official lines from the trust and the CCG, but did he not listen to what I said? Regional groups made this decision, not local groups. The unit is now at the full staff complement at which it has been historically. In short, there is no staffing problem there right now. Midwives are sitting doing admin work when they could be delivering babies.

Mr Dunne: I was referring to the special care baby unit. My understanding is that the staffing levels at the neonatal unit are as I have just described to the hon. Lady. If she has other information, I will happily go back to the trust tomorrow to ask whether it has managed to fill those slots. There is no intention of keeping the maternity unit for normal births suspended for any longer than is necessary.

I will touch on an area that the hon. Lady did not mention specifically, because a similar situation occurred in relation to stroke services in the region. I want to put that into context to help her to understand why the decision was taken.

Since December 2016, any patient requiring acute care for a stroke has been taken to Sunderland. This decision was taken to ensure patient safety because South Tyneside also had a significant staffing challenge in its stroke unit. In fact, it had only one part-time physician, who was single-handedly assessing and treating incoming stroke patients. The stroke unit faced significant pressures in maintaining a sufficiently staffed nursing rota to support that clinician to maintain the patient safety required for stroke patients.

The benefits of centralising high acuity stroke care have been shown in Manchester, London and other parts of the country where reduced mortality and a more efficient use of resources have resulted in better care for patients. Most other parts of the country have either implemented similar changes or have plans to do so. Centralising stroke care into a smaller number of larger units provides the opportunity to ensure that there are specialist nurses and doctors available to manage patients at all times, and to provide access to imaging...
and other investigatory facilities immediately as they are required. I will illustrate what that means to patients, who are at the heart of these changes.

Across the NHS in England, 84% of stroke patients now spend the majority of their hospital stay in a specialist stroke unit, compared with 60% in 2010. This has led to excellent progress in the treatment of stroke over recent years. More than 93% of stroke patients across England now receive a brain scan within 12 hours of their arrival at hospital, with more than 50% screened within one hour. That is a huge improvement since 2010, when 70% of patients waited up to 24 hours for a scan. The concentration of stroke services and specialist units has helped to save lives.

The workforce challenges experienced by South Tyneside Hospital are being proactively addressed in the long term through the path to excellence programme that the hon. Lady mentioned. This is a five-year transformation programme for healthcare services in South Tyneside and Sunderland, and a localised response to the Northumberland, Tyne and Wear and North Durham STP of which she was so critical. The public consultation for the path to excellence programme ran from 5 July to 15 October. The areas of service under consultation were maternity and women’s healthcare services, including the special care baby unit; stroke care services; and children and young people’s urgent and emergency services. Before the CCGs make their decision, they will consider all the feedback gathered during the consultation from all stakeholders, including the hon. Lady and other hon. Members. The CCGs are also holding a number of public engagement sessions between now and February, in which I strongly encourage her to participate. An extraordinary meeting of the CCG’s governing bodies will be held in February 2018, in public, for the two CCGs to make their final decisions.

The hon. Lady mentioned the Save South Tyneside Hospital group. I am aware that the group is active in campaigning against any reconfiguration of healthcare services between the two hospitals. I hope that I have helped to clarify to her that no decisions will be made on reconfiguration until the responses to the path to excellence consultation have been thoroughly analysed.

Mrs Lewell-Buck: The Minister’s analysis of the Save South Tyneside Hospital campaign is incorrect. We want safe, decent healthcare for people in South Tyneside. We are campaigning for equitable, safe healthcare.

Mr Dunne: I am sure that that is the objective. It is also the objective of the trust to ensure that sustainable, high-quality services are available to the populations of the areas served by both hospitals.

The South Tyneside NHS Foundation Trust now faces a challenging task in ensuring that the two hospital trusts, through the path to excellence process, remove any unnecessary duplication and improve sustainability. It is important that the trusts work well together, with the local community and with their commissioning groups, to ensure that any plans that they have are communicated clearly to local populations. [Interruption.] The hon. Lady says that that is not happening. It is incumbent on the trusts to engage properly with their local communities. I am sure that they will be watching this debate and taking note of the comments that she and I are making. There should be full public engagement, and as I have identified, that will continue right up until the decision of the CCGs in February.

I conclude by simply saying that it is incumbent on all of us who represent our local communities to get engaged—the hon. Lady is doing this with her campaign group—with the people who are responsible for making decisions. That is the local NHS in her area. [Interruption.] She indicates that she is engaged with her local NHS. I am pleased to hear that, and I ask her to encourage all other MPs to get engaged in a constructive way, to find the best solution for their local residents that will put patient safety at the top of the list.

Question put and agreed to.

5.29 pm

House adjourned.
Mr Philip Hollobone (Kettering) (Con): How many of the FTSE 250 companies have signed up to this excellent campaign?

Mr Gauke: That is a very good question, and I will have to write to my hon. Friend with the answer. I can tell him that businesses small and large have participated in the scheme, including large organisations such as Microsoft, GlaxoSmithKline, Sainsbury’s and Channel 4, as well as many small businesses up and down the country.

Neil Gray (Airdrie and Shotts) (SNP): May I take this opportunity on behalf of my colleagues on the Scottish National party Benches to offer our sincere condolences to Mr Deputy Speaker after the weekend’s tragic incident? Our hearts, thoughts and prayers go out to Lindsay and his family.

The Chancellor told the Treasury Select Committee earlier this month that “far higher levels of participation by marginal groups and very high levels of engagement in the workforce, for example, by disabled people, may have had an impact on the overall productivity measurement”.

The Chancellor belittled the efforts and contribution of disabled people in the workforce. How disappointed was the Secretary of State by that unhelpful statement?

Mr Gauke: First, I should like to associate myself with the hon. Gentleman’s remarks about the Deputy Speaker, who has the thoughts of the whole House with him at this time.

In respect of the hon. Gentleman’s question, however, I disagree with him. The point that the Chancellor of the Exchequer was seeking to make is that we have made great progress in recent years on increasing the level of disabled people in work. That is a good thing to do, and he made it clear that he considered it to be a good thing. That is what the whole Government want to achieve.

Mark Pawsey (Rugby) (Con): The small employment adviser at Rugby jobcentre has just signed up 15 new employers to become Disability Confident. Does the Secretary of State agree that the role of those officers in building links with small employers in local areas is crucial to ensuring that more disabled people get access to the workplace?

Mr Gauke: Yes, I do. My hon. Friend makes an excellent point. It is really important that that engagement happens up and down the country, and I am pleased that we are making progress. As I have said, we have over 5,000 Disability Confident employers, and I hope that we will continue to increase that number. My Department will certainly be doing everything it can to achieve that.

Marsha De Cordova (Battersea) (Lab): In the recently published “Improving Lives: Helping Workless Families” paper, the Government said that they wanted to work in partnership with employers to help them to draw fully on the talents of disabled people. However, following the Chancellor’s recent comments scapegoating disabled people as being the reason for low productivity, does the Secretary of State agree that there is a need for a clear and coherent message from the Government that employing
disabled people can enhance productivity and make a
real contribution to organisations and businesses across
the UK?

Mr Gauke: There is a clear and coherent message
from this Government. We have seen significant increases
in the number of disabled people in work, which is good
for disabled people, but it is also good for the economy
as a whole. That continues to be our message, and that
is why we published our “Improving Lives” document.
We will continue to work to improve the opportunities
for disabled people in the labour market.

“Improving Lives: Helping Workless Families”

3. Martin Vickers (Cleethorpes) (Con): What progress
has been made on implementing the recommendations
of his Department’s report, “Improving Lives: Helping

The Parliamentary Under-Secretary of State for Work
and Pensions (Caroline Dinenage): “Improving Lives:
Helping Workless Families” aims to improve outcomes
for disadvantaged children and is making good progress.
For example, from next Spring, Public Health England
will run a trial of individual placement and support,
and our vital work on reducing parental conflict was
boosted by the Chancellor’s announcement of £39 million
in the recent Budget.

Martin Vickers: I thank the Minister for her reply. As
she will know, working households in coastal communities
such as Cleethorpes face particular difficulties. There is
much low-paid work, but not much to encourage young
people to stay there. What additional support can she
offer to those sorts of communities?

Caroline Dinenage: The Government are committed
to supporting coastal communities, such as those in his
constituency of Cleethorpes and my constituency of
Gosport. That is why I am pleased that the claimant
count in his area is already down by 49%. Last March,
we saw 248 families in north-east Lincolnshire achieve
significant progress through our troubled families
programme, and I know that the Secretary of State was
impressed when he visited my hon. Friend and saw a
programme that is helping troubled youngsters. More
widely, the council was awarded a Coastal Communities
Fund grant in April worth £3.8 million towards a
scheme to enhance Cleethorpes’ role as a high-quality
place to work, live and visit.

David Hanson (Delyn) (Lab): Does the Minister think
that the fact that she is failing to support people who
are workless and still in poverty is one of the reasons
why Alan Milburn resigned as chair of the Social Mobility
Commission?

Caroline Dinenage: We are actually doing more to get
people into work than any other previous Government.
We know that making a meaningful difference to people’s
lives, including those of the most disadvantaged children
and families, requires an approach beyond just welfare
support. That means supporting people into jobs, because
we know that employed people have much-improved
chances and incomes. That also means focusing on the
other key drivers of poverty, such as education, and on
other things to support children.

Rights of Disabled People

4. Liz Twist (Blaydon) (Lab): What steps his Department
is taking to respond to and implement the recommendations
in the concluding observations of the UN Committee
on the Rights of Persons with Disabilities, published on
3 October 2017.

The Minister for Disabled People, Health and Work
(Sarah Newton): We are committed to improving the
lives of disabled people, both in the UK and through
our international development work, and we are
constructively considering the UN’s recommendations
going forward. We intend to provide an update to the
UN next summer, as requested.

Liz Twist: The UN report specifically called on the
Government to repeal the Social Security (Personal
Independence Payment) (Amendment) Regulations 2017
and to ensure that eligibility criteria in assessments to
access PIP, employment and support allowance and
universal credit are in line with the human rights model
of disability. Will the Minister commit to that today?

Sarah Newton: We are absolutely committed to disabled
people. We are world leaders in disability rights. We
were disappointed that the UN did not consider all the
information that we provided, and we strongly rebut
much of what it had to say. I am sure that the hon. Lady
will join me in welcoming the excellent work on reviewing
PIP that was published today by Paul Gray, which sets
out a whole series of reforms showing that this Government
are determined to ensure that we have a benefit system
that really supports disabled people.

Justin Tomlinson (North Swindon) (Con): Not only
did the report seemingly fail to recognise that we now
spend a record £50 billion on supporting people with
disabilities and long-term health conditions, but it also
failed to recognise the proactive work with charities and
stakeholder groups that helps to shape policies. Will the
Minister reconfirm her commitment to that proactive
engagement?

Sarah Newton: I thank my hon. Friend for his question.
I absolutely confirm that I will work with disabled
people and organisations that work with disabled people.
I pay tribute to the excellent work that my hon. Friend
did when he held my position. I am sure that we will
continue to build on the work that he did and will
ensure that more disabled people have the opportunity
to fulfil their full potential in our society.

Frank Field (Birkenhead) (Lab): Will the Minister
please consider a root and branch reform of PIP?
Someone who came to Feeding Birkenhead was doubly
incontinent due to cancer, but she received a nil rating
for PIP. While she needed food, she also needed nappies.
When she did not turn up after a few days, people went
to see how she was, and she was washing babies’ nappies,
because she wanted to get about and was too ashamed
to come and ask us for more. Is there not something
wrong with PIP assessments when those sorts of cases
occur?

Sarah Newton: I thank the right hon. Gentleman for
raising this very sad case. Clearly something went wrong
in that individual case. I look forward to answering
questions and spending time with his Select Committee
later this week. I point him to the response to Paul Gray’s evaluation of PIP that I published today. I am sure we will have more time to look at that in detail, but we remain utterly committed to making sure that we continue to improve PIP.

Lucy Frazer (South East Cambridgeshire) (Con): At my surgery last week I met Frances, who has cerebral palsy. She made an application to the clinical commissioning group to get e-motion wheels for her wheelchair, which has been denied. Does the Minister agree that ensuring that people have the equipment to enable them to go to work is incredibly important and increases their self-esteem and their ability to contribute to the economy?

Sarah Newton: My hon. and learned Friend raises an important point. Of course, PIP is a benefit that is available to people in work and out of work, and it is there to support everyone with the additional costs of their disability. Of course, mobility is really important. There is also the excellent Access to Work scheme, which each year is funding more people, enabling them to play their full part in society, including at work.

Poverty: In-work Households

5. Chris Elmore (Ogmore) (Lab): What assessment has he made of trends in the number of in-work households living in poverty.

The Parliamentary Under-Secretary of State for Work and Pensions (Caroline Dinenage): It is clear that work is the best route out of poverty, as the rate of poverty in working households is one third of that among workless households. Latest data shows there are 1.9 million working households in relative low income.

Chris Elmore: One of the real impacts of increasing levels of in-work poverty will be in the changes that the roll-out of universal credit will bring. In a written parliamentary answer I received today from the Minister for Employment, I was told that universal credit will be rolled out in my Ogmore constituency in March next year, which is incorrect. According to the House of Commons Library, universal credit will be rolled out in March, June and November. How can the public have any trust in what the Government are doing with the roll-out of universal credit, which each year is funding more people, enabling them to play their full part in society, including at work.

Caroline Dinenage: We will certainly look into that information. It is important to point out that we know that work is the best route out of poverty, and that universal credit is helping people to move into work quicker, to progress through work faster and to stay in work longer. The smooth taper rate gives incentives to take on more hours because, unlike the old system, people see more money in their pocket for every extra hour they work.

Caroline Dinenage: I could not have put it better myself. There are 300,000 fewer working-age adults in absolute poverty now than in 2010. As my hon. Friend says, we are making sure that work pays through the national living wage and lower taxes. The lowest earners have seen their wages grow by almost 7 percentage points above inflation over the past two years.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): On behalf of my party, may I add my condolences to those already expressed in this Chamber? I am sure that all our hearts go out to Mr Deputy Speaker’s family.

One of the biggest problems facing in-work households living in poverty is fuel poverty. Altnaharra, which is in the middle of my vast constituency, is the coldest place in the UK every year, so fuel poverty is a colossal problem for my constituents. Will the Minister have meetings with the Scottish Government to take forward ways of tackling this terrible problem, particularly in the remotest and coldest parts of the UK?

Caroline Dinenage: I associate myself with the hon. Gentleman’s comments about Mr Deputy Speaker.

The hon. Gentleman makes a good point about fuel poverty. The Government have been doing so much to ensure that people are aware that they can cut down on household energy bills by switching, and we have been making it easier for people to switch. We also know that the Scottish Government have devolved powers to support people more with their benefits, if that is what they decide to do, and they are free to develop their own approaches to addressing poverty.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Is it not time to have a grown-up conversation about the measure of poverty? Under the relative measure, thousands would be lifted out of poverty by a recession, by a significant number of job losses or by a reduction in the median level of household income. Surely that cannot be the best measure and it is right that we look to work as the best route out of poverty.

Caroline Dinenage: My hon. Friend is absolutely right to raise this matter. If we look at progress since 2010 across all four of the most commonly used measures of poverty—relative, absolute, before housing costs and after housing costs—without cherry-picking any of the statistics, we see that people are no more likely to be in poverty today than they were in 2010. Indeed, on three of the measures the likelihood of being in poverty has reduced, and the incomes of the poorest 20% have increased in real terms by more than £300.

20. [902997] Kate Green (Stretford and Urmston) (Lab): CPI—consumer prices index—stands at 2.8%, food inflation is at 4.2%, its highest for four years, and the big six energy companies have announced price increases of between 8% and 15% this year. That comes against a backdrop of freezes on working age benefits, so is it surprising that people are having to go to food banks?

Caroline Dinenage: The Government are committed to building an economy that works for everybody, which is why we have committed to raising the national living wage—we are talking about an increase of 33p. This
will be equivalent to a 9% increase in the national living wage since its introduction in 2016. It represents an increase to a full-time minimum wage worker’s annual earnings of more than £600.

Margaret Greenwood (Wirral West) (Lab): On behalf of Labour Members, I would like to express our condolences to Mr Deputy Speaker. Our thoughts are with him and his family.

Disabled people are twice as likely to live in poverty as non-disabled people because of the extra costs they face. The Equality and Human Rights Commission recently estimated the cumulative effect of Government cuts since 2010 at £2,500 a year for a disabled adult, but when the Government discovered that they had underpaid approximately 75,000 disabled people who transferred on to ESA support between 2011 and 2014, they announced in last Thursday’s written statement that they would only be repaying claimants from October 2014. How many of the 75,000 disabled people will receive an arrears payment? Given that attempted suicide rates among ESA claimants doubled between 2007 and 2014, what estimates have been undertaken on the impacts on claimants’ mental health as a result of this Department for Work and Pensions error?

Caroline Dinenage: I am sure that I can write to the hon. Lady with the details on that. As well as being very mindful of the impact on people’s mental health and wellbeing, we must apply the law. We have to value disabled people in our workplace, which is why the Government are making sure that many, many more disabled people are able to access work and get into work.

Margaret Greenwood: Recent data shows that 8 million working families are living in poverty. Despite Government rhetoric, work is not the route out of poverty; four out of five people who are in low-paid work now are likely to be in low-paid work in 10 years’ time. But in his interview on yesterday’s “The Andrew Marr Show”, the Secretary of State failed to mention that, under universal credit, sanctions have escalated and are being applied to people who are actually in work. The Public Accounts Committee and the National Audit Office have both raised concerns about the impact of sanctions on debt, rent arrears and homelessness. So why is the Secretary of State intent on punishing people in low-paid work by sanctioning them?

Caroline Dinenage: Sanctions are applied only as a very last resort and there are mitigations in place to support people when this is done. The hon. Lady is wrong to say that people in work are more likely to be in poverty; a key driver of in-work poverty is the part-time work that people were trapped in when her party was in government—people were trapped working fewer than 16 hours a week. The Labour Government were literally pushing people who are already on a low income because they are on a benefit into debt in this way is totally unacceptable!

Mr Gauke: I do not accept the hon. Lady’s categorisation at all. The complaint that has been made about universal credit is about the cash-flow point—that people have to wait a period of time before they get their first payment. To address the cash-flow point there is a system of advances in the universal credit system so that people have the flexibility to receive the money earlier. It is an advance, they get it paid earlier—they do not get it paid twice, I accept that, but they get it paid earlier—and it is a perfectly sensible way to address a cash-flow issue.

Helen Hayes: The Peabody Trust estimates that 60,000 households will have made a new universal credit claim in the six weeks before Christmas and will not receive their first payment before the holiday period. The need is already being felt in my constituency, where last week Norwood food bank provided food for an extraordinary 128 people in a single session. What is the Secretary of State’s advice to families who are trying to provide a happy Christmas for their children without the means to afford even basic necessities?

Mr Gauke: We should be clear: if people need cash before Christmas, they are able to get it under the universal credit system, which is designed so that they can do that. People trying to discourage claimants from taking an advance, which I am afraid is the tone that we hear too often from the Labour party, are causing unnecessary anxiety for claimants.

Margaret Greenwood (Wirral West) (Lab): The chief executive of the Financial Conduct Authority has recently warned about high levels of debt among young people incurred just by their covering basic household bills such as rent. Young people aged 18 to 21 are not entitled to housing support under universal credit. Why did the Government ignore a Social Security Advisory Committee recommendation that young people on the edge of care should be exempted from that?

Mr Gauke: As the hon. Lady will be aware, there are a whole host of exemptions that do allow 18 to 21-year-olds to access housing benefit, if those exemptions apply to them. I have to come back to this point, which the
Labour party does not seem to accept: the best way in which we can sustainably lift people out of poverty is to have a welfare system that encourages them to work and to progress in work. That is what universal credit does and it is what the legacy system failed to do, which is why we are making these changes.

**Youth Unemployment**

7. Ms Nusrat Ghani (Wealden) (Con): What recent assessment he has made of trends in youth unemployment.
   
   **The Minister for Employment (Damian Hinds):** Unemployment among 16 to 24-year-olds is 523,000—down 60,000 on the year and down 416,000 since 2010.

   **Ms Ghani:** I welcome that news from the Minister. I am a strong campaigner for apprenticeships, including in my constituency, where we have just 70 young unemployed people. Does the Minister agree that making apprenticeships far more available helps young people into jobs, not only in Wealden but throughout the country?

   **Damian Hinds:** My hon. Friend has indeed been a great campaigner and a great champion for apprenticeships. Apprenticeships—including the 620 starts in Wealden in 2016-17—are one of the key policies that have contributed to our successful labour market, in which employment now stands at 75%.

   **Nic Dakin** (Scunthorpe) (Lab): What is the trend in unemployment for young people with learning difficulties?

   **Damian Hinds:** We absolutely accept that of course young people with learning difficulties need additional assistance and additional understanding of conditions and so on, which is why we have very much focused on providing that in jobcentres to make sure that they get the support they deserve.

**Personal Independence Payments**

8. **Sir Desmond Swayne** (New Forest West) (Con): Whether his Department has set a target for the time taken for a personal independence payment claim to be processed from application to decision.

   **The Minister for Disabled People, Health and Work (Sarah Newton):** The DWP does not set a target for processing PIP claims. The Department takes all reasonable steps to obtain evidence of claimants’ individual needs, including independent assessment. We make decisions as quickly as possible based on the available information in order to reach the right outcome. I am sure that my right hon. Friend will be pleased to know, as I was, that the median time from start to end is currently 13 weeks.

   **Sir Desmond Swayne:** Notwithstanding further appeal by the Department, will the Minister restore benefits after a successful first-tier decision for the applicant?

   **Sarah Newton:** My right hon. Friend raises a very important question, but the Department takes the view that, because we are appealing the decision and it is based on an error of law, that really would not be appropriate. I just want to reassure him and all hon. Members that there are always exceptions, and this could arise where a suspension would cause financial hardship. For most benefits, this is considered before suspension is imposed, but, in all cases, the suspension letter sent to claimants invites them to contact the Department immediately if they are in financial hardship so that we can help them.

**Lilian Greenwood** (Nottingham South) (Lab): Sixty five per cent of PIP tribunals find in favour of the claimant, meaning that hundreds of disabled people are being denied the support to which they are entitled. This puts an intolerable strain on whole families, including my constituents Chris and Cathryn Stoney who, having coped with Cathryn’s bowel cancer surgeries, brain haemorrhage and cardiac arrest, now face a further ordeal appealing against an unjust assessment. Will the Minister agree to meet me, the Stoneways and Nottingham advice services to hear how the system is failing disabled people?

   **Sarah Newton:** I would be very pleased to meet the hon. Lady and her constituents to talk about that case or to listen to their concerns more widely, but we really should put the situation in context: 8% of decisions are appealed and 4% of them are upheld. I am very aware that behind every statistic is a person, but it is actually a small percentage of the millions of people who do receive their benefits, and we are continuously focused on making the right decision, right from the outset, which is why we commission independent reviews. We welcome the findings of the latest independent review by Mr Gray, which has been published today, and we have accepted all his recommendations.

**Marsha de Cordova** (Battersea) (Lab): Does the Minister agree that Paul Gray’s recommendations in the second independent review of personal independence payments that the routine provision of the assessment report to the claimant would both improve identification of error and incentivise better performance at the assessment stage, and will she fully accept that particular recommendation?

   **Sarah Newton:** As I have said before, I am really delighted with the review and to have received its findings. We have accepted all the findings in the review. At the moment, those reports are available, so that everyone can request them. We do not think it is a good use of taxpayers’ money to provide them to people who are happy with the result, who will not be going on to make any further appeal and who are actually getting on with receiving their benefit.

**Universal Credit: Sanctions**

9. **Stephen Pound** (Ealing North) (Lab): What estimate his Department has made of the number of sanctions that will be applied each month as universal credit is rolled out.

   **The Minister for Employment (Damian Hinds):** The Department does not forecast numbers of sanctions that will be applied. We do not want sanctions to be incurred, but they do play an important part in reasonable conditionality.
Stephen Pound: Well, what an answer! Never would I accuse the Minister of dedolence, but I must say that that sort of Panglossian response shows an absence of empathy or understanding, particularly of the empirical evidence that we have had to date. My constituents see universal credit as a rock rolling down a hill next April. However, as this is Christmas and we are in the spirit of giving and generosity, will the Minister join me in my impetration to the Independent Parliamentary Standards Authority for additional secretarial support during those dark days when this awful universal credit is rolled out and over our constituents?

Mr Speaker: I think the hon. Gentleman is going to the west end to perform on the stage. He would feel so fulfilled. In fact, I think that he has already done so—perhaps just now.

Damian Hinds: I gently remind the hon. Gentleman that when I say that sanctions are considered to be a part of reasonable conditionality, it was also the approach that was taken up fully by the previous Labour Government. With regard to universal credit over Christmas, we have in place—as we do every year—robust processes to make sure that claims get paid. We can bring claims forward to make sure that things go smoothly, as we always seek to do before Christmas.

Mr Speaker: There is a matter of some dispute here between the Chair and the Table. I think that the hon. Gentleman is a representative of a petrocurrency, but Mycroft in front of me is not wholly convinced, so the matter remains as yet undetermined.

Grahame Morris (Easington) (Lab): Thank you, Mr Speaker. I refer the Minister to the question I raised with the Leader of the House on Thursday. Will the Minister provide an assurance that when the Department makes mistakes in the administration of universal credit, claimants will be fully compensated in claims backdated to the point where they will be no worse off?

Damian Hinds: I welcome the hon. Gentleman’s question. I have written to him today on this specific case. I do not know whether the response has yet come to hand following his question on Thursday, but I am happy to meet him and discuss it in detail. I understand that there was an issue about some of the information at the time the claim was made, and that there has been some backdating. We will talk about the matter later.

Job Creation

10. Robert Jenrick (Newark) (Con): What discussions he has had with Cabinet colleagues on the number of jobs created since 2010. [902987]

The Secretary of State for Work and Pensions (Mr David Gauke): The number of people in employment has increased by more than 3 million since 2010 to reach 32 million in the last quarter. The employment rate is close to the record high and has increased by almost five percentage points since 2010.

Robert Jenrick: Despite a small recent decline in total employment, unemployment has continued to fall. Does my right hon. Friend agree that this suggests that the Government’s policies and the work of our great jobcentres across the country are making all the difference in matching jobseekers with available jobs? As it is Christmas, would he thank Ian Spalding—the manager of the Newark jobcentre—and his fantastic staff for ensuring that unemployment in Newark is now at 1%?

Mr Gauke: I will very happily join my hon. Friend in thanking Ian Spalding and, indeed, Jobcentre Plus staff up and down the country, who do a fantastic job in helping to reduce unemployment. I think that the claimant count in Newark has fallen by 42% since 2010. In the meetings that I have had with jobcentre staff across the country, I have seen that they are enthusiastically implementing universal credit because they can see that it will help them to make further progress.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Is the Secretary of State not aware that hundreds of thousands of people in this country are yearning for a good and well-paid job? Many are young people who cannot get an apprenticeship. Apprenticeship starts are down by 62% this year and further education colleges are in trouble. When is he going to do something about training young people and really giving them the chance of a good job on good pay?

Mr Gauke: The hon. Gentleman will be aware that the recent apprenticeship numbers were affected by a spike at the end of the previous period, but the reality is that we have substantially increased the number of apprenticeships in recent years. We have introduced the apprenticeship levy, which puts apprenticeships on a sustainable financial footing. It is this Government, with our industrial strategy, who are ensuring that we create the highly skilled jobs that the country needs.

Personal Independence Payments: Mental Health

11. Jeff Smith (Manchester, Withington) (Lab): What assessment his Department has made of the effect of the personal independence payments application process on people with mental health issues. [902988]

The Minister for Disabled People, Health and Work (Sarah Newton): The claiming process for personal independence payment was co-produced with disabled people, carers and organisations supporting them, including mental health charities. We will continue to explore opportunities to monitor and improve the process, making use of customer testing and engagement with disability groups.

Jeff Smith: The charity, Rethink Mental Illness, surveyed PIP claimants, and found that two in five felt that delays in decisions led to deterioration in their mental health, and that one in five had to take higher doses of medication to cope with the increased stress. Does the Minister think that that is acceptable, and will she look at the findings of the survey and review the assessment process in the light of them?

Sarah Newton: I pay tribute to Rethink and its campaign—I have read the findings of its survey with interest—as well as to Mind. These organisations are key stakeholders that help the Department to get these things right. No, I do not want people to be stressed by
the process, which is why we are implementing a wide range of reforms that we have worked on with our stakeholders. We will make a paper-based decision wherever possible—wherever the information enables us to—and people also have the opportunity to be assessed at home.

Laura Pidcock (North West Durham) (Lab): Constituents and support agencies in North West Durham have told me that the assessment to determine entitlement to PIP is too black and white, and is not able truly to capture a person’s day-to-day life with all the nuances that involves, especially when assessing mental health problems. This is leading to traumatic and humiliating experiences, and claims being refused to people who really need them. Will the Minister please look into this process in detail for those with mental health problems?

Sarah Newton: I thank the hon. Lady for her comment. We keep the process under constant review, and we have it independently assessed to make sure that, if there are any problems at all, we will work to overcome them. However, I can assure her that, compared with the previous benefit—disability living allowance—many more PIP recipients with mental health conditions are getting the enhanced rates.

Contracted-out Health Assessments

12. Mary Creagh (Wakefield) (Lab): What recent assessment he has made of the (a) accuracy and (b) efficiency of contracted-out health assessments for (i) employment and support allowance and (ii) personal independence payments.

Sarah Newton: We are committed to ensuring that claimants receive high-quality, accurate assessments. We monitor assessment quality through independent audit. Decision makers can return reports for rework or additional advice. A range of measures, including provider improvement plans, address performance failings when we experience standards below what we want. We continually look to improve the assessment process.

Mary Creagh: Forty people in Wakefield have written to me with their concerns that, at their employment and support allowance or PIP assessment, they were not seen by an appropriate person. That includes one person with mental health problems, who was assessed by a paramedic. The Work and Pensions Committee recently heard that Atos and Capita employ only four doctors between them, and statistics released by the Minister’s Department today show that those contractors have consistently failed to meet their targets for the number of unacceptable assessments, so how can sick and disabled people in Wakefield have any confidence in the assessment process?

Sarah Newton: I am looking forward to discussing this matter in more depth with the Select Committee when I come before it on Wednesday. However, I can absolutely assure the hon. Lady that all the assessors receive absolutely appropriate training for what they are there to do. These are functional assessments, and people are properly trained to make those assessments—there are doctors, nurses, paramedics and physiotherapists.

We constantly keep the accuracy of the process under review, and that includes the experience of the claimants themselves.

Mr Speaker: We are immensely grateful to the Minister.

Pension Transition Arrangements

13. Alan Brown (Kilmarnock and Loudoun) (SNP): What recent representations he has received on pension transition arrangements for women born in the 1950s.

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): I receive a variety of representations, whether that is orally, in correspondence, or in debates.

Guy Opperman: I refer the hon. Gentleman to two particular points. The first is that we have differing views on taxation. The Government believe that cuts to corporation tax assist job creation—the jobs we need to pay for the public services we have. Secondly, I refer him to the fact that, under the letter of 22 June from Jeane Freeman, my opposite number, the Scottish Government have powers in terms of working-age people and to take action on the specific points that he keeps raising, but that the Scottish Government fail to do anything about.

Stephen Lloyd (Eastbourne) (LD): As the Minister will be aware, it was clear in last week’s debate that a number of colleagues behind him on the Government Benches supported the call from a lot of colleagues on the Opposition side of the House for the Government to look at transitional arrangements for WASPI women. I therefore ask the Minister, as I did last week, why not call a binding vote so that the House can advise him to do the right thing for WASPI women?

Guy Opperman: In days gone by, the Liberal Democrats were a party of fiscal discipline. In 2011, when this matter last came before the House for debate, the hon. Gentleman and I accepted the need to take the decisions that were made, and he joined me in the Lobby to vote for them. It is a shame that he has forgotten those views now.

Universal Credit: Torbay

14. Kevin Foster (Torbay) (Con): What assessment he has made of the level of preparedness in Torbay for the roll-out of universal credit.

The Minister for Employment (Damian Hinds): We carry out a range of implementation activities well in advance of activation to ensure that sites are well prepared, and we have successfully rolled out to 235 jobcentres to date.
Kevin Foster: I thank the Minister for his answer. Roll-out of full service universal credit in Torbay is due to happen in September 2018. It is vital that claimants fully understand the system and their options. Will the Minister therefore confirm what work his Department is doing with Torbay’s local advice services to ensure that claimants can easily get such support if needed?

Damian Hinds: Yes, we are ensuring that stakeholders, including the key advice services, have a proper overview of universal credit, and we work closely with the citizens advice bureau and others. A dedicated employer and partnership team engages directly with local authorities, landlords and others to ensure there is a joined-up approach to supporting claimants.

Stephen Timms (East Ham) (Lab): rose—

Mr Speaker: I will interpret the Minister’s answer as being wide and therefore admitting of other constituencies, although it is not clear beyond peradventure. I will give Members the benefit of the doubt.

Stephen Timms: Thank you, Mr Speaker. There will be problems in Torbay and elsewhere if the universal credit calculation is wrong. The Minister told me in a written answer that there is no specific initiative called Late, Missing and Incorrect, but it turns out that there is, run jointly by his Department and Her Majesty’s Revenue and Customs. Will he confirm that if real-time PAYE—pay-as-you-earn—information is late, missing or incorrect, then the universal credit calculation will be wrong?

Damian Hinds: We all admire the right hon. Gentleman for his deftness in getting from Torbay to that point. He and I have had quite an extended correspondence in parliamentary questions on the subject of real-time information in its various aspects. Of course we want to continue to make sure that every aspect of universal credit is working entirely as it should, and he has my commitment that we will do so.

Mr Speaker: The right hon. Gentleman will experience a long journey from East Ham to Torbay. We empathise with him on his long journey.

Social Security Spending: Working Households

16. Laura Smith (Crewe and Nantwich) (Lab): What assessment his Department has made of trends in the level of spending on social security for working households since 2015.

The Secretary of State for Work and Pensions (Mr David Gauke): Since automatic enrolment was introduced in 2012, 9 million people have been enrolled in a workplace pension by over 900,000 employers. Today, I can announce the Government’s ambition to extend automatic enrolment to support more people to achieve greater financial security in later life. The Government’s 2017 review of automatic enrolment, published today, sets out the next steps we intend to take as we continue to develop a culture of routine pension saving. We will help young people to save by lowering the age for automatic enrolment from 22 to 18. We will also enable people to start saving from the first £1 of their earnings to provide a better retirement income for lower earners and for those in multiple jobs. I have today tabled a written statement setting out further detail, including trialling a number of targeted approaches to identify the most effective ways to increase pension saving among the self-employed.

Daniel Zeichner: The universities superannuation scheme is a strong pension scheme that recently closed its defined-benefits section, moving to a defined-contribution scheme and, in effect, transferring all risk to the employee. Many argue that over-cautious accounting rules drive these changes, creating a poorer scheme that leaves many people less well off in future and puts pressure on our universities. What is the Secretary of State doing to protect the future of our higher education sector?

Mr Gauke: Any changes that might be made to this scheme are a matter for the scheme’s joint negotiation committee, not for the Government. The independent Pensions Regulator remains in ongoing discussion with the USS’s stakeholders. Nothing has been brought to the DWP’s attention that we consider to be of concern. It would be improper for the Government to tell the joint negotiation committee how to run the scheme.

Mr Gauke: Let me give the hon. Lady two examples. First, there is the industrial strategy. Secondly, if we want to address in-work poverty, one way in which we can do that is to ensure that people are able to work extra hours. We need a benefits system that does not trap them in working 16 hours a week, because if they can work extra hours, they can increase their income.

Tom Pursglove (Corby) (Con): Looking back over these trends, has the Secretary of State drawn the conclusion that every Labour Government leaves office with higher unemployment than when they took office? What impact does he believe that that has on working families?

Mr Gauke: My hon. Friend makes an extremely good point. We heard a very revealing comment earlier when it was said from the Labour Front Bench that work is not the route out of poverty. If work is not the route out of poverty, exactly what is?

Topical Questions

T1. [903003] Daniel Zeichner (Cambridge) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Work and Pensions (Mr David Gauke): Since automatic enrolment was introduced in 2012, 9 million people have been enrolled in a workplace pension by over 900,000 employers. Today, I can announce the Government’s ambition to extend automatic enrolment to support more people to achieve greater financial security in later life. The Government’s 2017 review of automatic enrolment, published today, sets out the next steps we intend to take as we continue to develop a culture of routine pension saving. We will help young people to save by lowering the age for automatic enrolment from 22 to 18. We will also enable people to start saving from the first £1 of their earnings to provide a better retirement income for lower earners and for those in multiple jobs. I have today tabled a written statement setting out further detail, including trialling a number of targeted approaches to identify the most effective ways to increase pension saving among the self-employed.

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T2. [903005] Luke Graham (Ochil and South Perthshire) (Con): I welcome my right hon. Friend’s recent announcement of the extension of auto-enrolment to

Laura Smith: With 8 million people living in poverty in working households and 28% of my constituents earning below the voluntary living wage, what action is the Secretary of State taking to address labour market inequalities with low-paid, low-skilled and insecure work?
18 to 21-year-olds. In the meantime, does he have any figures on how many people have started saving and benefited from auto-enrolment in individual constituencies, including mine?

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Since 2012, 7,000 employees in Ochil and South Perthshire have benefited from a workplace pension through automatic enrolment. Our thanks are also due to the 820 local employers. State pension has risen by £1,250 since 2010, but we want to do more. We are extending auto-enrolment to 18 to 21-year-olds in his area, where we also have targeted interventions for the self-employed that I believe will be of assistance.

Alex Cunningham (Stockton North) (Lab): The Secretary of State will be aware of the crisis engulfing members of the British Steel pension scheme, with advisers cashing in by persuading them to sink their pensions into all manner of dodgy, high-cost schemes, and he will be aware of the Financial Conduct Authority’s apparent failure to deal with the situation effectively. He will know that today the negotiations on the future of the universities superannuation scheme are coming to a head, with the threat of industrial action—something that should be interesting the Government. I am surprised that he is simply sitting back and leaving these matters to those who are directly involved. Surely, he can tell us today how he is going to get involved and take action to protect members of both schemes.

Guy Opperman: The position in relation to both matters is that they are worked through with the Pensions Regulator and the Pension Protection Fund, particularly in relation to British Steel, to ensure that members get information on the effect on their pension rights of staying with BSPS or moving to BSPS II. That includes newsletters, a website and bespoke option packs. The Financial Conduct Authority has also stepped in and banned a variety of organisations, and it is providing proper advice.

T4. [903007] Henry Smith (Crawley) (Con): What steps has the Department to taken to help older people who are looking, perhaps after redundancy or caring responsibilities, to get back into work?

The Minister for Employment (Damian Hinds): My hon. Friend raises an important point. There are more working people in older age groups now than there ever have been, but much more needs to be done, which is why we published our “Fuller Working Lives” strategy. Of course, many employers are waking up to the possibilities in jobcentres, and we are also making sure that we have more older worker champions to represent that group fully.

Neil Gray (Airdrie and Shotts) (SNP): Reports suggest that the Foreign Secretary, the Environment Secretary and others used this morning’s Cabinet meeting to start the campaign to scrap the working time directive after Brexit. That directive protects us when it comes to hours worked and paid holidays, as well as giving extra protection to night shift workers. Can the Secretary of State confirm what representations he has made at Cabinet to ensure that his Brexiteer colleagues are not successful at ripping up our workers’ rights?

Mr Gauke: As I think my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs said, “Don’t believe everything you read in the newspapers.” The Government are committed to protecting employment rights.

T8. [903011] Stephen McPartland (Stevenage) (Con): I thank my right hon. Friend for the flexibility he has shown in the budget in terms of the changes to universal credit. Will he continue with the dialogue and the flexibility as the roll-out continues?

Mr Gauke: I can certainly assure my hon. Friend that we will continue to listen to constructive critics and those who want to make sure that universal credit works. In doing so, I thank him for his positive and constructive engagement. It is very clear that Conservative Members are united in ensuring that we deliver universal credit successfully.

T5. [903008] Laura Smith (Crewe and Nantwich) (Lab): Some 68% of personal independence payment decisions taken to tribunal are being overturned by judges, so is it any surprise that my constituent Mr Parish and others in his situation have no faith in the assessment process? What assessment has the Secretary of State made of the accuracy of PIP assessments in the light of statistics that show that there has been a ninefold increase in complaints to the Department in just one year?

The Minister for Disabled People, Health and Work (Sarah Newton): I thank the hon. Lady for the opportunity to make this clarification. As I have mentioned before, 8% of decisions are taken to appeal, and only half of those are upheld. I appreciate that every one of those people is disappointed with the result, and we are working tirelessly to improve the process. But, overall, most people get a good decision on time, and their benefits.

Alex Burghart (Brentwood and Ongar) (Con): On Friday, I visited my local jobcentre and saw the genuine enthusiasm that work coaches have for the new universal credit system. Will my hon. Friend confirm that additional help is available for users who are not too tech savvy?

Damian Hinds: Yes, indeed. My hon. Friend is quite right about the enthusiasm of jobcentre staff for universal credit, because it enables them to do more of what they want to do, which is to help people to get on and get into work. I can confirm to him that, yes, computers are available in jobcentres, and assistance is available when needed.

Carolyn Harris (Swansea East) (Lab): With the uncertainty of universal credit payments following the roll-out in Swansea last week, my local paper, the South Wales Evening Post, has co-ordinated the collection of food and warm clothes to help those in need. Will the Secretary of State join me in congratulating the South
Mr Gauke: What I would say to anyone—Members of Parliament, newspapers, advisory bodies and food banks—is that we need to make sure that the facts are set out to new claimants: if they need to get access to support, they can get it quickly; they need to get in contact with their jobcentre; and they are able to access an advance, and they can get that money before Christmas.

Julian Knight (Solihull) (Con): Does the Minister agree that auto-enrolment has been a success to date and it is right to lower it to the age of 18, but that politicians—of all hues—and the pensions industry must work together to meet the savings and pension challenges facing this country?

Guy Opperman: I could not agree more with my hon. Friend. I am delighted with the fact that we now have 9 million people signed up to auto-enrolment, utterly transforming workplace pension savings. In his constituency, 8,000 employees and 680 employers have signed up—and great credit to them.

T6. [903009] Naz Shah (Bradford West) (Lab): A constituent of mine in Bradford West had three same-day assessments cancelled in a period of five weeks. Eventually, she got an appointment—a home visit—after seven months. What assessment has the Department made of same-day cancellations of work capability assessments by Maximus-employed health professionals—the number, the reasons given and the impact on the mental health of applicants?

Sarah Newton: I assure the hon. Lady that we have a very robust quality assurance process. Clearly, the case she has highlighted today is unacceptable. If she would like to bring me that case and discuss it with me, I would be very happy to do so.

Steve Double (St Austell and Newquay) (Con): Every year, billions of pounds of taxpayers’ money is lost due to fraud or errors in benefit claims. Will the Secretary of State say whether the introduction of universal credit will improve this situation?

Mr Gauke: My hon. Friend makes a very good point. One of the areas of good news about universal credit is the fact that it will enable us to reduce fraud by over £1 billion. That in itself is an important step, and there are of course many other very positive reasons why universal credit is a good thing.

T7. [903010] Imran Hussain (Bradford East) (Lab): I recently met Hope Rising action group, which works in my constituency to support those affected by the Government’s benefit cap, and heard stories about just how hard people are being hit by a policy that is so cruel the High Court found it unlawful and guilty of causing misery. Will the Minister tell me how many people in Bradford will be affected by this policy?

The Parliamentary Under-Secretary of State for Work and Pensions (Caroline Dinenage): We must ensure we have a welfare system that is fair not only to those in receipt of welfare, but to those who pay for it. The lower cap is fair to both working households and the taxpayer. Before the cap, the Department for Work and Pensions disproportionately spent £10 million a year on just 300 families.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): For jobseekers in my constituency of West Aberdeenshire and Kincardine, it is overwhelmingly the “can do” attitude of professionals and the dedication of the work coaches, whom they value, that will help them to find work. Especially at this time of year, we as a House should definitely pay tribute to them. May I ask my hon. Friend how the new work coaches will boost the chances of jobseekers in West Aberdeenshire and Kincardine, as well as those elsewhere, to find work?

Damian Hinds: I can confirm that we have been recruiting work coaches in every nation and region of the UK. We are seeking to do more to provide support with universal credit, and to ensure that what in-work support is needed is available.

Patrick Grady (Glasgow North) (SNP): Two constituents came to my surgery on Friday, concerned that the switch of support for mortgage interest payments will force them into the private rented sector and on to housing benefit, and will therefore cost the taxpayer more money. Will the Government review that policy? Is it not more evidence of Tory austerity hitting the poorest the hardest?

Caroline Dinenage: The conversion of SMI from a benefit into a loan is intended to retain support for owner-occupier claimants in a more sustainable way, while increasing fairness for taxpayers, many of whom cannot afford to buy a home of their own.

Tom Pursglove (Corby) (Con): What steps is the Department taking to ensure that DWP staff are aware of military covenant issues, so that they are best able to support our brave men and women when they leave the armed forces?

Caroline Dinenage: My hon. Friend is absolutely right to raise that issue. Veterans make a considerable contribution to our country and it is right that we support them as they move on in their careers. DWP staff receive continual training to ensure that they can signpost veterans correctly. The “See Potential” campaign champions veterans and encourages employers to see the incredible skills they bring to the workplace.
European Council

3.30 pm

The Prime Minister (Mrs Theresa May): With permission, Mr Speaker, I will make a statement on last week’s European Council.

Before turning to the progress on our negotiations to leave the European Union, let me briefly cover the discussions on Russia, Jerusalem, migration and education. In each case, the UK made a substantive contribution, both as a current member of the EU and in the spirit of the new deep and special partnership we want to build with our European neighbours.

Russia’s illegal annexation of Crimea was the first time since the second world war that one sovereign nation has forcibly taken territory from another in Europe. Since then, human rights have worsened. Russia has fomented conflict in the Donbas and the peace process in Ukraine has stalled. As I said at the Lord Mayor’s banquet, the UK will do what is necessary to protect ourselves and to work with our allies to do likewise, both now and after we have left the EU. We were at the forefront of the original call for EU sanctions and, at this Council, we agreed to extend those sanctions for a further six months.

On Jerusalem, I made it clear that we disagree with the United States’ decision to move its embassy and recognise Jerusalem as the Israeli capital before a final status agreement. Like our EU partners, we will not be following suit, but it is vital that we continue to work with the United States to encourage it to bring forward proposals that will re-energise the peace process. That must be based around support for a two-state solution and an acknowledgement that the final status of Jerusalem must be subject to negotiations between the Israelis and Palestinians.

On migration, when we leave the European Union, we will be taking back control of our own borders and laws, so we will be free to decide our own approach, independently of the EU. But as part of the new partnership we want to build, I made it clear at this Council that we will continue to play our full part in working with the EU on this shared challenge. We will retain our maritime presence in the Mediterranean for as long as necessary, we will work with Libyan law enforcement to enhance its capability to tackle people-smuggling networks, and we will continue to address the root causes of the problem by investing for the long term in education, jobs and services in countries of origin and transit.

On education, our world-leading universities remain a highly attractive destination for students from across the EU, while UK students also benefit from studying overseas. UK and EU universities will still want to work together after we leave the EU and, indeed, to co-operate with other universities around the world. We will discuss how to achieve that in the long term as part of the negotiations on our future deep and special partnership, but in the meantime I was pleased to confirm at the Council that UK students will continue to be able to participate in the Erasmus student exchange programme for at least another three years, until the end of this budget period.

Turning to Brexit, the European Council formally agreed on Friday that sufficient progress has been made to move on to the second stage of the negotiations. This is an important step on the road to delivering the smooth and orderly Brexit that people voted for in June last year. I want to thank Jean-Claude Juncker for his personal efforts, and Donald Tusk and my fellow leaders for the constructive way they have approached this process.

With Friday’s Council, we have now achieved my first priority of a reciprocal agreement on citizens’ rights. EU citizens living in the UK will have their rights enshrined in UK law and enforced by British courts, and UK citizens living in the EU will also have their rights protected. We needed both and that is what we have got, providing vital reassurance to all those citizens and their families in the run-up to Christmas.

On the financial settlement, I set out the principles for the House last week and the negotiations that have brought this settlement down by a substantial amount. Based on reasonable assumptions, the settlement is estimated to stand at between £35 billion and £39 billion in current terms. This is the equivalent of about four years of our current budget contribution, around two of which we expect will be covered by the implementation period, and it is far removed from some of the figures that had been bandied around.

On Northern Ireland, as I set out in detail for the House last week, we have committed to maintain the common travel area with Ireland; to uphold the Belfast agreement in full; and to avoid a hard border between Northern Ireland and Ireland, while upholding the constitutional and economic integrity of the whole United Kingdom. We will work closer than ever with all Northern Irish parties and the Irish Government as we now enter the second phase of the negotiations.

The guidelines published by President Tusk on Friday point to the shared desire of the EU and the UK to make rapid progress on an implementation period, with formal talks beginning very soon. This will help give certainty to employers and families that we are going to deliver a smooth Brexit. As I proposed in Florence, during this strictly time-limited implementation period, which we will now begin to negotiate, we would not be in the single market or the customs union as we will have left the European Union. But we would propose that our access to one another’s markets would continue as now, while we prepare and implement the new processes and new systems that will underpin our future partnership. During this period we intend to register new arrivals from the EU as preparation for our future immigration system. We will prepare for our future independent trade policy by negotiating, and where possible signing, trade deals with third countries which could come into force after the conclusion of the implementation period.

Finally, the Council also confirmed on Friday that discussions will now begin on trade and the future security partnership. I set out the framework for our approach to these discussions in my speeches at Lancaster House and in Florence. We will now work with our European partners with ambition and creativity to develop the details of a partnership that I firmly believe will be in the best interests of both the UK and the EU.

Since my Lancaster House speech in January, we have triggered article 50 and begun and closed negotiations on the first phase. We have done what many said could not be done, demonstrating what can be achieved with commitment and perseverance on both sides. I will not be derailed from delivering the democratic will of the
[The Prime Minister]

British people. We are well on our way to delivering a smooth and orderly Brexit. That is good news for those who voted leave, who were worried the negotiations were so complicated it was never going to happen, and it is good news for those who voted remain, who were worried that we might leave without being able to reach an agreement. We will now move on with building a bold new economic relationship, which together with the new trade deals we strike across the world can support generations of new jobs for our people, open up new markets for our exporters, and drive new growth for our economy. We will build a new security relationship that promotes our values in the world and keeps our families safe from threats that increasingly do not recognise geographical boundaries. We will bring our country together: stronger, fairer, and once again back in control of our borders, our money and our laws.

Finally, Mr Speaker, let me say this. We are dealing with questions of great significance to our country’s future, so it is natural that there are many strongly held views on all sides of this Chamber. It is right and proper that we should debate them, and do so with all the passion and conviction that makes our democracy what it is. But there can never be a place for the threats of violence and intimidation against some Members that we have seen in recent days. Our politics must be better than that. On that note, I commend this statement to the House.

3.38 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for an advance copy of her statement.

On Jerusalem, I also condemn the actions of the United States President. I welcome the Prime Minister’s commitment to maintaining a maritime presence in the Mediterranean, but as a humanitarian mission to save lives.

As I said last week in response to the Prime Minister’s previous statement, we welcome progress to the second phase of negotiations but that should not hide the fact that this agreement comes two months later than planned and many of the key aspects of phase one are still unclear. These negotiations are vital for people’s jobs and for the economy; our future prosperity depends on getting this right.

The agreement reached on phase one was clearly cobbled together at the eleventh hour after the Democratic Unionist party vetoed the first attempt, as is evident in the vagueness of the final text, which underlines the sharp divisions in the Cabinet. As we head into phase two, the truth is that the Government must change track. We cannot afford to mishandle the second stage. The Prime Minister must now sort out the contradictions.

We were told last week that the Prime Minister’s humiliating loss on giving Parliament a final say on a Brexit deal made her weak, and the Daily Mail, which previously branded the judiciary “enemies of the people”, is now whipping up hatred against Back-Bench rebel MPs. Threats and intimidation have no place in our politics, and the truth of it is that it is division and in-fighting in her own Cabinet and their reliance on the DUP that makes them weak. So will the Prime Minister welcome Parliament’s vote to take back control?

We have already seen Ministers in the Prime Minister’s Cabinet, such as the Brexit Secretary and the Secretary of State for Environment, Food and Rural Affairs, give the impression that the agreement can be changed or ignored—that it effectively does not amount to a hill of beans. It is not very reassuring that this is the end product of eight months of negotiation. Will she set out which parts of the financial settlement agreed between the UK and the EU will be paid if a final deal between the EU and the UK cannot be struck? Given the delays to the phase one deal, can the Prime Minister now see that cementing in statute a time and date on which Britain will leave the European Union could hinder negotiations?

I am glad that the Prime Minister now seems determined to follow Labour’s call for a transition period to create stability—[Interruption.] In case Government Members do not want to hear it, Mr Speaker, I will repeat the sentence. I am glad that the Prime Minister now seems determined to follow Labour’s call for a transition period to create stability as we leave the European Union. It is necessary that we remain in the single market and customs union for a limited period, allowing a smooth transition for British business. However, there was more Government confusion on this over the weekend.

Will the Prime Minister clarify whether we will remain subject to the rules of the single market and the customs union during this transition period? Does she envisage that the UK will also remain a member of the common agricultural policy and common fisheries policy, and can she clarify whether it will be possible under the phase one agreement to sign trade deals during the transition period?

There were also worrying reports over the weekend about what some senior Cabinet Ministers will demand from the Prime Minister to support a phase one deal. These demands were reported to include that Britain should leave the working time directive. Can the Prime Minister state now, categorically, that she will face down any such demands? Will she also guarantee that the Government will not seek to use Brexit to water down any other working or social rights in this country? Will she commit to maintaining access for UK students to the Erasmus programme beyond the current budget period?

These issues are important to people’s jobs and living standards. It is becoming clear that many on the Government Benches want to use Brexit to rip up rights at work, environmental standards and consumer protections, and to deregulate our economy. For many of them, Brexit is a chance to make Britain a tax haven for the super-rich. Let me be clear: Labour will do everything in our power to stop that.

The choice is becoming clear: a Tory Government who will use Brexit to protect the very richest, slashing corporation tax and the regulations that protect working people, or a Labour vision that would protect jobs, the economy and investment by building a relationship with our closest trade partners, and not starting a race to the bottom in which people’s jobs and living standards will suffer.

The Prime Minister: First, I welcome the fact that the Leader of the Opposition has said that threats and intimidation should not form part of our political life.
I agree with him, but what he said will seem a bit rich to those of my colleagues who were candidates in the general election, and who suffered from the Labour party.

The right hon. Gentleman asked a number of questions about the date of our leaving and phase 1. He said that the phase 1 agreement was vague. In fact, it is the result of significant work over a number of months. If the right hon. Gentleman looks at it carefully, he will see that it is detailed in relation to citizens’ rights. It gives reassurances to EU citizens here in the United Kingdom and UK citizens living in the EU 27 that they can carry on living their lives as they have done, and that their life choices will be respected.

The right hon. Gentleman claimed that the transition period—the implementation period—was somehow a Labour idea. He should look at the Lancaster House speech, in which I was very clear about the need for a smooth departure from the European Union. The financial settlement that we agreed in phase 1 is in the context of agreeing the final deal and reaching the final agreement. He talked about dates for our leaving. I note that he said that we should have triggered article 50 the day after the referendum. That would have meant that there was no time to prepare our negotiating position and we would be leaving the EU in six months without having done the proper work to make sure that there was that smooth and orderly progression, and that we did not disrupt our economy in the ways that the right hon. Gentleman has talked about.

The right hon. Gentleman asked whether trade deals could be signed. I referred to that in my statement. He asked about the transition period, and about the common fisheries policy and the common agricultural policy. We will be leaving the European Union on 29 March 2019, and we will therefore be leaving the common fisheries policy and the common agricultural policy on that date. The relationship that we have with the European Union on both those issues continuing through the implementation period will be part of the negotiation of that period, and work will start very soon.

Then, of course, the right hon. Gentleman asked about workers’ rights. Again, I set out in my Lancaster House speech, and have confirmed on a number of occasions since, that this Government will not only maintain but enhance workers’ rights. If the right hon. Gentleman is so worried about workers’ rights, why did the Labour party vote against the very Bill that brings workers’ rights in the EU into UK law?

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I agree with my right hon. Friend that one of the senior members of the negotiating team has today made it clear that the United Kingdom can indeed have its own bespoke agreement for a future trade relationship with the European Union. Indeed, that point was also made by the Prime Minister of Italy, Paolo Gentiloni, in an article he wrote in the Financial Times last week. If anybody cares to think about it, every trade agreement is a bespoke agreement between the parties concerned—they have similar elements, but are specific to the various countries concerned. That is certainly what we will be looking for in our negotiations with the EU.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for advance sight of today’s statement.

Scottish National party Members welcome the progress to phase 2 of the negotiations, as agreed by all EU member states, but Council President Donald Tusk was not kidding when he commented that phase 2 will be “dramatically difficult”. It is imperative that the devolved Administrations are included in phase 2 negotiations, and I call on the Prime Minister to agree to that today.

Much of the conclusion from last week’s summit should be welcomed across the House. We on these Benches especially welcome the EU’s reiteration of its firm commitment to a two-state solution in the Israeli-Palestine conflict. We should all unequivocally condemn Donald Trump for his recent actions.

I must give special attention to the agreement on the social dimension, including commitments by member states to implement the European pillar of social rights and to follow up on the priorities of the EU action plan to tackle the gender pay gap.

Decisions on education and culture are also extremely welcome. An extended and more inclusive Erasmus+ programme, the creation of a European student card and stronger partnerships between higher education institutions across Europe, allowing students to obtain a degree by combining studies in several EU countries, are great moves forward for European collaboration. These decisions will not only bring much social progress to national politics across all member states but, more importantly, provide enormous opportunities for future generations. Erasmus is one of the EU’s biggest success stories, and it has benefited hundreds of thousands of young Scots. Will the Prime Minister take this opportunity to reassure young people on Erasmus now, and those aspiring to take part in the programme, that the UK will maintain participation in it?

The Prime Minister: As the right hon. Gentleman knows, we have been in discussions with the devolved Administrations through the process of phase 1. We will continue to engage with them as we move into the second phase of negotiations. My right hon. Friend the First Secretary meets the Scottish and Welsh Governments regularly to discuss issues of concern to them and how the negotiations are proceeding. Indeed, the last meeting of the Joint Ministerial Council was held on 12 December.

As I have said, we have committed to the Erasmus programme for the period of the current budget plan. Erasmus is exactly the sort of programme that we will be discussing in the second phase of these talks.
Anna Soubry (Broxtowe) (Con): I commend the Prime Minister for her success in the negotiations and the statement. I remind the Leader of the Opposition that the merits of a transition period were first advanced on this side of the House, notably by the Chancellor of the Exchequer. On that note, as a former Business Minister, may I say to the Prime Minister what that business really wants is certainty? How soon does she think that we will be able to announce that the transition period has been agreed so that we can give that certainty to business?

The Prime Minister: My right hon. Friend makes an important point from the point of view of business. Significantly, it was accepted at the December Council not only that there should be such an implementation period, which in fact reflects the guidelines set out by the EU Council last April, but that we would start negotiating that very soon. We are looking to have those negotiations concluded in the first quarter of next year.

Hilary Benn (Leeds Central) (Lab): On 10 December, the Brexit Secretary described the phase 1 joint agreement as “more a statement of intent than it was a legally enforceable thing.” However, last Friday’s European Council guidelines state:

“negotiations in the second phase can only progress as long as all commitments undertaken during the first phase are respected in full and translated faithfully into legal terms as quickly as possible.”

Can the Prime Minister therefore confirm that all the commitments she made in the phase 1 joint agreement, including in respect of the border in Northern Ireland, will be written into UK law?

The Prime Minister: As the right hon. Gentleman knows, there will now be a process of completing some of the details behind the withdrawal agreement such that the withdrawal agreement can then be put to this House, to this Parliament and to the European Parliament. We have always been clear that there will be a meaningful vote for this House. Subsequently, as we have stated to the House, we will have the EU withdrawal agreement and implementation Bill, which will put the various provisions of the withdrawal agreement legally into UK law. That was a key element in relation to citizens’ rights in the phase 1 negotiations.

Sir William Cash (Stone) (Con): May I urge my right hon. Friend to give equal consideration, in the Cabinet and elsewhere, not only to the vital issues of our trading relationships and regulatory divergence, but to the perpetual, ever-escalating, undemocratic centralisation of the EU itself, which remanuers, reversers, status quo-ites and the Opposition seem incapable of grasping, and which absolutely proves how right the voters were in June last year in voting to escape from the European Union?

The Prime Minister: I can assure my hon. Friend that in the negotiations that we hold with the European Union, we will ensure that the British national interest is represented and that we come away with a deal that is in the interests of the UK. I believe that that will also be in the interests of the EU. How the European Union develops once we have left is, of course, a matter for the EU27. As he suggests, a number of recent speeches have suggested an increased centralisation of the European Union, but that will be a matter for the 27, not for us.

Sir Vince Cable (Twickenham) (LD): As the Government embark on far-reaching trade negotiations with the European Union and beyond, will the Prime Minister explain who will provide independent arbitration in legal disputes, given that the Government have rejected the jurisdiction of the European Court of Justice and that her friend, President Trump, is rejecting the authority of the World Trade Organisation and making its dispute panels unworkable? Is this not a recipe for anarchy in international trade?

The Prime Minister: As the right hon. Gentleman will know, dispute resolution is part of any trade agreement negotiations, and that will be exactly the same with all the trade agreements that we will negotiate now.

John Redwood (Wokingham) (Con): Will the Prime Minister confirm that no binding offer about the money will be made until there is a general agreement that Parliament accepts, because I do not see how else we can proceed?

The Prime Minister: The joint progress report, which was published by the UK and the European Union prior to the December Council, made it absolutely clear that the settlement within it was set out in the context of going forward and having agreement on the future relationship.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Does the Prime Minister now agree that the meaningful vote to which she referred should take place on a statute, as set out in the terms of amendment 7 to the European Union (Withdrawal) Bill, before any withdrawal terms can be implemented? Does she also agree that those who voted for amendment 7 did so in good faith to ensure that power would not be too heavily concentrated in the hands of the Executive, and that it was completely wrong to do what the Daily Mail suggested and accuse them of treachery?

The Prime Minister: If we look at our debates on the European Union (Withdrawal) Bill, and indeed on other matters in this House relating to Brexit, such as article 50, it is clear that the will of Parliament overall has been to deliver on the vote of the British people. We were always clear with the House that there would be a meaningful vote on the question of the withdrawal agreement—[Interruption.] Yes, we were always clear that there would be a meaningful vote on that but, as I have just indicated to the right hon. Member for Leeds Central (Hilary Benn), there will subsequently be the process of this Parliament agreeing the withdrawal agreement and implementation Bill. It will be that which will bring the withdrawal agreement into UK law.

Mr Owen Paterson (North Shropshire) (Con): Further to the Prime Minister’s reply to the right hon. Member for Leeds Central (Hilary Benn) on the guidelines issued by the European Council on 15 December, will she confirm categorically that nothing is agreed until everything is agreed, and that it will be the final settlement, combined with phase 1, that she will bring forward as legislation for us to approve in this House?
The Prime Minister: The fact that nothing is agreed until everything is agreed is actually in the joint progress report that was published by the UK and the European Union. There will be various stages at which this Parliament will be able to vote on matters relating to our leaving the EU. I just referred to the withdrawal agreement and implementation Bill, and there will be other pieces of legislation as well. Separate from the formal withdrawal agreement that will bring those matters into UK law, we will of course be able legally to sign our new trade agreement with the EU once we leave the EU.

Kate Hoey (Vauxhall) (Lab): If we will no longer be in the internal market and the customs union during the implementation period, why can we not negotiate, sign and implement new trade deals before the end of that period?

The Prime Minister: The purpose of the implementation period is to ensure that businesses and individuals do not have to make two sets of changes because of a new relationship that is put in place as part of our future partnership with the EU. That is why, as we look at the implementation period, I and the Government are clear that although we will be formally out of the customs union and the single market, we expect to be able to operate on the same terms as we currently do. That is what limits the ability to implement new trade deals elsewhere.

Vicky Ford (Chelmsford) (Con): I congratulate the Prime Minister and the entire negotiating team on the progress made to date. However, given that leaving the EU without a deep and special relationship on trade and security would also bring risk, does she agree that we should be using all our political energy in the months ahead to find that new relationship and that we should not get distracted by other squabbles?

The Prime Minister: My hon. Friend is absolutely right. The Government’s focus will clearly be on ensuring that we can negotiate that deep and special partnership for the future. That is not just in our interests; it is in the interests of the EU and the EU27 as well. That is why I am optimistic and ambitious about the trade deal that we can achieve.

Chuka Umunna (Streatham) (Lab): Last year, the Prime Minister wrote to me giving the same general assurance on workers’ rights that she just gave to the Leader of the Opposition. She did not actually answer his specific question today, however, so I ask her again: given that her Cabinet colleagues are now agitating for some of those rights to be done away with, will she guarantee that none of the working time regulations—importantly, the 48-hour working week—will be done away with by her Government after we leave the European Union?

The Prime Minister: We are bringing those rights into UK law though the European Union (Withdrawal) Bill. I have said that we will maintain, and indeed enhance, workers’ rights.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Will my right hon. Friend clearly reject the negotiating mandate handed out by the European Council, paragraph 1 of which undermines the principle of nothing being agreed until everything has been agreed, and paragraph 4 of which would make the United Kingdom in the transition phase no more than a vassal state, a colony, a serf of the European Union—[Interruption.]

Mr Speaker: Order. I want to hear the hon. Gentleman, who is in full flow. I want to hear the fullness of the flow.

Mr Rees-Mogg: I urge my right hon. Friend to model herself on her predecessor, the late noble Baroness Thatcher, and to show real mettle and steel in rejecting the EU’s rather hostile negotiating terms.

The Prime Minister: The negotiation is between two parties. We will be very clear about the future partnership we want to have with the European Union on both trade and security matters, and I set out the framework for that in my Florence speech.

My hon. Friend has asked me before about the relationship between the UK and the European Union during the implementation period. As I have just indicated in response to the hon. Member for Vauxhall (Kate Hoey), the purpose of the implementation period is to ensure that businesses and individuals can continue to operate, and to be reassured of the basis on which they operate, while the necessary changes are put in place that will lead to the future trade agreement that we will achieve.

I have also said before in this House, and in my Florence speech, that there may be elements of the arrangement that we will be able to bring forward. For example, if we are able to bring forward a dispute resolution mechanism during that period, we will look to do so.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): I urge the Prime Minister to reject the notion that we should get all the way to exit day and not have the full details of the future trade arrangement between the EU and the UK. If all we have is a sketch of the framework of a possible trade deal, it would not be acceptable to the public or to businesses. It is simply unacceptable to have something that looks like less than a half-baked arrangement.

The Prime Minister: We are working to ensure that we are very clear and have details of our future arrangement with the European Union at the point at which we leave.

Several hon. Members rose—

Mr Speaker: Order. I call Richard Grosvenor Plunkett-Ernle-Erle-Drax.

Richard Drax (South Dorset) (Con): Mr Speaker, I am speechless. Will my right hon. Friend the Prime Minister confirm to me and the country that, when we leave the EU in March 2019—yes, there will be an implementation period; I understand why—we will have left the EU in its entirety?

The Prime Minister: We will have left the European Union. We will have the implementation period, and I would expect us to be able to continue to trade with the European Union on the same basis as now in order to ensure that businesses and individuals have the reassurance of knowing where they stand and how they operate.
The Prime Minister: While the practical changes that will need to be made as we move to our future relationship, such as our new immigration rules, are put in place. We will be leaving the EU on 29 March 2019.

Nigel Dodds (Belfast North) (DUP): The Prime Minister will have heard some confusing and conflicting statements from Opposition Members about the need for a second referendum and their desire to have one—some say one thing; others say another. Does the Prime Minister agree that a second referendum is the surest way of finding that the European Commission and the European Union make the hardest and most difficult deal possible for the United Kingdom? What people want is to get on with delivering on the first referendum.

The Prime Minister: I understand that, in the space of one day over the weekend, the shadow Home Secretary rejected a second referendum and the deputy leader of the Labour party said that a second referendum was still on the table. My right hon. Friend the Member for Belfast North (Nigel Dodds) is absolutely right about this particular issue. The best way to get the worst deal would be to suggest that we are going down the route of a second referendum, but it is more than that—I think it would actually be betraying the British people. This Parliament gave the British people a vote, and it is up to us to deliver on the result.

Mr Peter Bone (Wellingborough) (Con): Will the Prime Minister give the British people a huge Christmas present by stating that, on 29 March 2019, we will leave the European Union, end the free movement of people and remove the jurisdiction of the European Court, and that the £39 billion we plan to give the European superstate to squander will be spent instead on the NHS, social care and maybe even cutting taxes?

The Prime Minister: We will be leaving the European Union on 29 March 2019. We will now be moving quickly to negotiate the details of the relationship during the implementation period which, as I have said, we expect to last for up to, or around, two years. The reason why we will have that implementation period, and why we would expect to continue to trade and operate with the EU on a similar basis to today, is to give businesses the certainty of knowing the basis on which they will be able to operate and so that they will not have to make two sets of changes to their arrangements, such as in relation to customs. There will only be one point at which businesses move to the new partnership. I think that that is a practical matter that most people will understand and appreciate.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): The Prime Minister has admitted today that we are looking at a £40 billion bill for Brexit. The Chancellor is already spending billions on contingency preparations, and we have two Cabinet Ministers jetting around spending lots of taxpayers’ money. Has she seen the analysis today from the Financial Times showing that rather than getting the £350 million for the NHS that was promised on the red bus, there will be a cost of £350 million per year—[HON. MEMBERS: “Per Week.”] That would be the cost to the British economy, as economic output is 0.9% down?

The Prime Minister: When we have left the European Union—I have set out the commitments that we have negotiated as far as the financial settlement is concerned in the negotiations in phase 1—we will no longer year in and year out be spending vast sums of money in the European Union and sending those vast sums to the European Union. That is in direct contrast to the Labour party, which would pay any price and carry on paying to the EU, year in and year out.

Rachel Maclean (Redditch) (Con): I congratulate my right hon. Friend on all the hard work she has put in to get us to this point—I think it is fantastic. We know there is a lot of hard work ahead, but does she welcome this opportunity to focus on her priority agenda of social justice, including higher educational standards and housing for our country, now that we can see that Brexit is moving ahead?

The Prime Minister: I thank my hon. Friend for her comments. She is absolutely right. We have just heard a reference to sums of money being paid to the European Union. When we do leave the EU, the money that we will no longer be paying in year and year out to the EU will be available to us to spend on our priorities, such as housing, education and the NHS. I was clear at the EU Council about the importance of the university sector. We want to ensure that we continue to have good-quality higher education in this country.

Joanna Cherry (Edinburgh South West) (SNP): Last week, the Spanish Prime Minister, Mr Rajoy, said that as well as having a veto over any future agreement between the EU and the UK over the issue of Gibraltar, he also wants one over the issue of Gibraltar for the transitional period. Will the right hon. Lady give a firm commitment to the people of Gibraltar that she will not countenance any agreement for the transitional period that will not preserve their existing rights and arrangements?

The Prime Minister: We have been very clear throughout, and indeed in the discussions and continued interaction that we have with the Government of Gibraltar, that we are seeking the best deal for Britain and that deal must work for Gibraltar as well. They will be part of the exit negotiations. They will be covered by our exit negotiations and we will fully involve them as we leave the EU.

Robert Neill (Bromley and Chislehurst) (Con): I congratulate the Prime Minister on the very real success she achieved in Brussels last week and urge her to stick to the pragmatic approach to these negotiations that brought that success about. Let me follow up on the point just made. As well as committing firmly to Gibraltar being included in these arrangements, will she undertake that her Government will work to strengthen, to the maximum extent possible, the trading arrangements between Britain and Gibraltar, both in the implementation period and after we have left the EU?

The Prime Minister: Let me say to my hon. Friend, who has long championed the interests of Gibraltar in this House, that when we negotiate our exit from the EU, when we negotiate the trade deal that we will have, we will be considering Gibraltar as part of our negotiations. So they will be there. We will be discussing with them as
we move through those negotiations to ensure that we get a deal that is right for not only the United Kingdom, but Gibraltar.

**Chris Bryant** (Rhondda) (Lab): If I have this right, the agreement says that nothing has been agreed until everything has been agreed, so the agreement is not an agreement at all—it is just a kind of pending operation. May I ask the Prime Minister about Russia? She rightly said at the beginning that, “We were at the forefront of the original call for EU sanctions”. Britain has wanted to be tough in relation to Russia, and I praise her for that. But how are we going to do that in the future if we are no longer in the room?

**The Prime Minister:** It is perfectly possible for this country to maintain our position on Russia. I have set out the UK’s position on Russia—I did it in my speech at the Lord Mayor’s banquet. We will continue to work with our European colleagues on the approach that we take and we will continue to work through other international organisations, such as the United Nations, on these matters.

**Sir Desmond Swayne** (New Forest West) (Con): How likely is it that the Prime Minister would ask the EU27 to extend the article 50 deadline?

**The Prime Minister:** Sorry—I did not hear the beginning of my right hon. Friend’s question.

**Sir Desmond Swayne:** How likely is it?

**The Prime Minister:** I think everybody is now looking very clearly at the timetable that has already been set. Donald Tusk, the President of the European Council, has expressed the view that we need to accelerate the progress because we need to get the agreement in place and the arrangements negotiated very speedily. We will be leaving on 29 March 2019.

**Angela Smith** (Penistone and Stocksbridge) (Lab): Will the Prime Minister give a simple answer to a simple question? Will the working time directive be transposed and embedded into British law—yes or no?

**The Prime Minister:** The European Union (Withdrawal) Bill brings the workers’ rights that are currently in EU law into UK law, which is why that sort of thing is a bit rich coming from Labour MPs who voted against bringing them into UK law.

**Simon Hoare** (North Dorset) (Con): Does my right hon. Friend agree that as the process evolves, the terms hard Brexit and soft Brexit seem increasingly redundant? The cocktail that the Prime Minister seems to have deployed—her personal pragmatism coupled with some rather good Tory common sense—seems to be winning the day. I encourage her to continue.

**The Prime Minister:** I thank my hon. Friend for his comments. As he may recall, I have said in this House before that I do not accept the terms hard Brexit and soft Brexit. We are negotiating the best possible deal for the United Kingdom.

**Ann Clwyd** (Cynon Valley) (Lab): The Prime Minister has agreed with me three times over the past year about the important role the European Parliament has in the negotiations, because it has the power of veto at the end of the day. Eighty-six MPs have signed a letter that urges the Prime Minister to address a plenary session of the European Parliament. When will she do that?

**The Prime Minister:** We have been in discussions with the President of the European Parliament about the interaction that I will have with that Parliament. I had hoped to be able to speak to the Conference of Presidents at the end of November, but unfortunately that proved not to be possible from a European Parliament point of view. Nevertheless, we are still discussing a date on which I can go, and I keep in regular contact with President Tajani.

**Rebecca Pow** (Taunton Deane) (Con): Might I say what a filip the good news from the Prime Minister and Mr Juncker on Friday gave to all the people I met around Taunton Deane over the weekend? It really did change the temperature. The businesses I spoke to do not want to be disrupted, so will the Prime Minister confirm that in the transition period they will be able to carry on trading as they do now, and that they will also be able to think about negotiating deals for when we leave?

**The Prime Minister:** I am happy to give my hon. Friend that reassurance. As I have said before, the point about the implementation period is to give that reassurance to businesses in particular that they will know the basis on which they can carry on trading. That is why we would expect the arrangements for the trading relationship during the implementation period to be much as they are now. Although we will be outside the customs union, the single market, the common agricultural policy and the common fisheries policy, as I said earlier, we need to be able to continue to operate during the implementation period as we prepare for whatever the new arrangements are going to be at the end of that period.

**Mike Gapes** (Ilford South) (Lab/Co-op): Further to the Prime Minister’s answers to the hon. and learned Member for Edinburgh South West (Joanna Cherry) and the hon. Member for Bromley and Chislehurst (Robert Neill), will she confirm that the implementation or transition phase will be exactly the same for Gibraltar as it will be for Northern Ireland and the rest of the UK?

**The Prime Minister:** I thought I had made it clear that as we negotiate these matters we will be negotiating for the UK, but that includes negotiating to ensure that the relationships are there for Gibraltar as well. We are not going to exclude Gibraltar from our negotiations for either the implementation period or the future agreement.

**Giles Watling** (Clacton) (Con): Given that 72% of my constituents in Clacton voted to leave the EU, will my right hon. Friend give an assurance to them that there will still be a smooth and seamless exit despite the vote on amendment 7 last Wednesday, thus giving them and many others a very happy Christmas indeed?
The Prime Minister: I am happy to confirm to my hon. Friend, as I did a little earlier, that we will be leaving the European Union on 29 March 2019 and that we will be negotiating a smooth and orderly process, so that people can carry on living their lives and conducting their business with confidence about that and about the future relationship that we will negotiate with the EU.

Holly Lynch (Halifax) (Lab): Last week, I understand that the Fisheries Minister, who was representing the Government at the annual Fisheries Council in Brussels, was recalled to Westminster as early as Tuesday to take part in the votes on the European Union (Withdrawal) Bill. I am incredibly concerned that this Government prioritise seeking to deny Parliament a final vote on the Brexit deal over representing our fishing interests in Europe, missing crucial talks on sea bass and Celtic sea cod. Can the Prime Minister confirm that that was the case and will she explain who took over as the UK’s lead negotiator in those vital discussions?

The Prime Minister: There are many occasions in this House when Members on the hon. Lady’s Benches, and indeed sometimes on my Benches, stand up and promote the primacy of this House and of Parliament. As Members of Parliament, obviously, we have a responsibility to be here in this House, although my hon. Friend the Minister balanced the requirements of being able both to represent House when Members on the hon. Lady’s Benches, and in our country will endure?

Alex Chalk (Cheltenham) (Con): This weekend, I met representatives of the Romanian community in Cheltenham. On their behalf, may I thank the Prime Minister for her determination to secure an agreement on the rights of EU and British nationals, which has provided enormous reassurance? Does she agree that this shows, first, what can be done and, secondly, that whatever deal is struck, our values of respect and tolerance for foreign nationals in our country will endure?

The Prime Minister: I am very happy to agree with my hon. Friend, particularly on that final point. What we have seen over the phase 1 negotiations is that, with commitment and perseverance on both sides, we can achieve agreement. That should give reassurance to EU citizens living here and indeed to UK citizens in the EU 27. As we move forward, we will indeed continue to abide by our values, particularly our values of tolerance and respect.

Mary Creagh (Wakefield) (Lab): Is not the result of this European Council that there will be no negotiations with the EU until March next year and no deal concluded between now and March 2019? The tragedy is that there is no deal that the Prime Minister can get with the EU that will be as good as the one that we have now.

The Prime Minister: I am afraid that the hon. Lady is wrong in her question. In fact, the discussions with the European Union will be starting very soon, both on the implementation period and looking ahead to the future partnership.

Wendy Morton (Aldridge-Brownhills) (Con): I welcome the progress that the Prime Minister has made in moving the negotiations forward. In speaking to my constituents over the weekend, I know that they welcome that progress, too. When it comes to security, can she confirm that we will continue to work with our allies to protect ourselves both now and when we leave the EU?

The Prime Minister: I am happy to give my hon. Friend that reassurance. We envisage negotiating a separate treaty to cover the security arrangements. There are a number of programmes and operations in which we are involved in the European Union that we think it would be beneficial for us to continue to be able to access precisely to maintain the security of people here, but also in the EU 27.

Stephen Kinnock (Aberavon) (Lab): Referring to the transition period, the conclusions of the European Council make the position clear. It says:

“In order to ensure a level playing field based on the same rules applying throughout the Single Market, changes to the acquis adopted by EU institutions and bodies will have to apply both in the United Kingdom and the EU.”

Will the Prime Minister please confirm, therefore, that the jurisdiction of the European Court of Justice will apply in precisely the same way now as it will during the transition period?

The Prime Minister: I have answered a question on that in previous statements that I have made in relation to the matter. We would expect, yes, that the European Court of Justice jurisdiction would start very similarly at the beginning of that implementation period, but as I said in response to one of my hon. Friends earlier, we are also clear that, if it is possible to negotiate, for example, the dispute resolution mechanism at an earlier stage and introduce it at an earlier stage, we would do precisely that.

Geoffrey Clifton-Brown (The Cotswolds) (Con): I congratulate the Prime Minister on having got the negotiations so far. Will she confirm that two of the announcements that she has made today—namely, that we will have a humanitarian presence in the Mediterranean and will continue to provide official development assistance to Africa—signal this country’s intention to work with our European allies as closely as possible once we have left the EU?

The Prime Minister: My hon. Friend is absolutely right. The area of migration is a good example of how we will be continuing to work with our friends and allies in the European Union, even after we have left. This issue affects us all. We can have a greater impact if we all work together and we will continue to do that.

Mr Pat McFadden (Wolverhampton South East) (Lab): The dog that has not barked so far in these discussions has been the voice of the service industries. They dominate our economy and make up 45% of our exports, and we trade in surplus with the rest of the EU in them. Does the Prime Minister accept that any future agreement aimed only at tariff-free access for goods would be selling Britain short, and that the benchmark for judging success must be the same market access that we have now for our global, world-leading service industries such as education, the creative industries and the financial services?

The Prime Minister: The Government and I have said all along that we are looking for an agreement that is right for both goods and services because we recognise
the important role that services play in the economy of the United Kingdom. We will be going in and negotiating for services and for goods.

**Will Quince** (Chesham and Amersham) (Con): I very much welcome the Prime Minister’s statement, particularly her comments on workers’ rights and our intention to enhance them post-Brexit. Does she agree that, despite the bluster from the Labour party, this Government backing the Matthew Taylor report. That is our commitment. It is number of other areas, including by commissioning the Matthew Taylor report. That is our commitment. It is not just words; we actually act.

**The Prime Minister**: My hon. Friend makes a point about a matter that I know is of particular interest to him. He has campaigned on the issue and been a champion of these rights, and he is absolutely right. We will be looking to enhance workers’ rights. The Government have already taken steps to enhance workers’ rights in a number of other areas, including by commissioning the Matthew Taylor report. That is our commitment. It is not just words; we actually act.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): If we are to leave the common fisheries policy in 2019 and if we are not then going to trade away access to UK waters for non-UK fishing vessels, what else is there left to talk about as far as fisheries are concerned?

**The Prime Minister**: We will be leaving the common fisheries policy—and, as I indicated, the CAP—on 29 March 2019. The arrangements that pertain to fisheries during that implementation period will, of course, be part of the negotiations for that implementation period. Leaving the CFP and the CAP gives us the opportunity, post-implementation period, to introduce arrangements that work for the United Kingdom. The Environment Secretary is discussing with the fishing and agriculture industries what those future arrangements should be.

**Mr Simon Clarke** (Middlesbrough South and East Cleveland) (Con): People in Middlesbrough South and East Cleveland will give a warm welcome to the progress that has been made with the talks, and I thank the Prime Minister for that. They will also have noticed the scarcely concealed disdain from the Opposition for the progress that has been made. Does she agree that we are actually paving the way to delivering precisely what we want, which is good trade access without compromising control of our borders and laws?

**The Prime Minister**: My hon. Friend is absolutely right. He puts it succinctly and very well indeed. We want to maintain good trade access, but we also want to be able to take back control of our borders and laws, and that is what we will do.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): I congratulate the Prime Minister on the applause she got at the EU dinner—something that even George Osborne would never have predicted. But would not the assurance on the rights of EU nationals have been more useful 18 months ago? As we now hear that a compromise is being cooked up to stave off yet another rebellion, were humble pie and fudge on the menu?

**The Prime Minister**: A number of Members of this House urged me and the Government unilaterally to make declarations about EU citizens’ rights for those living here in the United Kingdom. I was always clear that a UK Prime Minister and a UK Government should have a duty of care to UK citizens living in the EU. The key to the agreement that has been reached is that it is reciprocal, so we can give confidence not only to EU citizens living here, but to UK citizens living in the EU 27.

**Martin Vickers** (Cleethorpes) (Con): One reason 70% of my constituents voted to leave was their concern about the free movement of people. The Prime Minister referred to registering new arrivals from the EU. During the implementation period, will we be able to control those numbers? If that is not the case, will she be arguing that point during the negotiations?

**The Prime Minister**: Obviously, at the end of that implementation period, we will have worked up to putting into place fully the new immigration rules that we will have. So it will be possible for EU citizens to come to live and work in the UK during that implementation period, but there will be some differences in relation to that, registration being one of those. So there will be building blocks being put in place. This is exactly one of the sort of practical measures that I am thinking about when I say we need the implementation period, to be able to put practical steps in place that lead up to what our future arrangements and future rules will be.

**Emma Little Pengelly** (Belfast South) (DUP): The Democratic Unionist party has long been a strong supporter of the people of Gibraltar. Can the Minister give a strong and clear commitment today that the people of Gibraltar will not be excluded from any transitional arrangements that may be agreed between the United Kingdom and the European Union?

**The Prime Minister**: I will say this again: we will be ensuring that decisions that we take at the various stages of these negotiations cover Gibraltar as well as the United Kingdom.

**Mr Philip Hollubone** (Kettering) (Con): Do the reciprocal rights for UK citizens in the EU extend simply to the country in which they reside or across the whole of the EU27?

**The Prime Minister**: The question of onward movement is one that will be looked at further in the second stage of the talks. This is reciprocal in terms of EU citizens’ rights here in the UK and UK citizens’ rights in the country in which they live in the European Union. There are further elements of that that we will be discussing in the later stages.

**Wes Streeting** (Ilford North) (Lab): One of the most frequent criticisms of this place is that politicians are unable to give straight answers to straight questions, so can I give the Prime Minister another opportunity to answer the questions from Streatham and from Penistone and Stocksbridge? Can she guarantee that, after we leave the European Union, there will be no attempt to
water down the 48-hour limit on the working week, provided for by the working time directive? It is a very simple yes or no question.

The Prime Minister: I have said on a number of occasions this afternoon that we will be bringing those workers’ rights that are in European Union law into UK law, so those rights will continue to exist. The party in this House that has voted against bringing those rights into UK law is the Labour party.

James Morris (Halesowen and Rowley Regis) (Con): May I commend the Prime Minister for her statement? As she will be aware, the west midlands economy has been an export powerhouse for the UK, so as she moves towards vital trade talks in relation to us leaving the European Union, does she agree that it is important that west midlands business and west midlands regional government are engaged very much in those discussions so that the west midlands can maximise the benefit of Brexit?

The Prime Minister: I absolutely understand and recognise the importance of international trade to the west midlands, and I am very clear that, as we go forward in these negotiations, we will be ensuring that we are negotiating for the whole United Kingdom. We will be taking the interests of all parts of the United Kingdom, including the west midlands, into account.

Rachael Maskell (York Central) (Lab/Co-op): For absolute clarity, will there be no watering down of the working time regulations and the ECJ judgments that relate to those regulations?

The Prime Minister: These rights are enshrined in EU law at the moment. They will be brought forward into UK law in the EU withdrawal Bill, which we are putting through this House at the moment. This Government are committed to workers’ rights and are committed to enhancing worker’s rights. That is why I commissioned Matthew Taylor’s report.

Jeremy Lefroy (Stafford) (Con): May I congratulate the Prime Minister on the progress made? May I ask her, following the question from the right hon. Member for Wolverhampton South East (Mr McFadden), to state again that the best possible deal will include trade both in goods, in which we have a large deficit, and in services, which are vital to our economy and in which we have a surplus?

The Prime Minister: I am happy to reiterate that confirmation to my hon. Friend. What we will be looking for in our future partnership is obviously a trade arrangement and a security arrangement, but in the trade arrangement we will be talking about both goods and services. We recognise the importance of services to the UK economy.

Paula Sherriff (Dewsbury) (Lab): In her statement, the Prime Minister pointedly referred to the abuse that her election candidates received. Unless she and everybody else in this House, and the Daily Mail, accept that abuse comes from all sides and from all political parties, we will not make any progress. If she so wishes, I can accommodate her this week by showing her the litany of abuse that I have received during the election and since. Please will she accept that unless we accept that this comes from all areas, we will not move forward?

The Prime Minister: What I said in the statement was this: “there can never be a place for the threats of violence and intimidation against some Members that we have seen in recent days. Our politics must be better than that.” I stand by that. All political parties in this House must be aware of the need to ensure that our politics is conducted in the right way and there is no place for threats and intimidation.

Kelly Tolhurst (Rochester and Strood) (Con): I congratulate the Prime Minister on the way that she has worked with the EU over the past few weeks and how she has moved things on to the next stage. Does she agree that during any implementation period, it is important and right that we do indeed negotiate trade deals with other parts of the world to make the most of these new opportunities, to benefit British business, our economy and, most importantly, the British people?

The Prime Minister: My hon. Friend is absolutely right. Of course, the work on negotiating those trade deals—on looking to see what is possible—has already been started within the Department for International Trade by my right hon. Friend the Secretary of State and the Ministers there. Only earlier last week, I was discussing with the President of Mexico that country’s desire to have a trade deal negotiated with us. It is one of the first countries to say that it wanted that. The point of the trade deals is exactly as my hon. Friend says: it is about bringing jobs, bringing prosperity and improving people’s lives.

Mr Ronnie Campbell (Blyth Valley) (Lab): Is the Prime Minister sure and confident that the EU negotiators will not put more obstacles in her way on the second agreement, because quite honestly I would not trust them as far as I can throw them?

The Prime Minister: I am very clear about what we want to achieve in our negotiations. We will be working with our European friends and allies to ensure that the result of that negotiation is indeed a good deal for the United Kingdom. [Interruption.] Well, I think they will, because a good deal for the UK is a good deal for the EU as well.

Paul Masterton (East Renfrewshire) (Con): Does my right hon. Friend agree that her phase 1 deal was a victory for pragmatism over purist ideology? Will she commit our Government to continuing in the same vein throughout these negotiations, putting jobs and economic prosperity at the heart of Brexit Britain?

The Prime Minister: I am very happy to give that commitment. What is important as we go through these negotiations is that we are very clear about what is in the British national interest, but willing to be very pragmatic and practical about that because we want to ensure that we get a good deal. I believe not only that we will get a good deal with the European Union, but that we have an ambitious and bright future for this country outside the European Union.
Nick Thomas-Symonds (Torfaen) (Lab): On workers’ rights, the Prime Minister promised in her Lancaster House speech that she would ensure “that the voices of workers are heard by the boards of publicly-listed companies for the first time.”

Why, in the past year, has she not introduced the changes to company law that would make that happen?

The Prime Minister: As the hon. Gentleman will know, the Department for Business, Energy and Industrial Strategy has published proposals to do exactly that.

Robert Courts (Witney) (Con): I congratulate the Prime Minister on this agreement, particularly with regard to reciprocal rights for UK and EU nationals. Does she agree that both for UK nationals abroad and for much-valued European members of our communities here, such as those in west Oxfordshire, this agreement represents security and reassurance?

The Prime Minister: I am very happy to say exactly that to my hon. Friend. A number of hon. Friends have commented on comments that have been made by their constituents who are EU citizens that they do now feel reassured as a result of the phase 1 negotiation. I was clear that citizens’ rights should be one of the early issues that we addressed. We have done just that, and we have given people confidence for the future.

Peter Kyle (Hove) (Lab): The Prime Minister has spent inordinate amounts of time reconciling the divisions within her own Cabinet, but no time whatsoever doing so for the public. Now that we are entering the most difficult part of these negotiations, what will she do specifically not only to deliver on the aspirations and excitement of those who voted leave, but to take into account the anxieties of people who voted remain?

The Prime Minister: Regardless of whether somebody voted leave or remain, I think the key focus for us all now is to ensure that we get the best possible deal for the United Kingdom as we leave the European Union. That is what the Government are focused on, and that is what we are going to do.

Robert Jenrick (Newark) (Con): Never have my constituents in Newark been so grateful to wake up to Jean-Claude Juncker as they were a week ago on Friday, when they saw the Prime Minister shake hands with him. Looking to the future, as she goes to strike a comprehensive free trade deal, does she agree that although businesses in Newark would like a seamless transition, they would also like us to strike out and have enough capacity to become a more innovative country, rather than aligning solely with the European Union?

The Prime Minister: I think that there are many areas in which we in the UK are already showing our ability to innovate. We have great, world-leading businesses at the cutting edge of technology in, for example, the automotive industry, and in other areas. Of course, once we leave the European Union, I want to encourage that innovation and that creativity, because I want to ensure that we see a brighter future for this country, and exactly that sort of innovation and creativity can help to encourage that.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): It is nearly a year since the Lancaster House speech, but the British Government have not published the detail of their preferred trade framework to replace membership of the single market and the customs union. Why has it taken the Prime Minister so long to summon the Brexit war Cabinet to start that work? Is it not the case that the Government and the Conservative party are split about what happens after transition?

The Prime Minister: No. There have been various stages to the negotiation. I set out the framework for that future trade relationship in my Florence speech in September, and we will of course now negotiate the further details of it.

Kevin Foster (Torbay) (Con): I welcome the Prime Minister’s statement, and the progress that has been made in the negotiations. I was particularly pleased to hear reference to Russia and to the fact that we are looking to continue our co-operation. At the European Council, did she reassure our European partners that we maintain our absolute commitment to the defence of Europe, based on the bedrock of the north Atlantic treaty?

The Prime Minister: I can absolutely give that reassurance to my hon. Friend. We are unconditionally committed to maintaining Europe’s defence, and we will continue to play a key role in Europe’s defence. We will do so, obviously and crucially, through NATO, but we also want to continue to work with our European friends and allies.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Prime Minister has been tooting away in Brussels, trying to get on to the second stage. But when she came back, she must have seen, as my constituents did, her senior colleagues—including the Foreign Secretary—saying in the Sunday papers that she is leading us towards being a “vassal state”. Will she give my constituents, and people up and down the country, a crystal clear answer to this question: is she leading us towards being a vassal state, with a subservient role in Europe? If that is not the case, will she sack her Foreign Secretary?

The Prime Minister: No, and no.

James Cartlidge (South Suffolk) (Con): I warmly congratulate my right hon. Friend on securing progress, which was strongly welcomed by businesses in South Suffolk. On the point raised by the right hon. Member for Wolverhampton South East (Mr McFadden) and my hon. Friend the Member for Stafford (Jeremy Lefroy) about services, does she agree that not only do we need to have services in the future agreement, but—given that our surplus with the EU is £15.5 billion and rising rapidly—we need to have the very best possible access for that dynamic part of our economy?

The Prime Minister: I absolutely agree, and I fully recognise not only the importance of the role that services play in our economy, but the fact that the balance of relationship with the European Union in services is different from that in goods. Services are a great part of our economy. I want to ensure that we
continue to have good trading relationships in services and that we look at how we can enhance our trading relationships in services around the world.

**Tom Brake** (Carshalton and Wallington) (LD): In the press this morning, there were reports that in advance of the meetings today and tomorrow, Ministers have received assessments of impact of the different models of Brexit—or, indeed, impact assessments. Can the Prime Minister confirm whether that is correct, and, if so, would she be willing to put them into the public domain?

**The Prime Minister:** We have been very clear that, as the right hon. Gentleman knows, what he refers to as impact assessments do not exist. The answer to his question is simply no.

Mr **Nigel Evans** (Ribble Valley) (Con): I know I can be a little slow at times, but I am finding it incredibly difficult to discern what the policy of Her Majesty’s Opposition is to Brexit, as it changes depending on whom I am listening to—

**Mr Speaker:** Order. I did not think that the hon. Gentleman, who is a very experienced Member of the House, was that slow, but he knows perfectly well that the policy of the Opposition is not a matter for the Government of the day. [Interruption.] No, no—hopeless. I call Stephen Timms.

**Mr Evans** indicated dissent.

**Mr Speaker:** Order. Do not shake your head at me, Mr Evans. I have told you what the position is. [Interruption.] Order. You ask an orderly question, or you do not ask a question. Given your long experience, you ought to know better than to start a question inquiring about the policy of the Opposition. Over Christmas, you can rehearse.

**Stephen Timms** (East Ham) (Lab): To avoid, rightly, a hard border between Ireland and Northern Ireland, the Prime Minister has committed the UK, if necessary, to “maintain full alignment with those rules of the internal market and the customs union” that are necessary. Will such full alignment apply just to Northern Ireland, or to the UK as a whole?

**The Prime Minister:** As the right hon. Gentleman knows, we believe that we can actually deliver on having no hard border between Northern Ireland and Ireland through the overall relationship that we negotiate between the UK and the European Union. Failing that, we will look at specific solutions that match the unique circumstances of Northern Ireland, and failing that, we will move to the concept of full alignment, which is about having the same objectives on both sides. If he carries on reading the progress report, it makes it clear how that would operate: it could be UK-wide or, with the agreement of the Northern Ireland Executive and Assembly, it could be specific to Northern Ireland.

**Edward Argar** (Charnwood) (Con): I welcome the sensible and pragmatic agreement on phase 1 that my right hon. Friend has secured. Opposition Members confidently, and wrongly, suggested she could not do that, and yet again, as on so much, she has proved them wrong. Just as she has delivered for the UK on phase 1, will the Prime Minister reaffirm her determination to prove them wrong again and secure a good trade deal in phase 2, in line with her Lancaster House speech?

**The Prime Minister:** Yes, I can confirm to my hon. Friend that the principles set out in the Lancaster House speech continue to apply. Obviously, I elaborated on those in the Florence speech, and we will be continuing to do so as we move forward into those negotiations. I believe we will achieve an ambitious comprehensive free trade agreement with the European Union, because I think it is in their interests as well as ours.

**Chris Stephens** (Glasgow South West) (SNP): I will try to be the seventh Member of the House to receive a crisp answer on workers’ rights. Will the Prime Minister confirm that there have been no discussions with the European Union or in her Cabinet, and that there are no planned discussions with the European Union or in her Cabinet, on scrapping the working time directive, the agency workers directive and the pregnant workers directive, as advocated by her Ministers in the recent past?

**The Prime Minister:** The negotiations that we have been having with the European Union have not covered workers’ rights. Workers’ rights as they exist in EU law will be brought into UK law through the Bill that is going through Parliament. We already have a situation in the United Kingdom where, in some areas, we have better rights for workers than exist in the European Union, and we will continue to enhance those rights.

**Matt Warman** (Boston and Skegness) (Con): For the Prime Minister’s negotiations to be meaningful, they must of course include considering the possibility of a no-deal scenario, but does she agree with me that the pragmatism shown by both sides last week demonstrates that such an outcome is now considerably less likely?

**The Prime Minister:** My hon. Friend is right. We have to prepare for all contingencies and continue to include among them the possibility of no deal, but what has been shown by the phase 1 negotiations is that, with perseverance and commitment on both sides, we can reach agreement.

**Ruth Cadbury** (Brentford and Isleworth) (Lab): The majority of UK citizens would now prefer us to remain in the EU, because they are realising what many of us knew for a long time, which is that leaving the EU means greater costs to the economy and to UK taxpayers than staying in and that we will no longer have a voice at the table in Europe. Will the Prime Minister start leading the country, or will she continue to be led by the hard Brexiteers in her own party?

**The Prime Minister:** The hon. Lady seems to have forgotten one thing: this Parliament voted overwhelmingly for a vote to take place in a referendum on our membership of the European Union. That vote took place, and it was a close vote, but the majority voted to leave the European Union. I think—and I have always felt this—that in other circumstances when other countries in the EU held a referendum on new treaties and came out against
them but the EU basically told them to go back and think again is not the right way. If the British people have voted to leave, we should leave.

Nigel Huddleston (Mid Worcestershire) (Con): I congratulate the Prime Minister on the practical and sensible approach she has adopted towards the Brexit negotiations, as opposed to the flip-flopping, contradictions and wholly unrealistic expectations we have heard from the Opposition parties. Does she agree that if a party wishes to position itself as the party of remain, it ought just to be honest and come out and say so?

The Prime Minister: I absolutely agree with my hon. Friend. The flip-flopping just this weekend from the Labour party shows that it cannot make up its mind what its view is on Brexit. That is all the more reason why it is a good job we are in government and not Labour.

Mr Speaker: Ingenuity and good order are not incompatible, as the hon. Member for Mid Worcestershire (Nigel Huddleston), at least, has just demonstrated.

Wera Hobhouse (Bath) (LD): Can the Prime Minister give an example of an EU border with a country outside the customs union where there is no hard border and there are no border checks?

The Prime Minister: I think what the hon. Lady is trying to get at is whether it will be possible to do what we have said we will deliver for Northern Ireland and Ireland. The answer is yes, and we have already set out some ways in which it could be done.

Albert Owen (Ynys Mon) (Lab): I welcome the progress that has been made on the Irish question, but I am disappointed by the response the Prime Minister gave to my right hon. Friend the Member for East Ham (Stephen Timms). Will she state categorically that Welsh sea ports, including the port of Holyhead in my constituency, which is the busiest on the western seaboard, will have equal status with ports in Scotland, England and, indeed, Northern Ireland when it comes to trade and the movement of people?

The Prime Minister: The progress report that was agreed between the United Kingdom and the EU was clear about the significance not just of north-south trade but of maintaining east-west trade. I and the Government are very clear about the need to maintain not just the constitutional integrity of the United Kingdom, but the economic integrity of the United Kingdom.

Jack Dromey (Birmingham, Erdington) (Lab): The mask slipped at the weekend, when the Foreign Secretary let slip that changes might be made for the worse to British workers’ rights on working time, even though they are already working the longest hours in Europe. The Prime Minister has today refused to give a cast-iron guarantee that there will be no changes for the worse. Does that not demonstrate that we can never, ever trust the Tories with workers’ rights?

The Prime Minister: I will tell the hon. Gentleman who cannot be trusted with workers’ rights—a Labour party that voted against bringing workers’ rights into UK law.

Paul Flynn (Newport West) (Lab): How and when will Wales enjoy the alleged benefits of the regulatory alignment that will be enjoyed by Northern Ireland? How can it possibly work?

The Prime Minister: As I indicated in response to an earlier question, the reference to full alignment in the progress report is not the first option in ensuring that there is no hard border between Northern Ireland and Ireland. We believe that we can achieve that through the overall relationship between the United Kingdom and the European Union. That is what we will be working for.

Alan Brown (Kilmarnock and Loudoun) (SNP): In her statement, the Prime Minister said that our “universities remain a highly attractive destination for students from across the EU”. The blunt reality is that the number of applications from EU students has gone down. On EU citizens’ rights, she said she was “providing vital reassurance to all those citizens and their families in the run-up to Christmas.” Just last week, the Select Committee on Environment, Food and Rural Affairs heard confirmation from a seafood supplier that at this moment in time, his employees do not feel any reassurance. To allow Scotland to take control of this situation, does she agree with the Secretary of State for Environment, Food and Rural Affairs that post-Brexit, Scotland should have control of its own immigration policy?

The Prime Minister: If I heard the hon. Gentleman correctly, he was not correct at the beginning of his question. In 2009-10, the number of non-UK EU higher education students in the UK was 100,275. In the 2015-16 academic year, the figure had gone up to 112,410.

Clive Efford (Eltham) (Lab): The £39 billion is to pay for commitments that we entered into freely when we were a full, operating member of the European Union. If we fell out of the European Union and failed to pay that bill, what freedom would the European Union and independent European Union countries have under WTO rules to interfere with the trade agreements we would be negotiating with other countries?

The Prime Minister: As the hon. Gentleman says, we have negotiated in phase 1 a financial settlement that is representative of the commitments I said we would honour over this period. It is there in the context of the future deal being agreed, but I am optimistic we will agree that future deal.

Neil Gray (Airdrie and Shotts) (SNP): If there are to be opportunities from Brexit and if we are to avoid the large potential pitfalls, it is crucial that all the nations of these isles have their priorities heard, listened to and acted on. How does the Prime Minister plan to expand consultation with the Governments of all the nations of these isles in the next phase, to avoid the very clear issues from the first phase of the negotiations?

The Prime Minister: Discussions and engagement with the devolved Administrations have already been enhanced over recent weeks and months. The First Secretary of State has regular meetings with the Scottish and Welsh Governments. That engagement will continue.
Karin Smyth (Bristol South) (Lab): The phase 1 agreement rightly confirms the Government’s commitment to the Good Friday-Belfast agreement. Further to her answer to my right hon. Friend the Member for East Ham (Stephen Timms), will the Prime Minister assure my constituents that their rights to travel, work and study across the EU will be aligned across the United Kingdom?

The Prime Minister: When we leave the European Union, the position of UK citizens will change in relation to the European Union. In relation to Ireland, we will maintain the common travel area so that the rights of movement, which existed long before either Ireland or the UK were a part of the European Union, will continue.

Sammy Wilson (East Antrim) (DUP): Michel Barnier’s comments this weekend indicate that he may wish to make the UK a vassal state of the EU after we leave. Is the Prime Minister encouraged, however, by the reaction of Italy and Belgium? They recognise the strength and significance of the UK, and believe a special relationship is desirable. What plans does she have to go to member states to sell the UK’s case for a good relationship after Brexit?

The Prime Minister: I was interested to note the comments, made by a number of other countries, that the future relationship we will negotiate with the European Union would, as the hon. Gentleman says, be a tailor-made or bespoke arrangement for the United Kingdom. I assure him that not only will I be having interaction with the other EU27 leaders, but that Government Ministers will be meeting their opposite numbers and talking to them about the significance of the continued relationship with the UK and the EU.

David Linden (Glasgow East) (SNP): We know that Brexit will be an unmitigated disaster for young people across these islands. With regards to the specific reference to the Erasmus project in the statement, by the time first-year students at Lochend High School in Easterhouse get to university will they still be able to enjoy Erasmus?

The Prime Minister: I said in my statement that for the remaining three years of this budget plan, we will be maintaining access to the Erasmus programme. For the future, it is one of the programmes that will be a part of the negotiations on our future relationship.

Alex Cunningham (Stockton North) (Lab): My constituency is home to world class chemical companies that are anxious that the European REACH—registration, evaluation and authorisation of chemicals—standards, which regulate their products and guarantee their markets, will still apply after they leave the EU and beyond the implementation period. As trade talks start, will the Prime Minister do something to assure them that that will be the case?

The Prime Minister: We recognise the importance of this particular industry. Part of the trade talks and negotiations will be looking at the basis on which trade will carry on between the remaining European Union member states and the United Kingdom. That is the same in any trade agreement that a country enters into.

Mr Speaker: It is no bad thing, either for the hon. Gentleman or for the House, if the Scottish National party Chief Whip is in the guard’s van.

Patrick Grady (Glasgow North) (SNP): I had the underwhelming experience this morning of visiting the Brexit Reading Room. For each of the 39 documents, I was left with the very clear impression that they do not contain any commercially sensitive or negotiation-sensitive information, so why not share that experience with the country and put them in the public domain?

The Prime Minister: The papers have been provided for the Select Committee. The formal position is that once the papers are in the hands of a Select Committee, it is up to them whether or not they are published.

Mr Speaker: Order. I thank all colleagues, in particular the 77 Back-Bench Members who questioned the Prime Minister and the Prime Minister for her extremely succinct replies.
The Secretary of State for Communities and Local Government (Sajid Javid): With permission, Mr Speaker, I would like to update the House on the ongoing response to June’s tragic fire at Grenfell Tower and our wider review of building safety.

It is now six months since the disaster. Last week a number of events were held to mark this sad milestone, including the national memorial service at St Paul’s. I had the privilege of attending the extremely moving service alongside the Prime Minister, the Minister for Grenfell victims, my hon. Friend the Member for Reading West (Alok Sharma), and, of course, the right hon. Member for Wentworth and Dearne (John Healey), among others. The scale and impact of the disaster are unprecedented in recent times, and I could not hope to cover all aspects of the response in one statement, so today I will concentrate on areas where I have new information to share. However, I am very happy to take questions on any aspect of the tragedy and the response to it.

I will start with an issue that is particularly important to hon. Members and to me, and that is finding new places to live for those who lost their homes. Responsibility for rehousing lies with the local authority, the Royal Borough of Kensington and Chelsea. However, I have been closely involved with the process to ensure that everyone is rehoused as quickly as possible, and my Department has been providing the council with support to help to bring that about. The council has been tasked with finding places to live for 207 households from Grenfell Tower and Grenfell Walk. To date, 144 households —almost 70%—have accepted an offer of temporary or permanent accommodation. According to the latest figures from the council, 102 of these households have now moved in.

For those who remain in other accommodation, the council has offered the opportunity to move into private rented accommodation while a permanent home is found. Some have taken up this offer, and others have made it clear that they do not want to have to move twice—something I completely understand. The council was undoubtedly slow off the mark in starting the rehousing process, but, with its own change of leadership, the help of the independent Recovery Taskforce, and pressure and support from the Department for Communities and Local Government, consistent progress is now being made, but I am far from complacent.

I have always been very clear that we should move at the pace of the families involved and that nobody should be rushed or pushed into making a decision about where to live. But to have so many families, including some children, still living in hotels and other emergency accommodation six months after the tragedy is simply not good enough. The situation is undoubtedly complicated, but I have been very clear with the council that I expect it to do whatever is necessary to help people into suitable homes as swiftly as possible. I am confident that the council is capable of that, but, along with the taskforce, I will continue to monitor the situation and to work with the council to ensure that it happens.

The issue of rehousing has an added poignancy with Christmas just around the corner. Whatever one’s faith, this a time for family and friends and that makes it a difficult time for anyone who has suffered a loss or trauma. Nothing anyone can do will make this a normal Christmas for the bereaved and the survivors, but we are doing all we can to offer extra support over the coming weeks. A range of activities and events are being staged for local children, particularly those still living in hotels. Social spaces have been booked in four of the hotels where families are staying, so there is room for people to spend time together. NHS outreach workers are visiting residents in the local area to offer specialist mental health support, building on the excellent work the NHS has already done on mental wellbeing. Specialists have screened almost 1,000 adults for signs of post-traumatic stress disorder: 426 are currently in treatment for PTSD, while a further 62 have completed their treatment, and 110 children have also received or are receiving specialist help. The dedicated NHS Grenfell helpline remains available 24 hours a day, seven days a week.

Local organisations are also providing health and wellbeing support on the ground, including culturally sensitive support that reflects the diverse make-up of the borough, and last month’s Budget made available a further £28 million to pay for mental health and emotional support, a community space for those affected and investment in the Lancaster West estate over the next three years. Of course, it is not only the Government providing funds: in the aftermath of the tragedy the British people responded with incredible generosity, donating more than £26 million to various charities.

The majority of that money—more than three quarters of it—has already been paid to survivors and to the next of kin of those who died. Of the remaining £6 million, about £2 million is being held back for people who are entitled to payments but have not yet claimed them, and for some whose applications are still being processed. Payments for those who have not claimed will be looked after by the charities until the individuals are ready to engage. The remaining £4 million will go towards providing long-term support and community projects. As people are rehoused and take the time to grieve, the distributing charities will work with them, identifying their changing needs and ensuring that money goes where it can best meet the needs of the community. The House can rest assured that every penny that was donated will be spent on the people for whom it was intended; the generosity of the British public demands no less.

Another issue in respect of which the views and wishes of the local community must be paramount is the future of Grenfell Tower itself. The tower is currently being wrapped in white sheeting, a process that will be completed early next year. That is not being done, as some have claimed, to make people forget about what happened. It is being done because many members of the community—people who have been directly affected by the fire—have said that covering the tower will help them to begin the healing process.

I acknowledge the current anxieties about the long-term future of the site among those who have been most affected. I can categorically state that no decisions have been made about the long-term future of the site on which the tower sits. Those decisions will not be led by me, by the Government, by the House, or by the Royal Borough of Kensington and Chelsea; it is the bereaved, the survivors and the wider community who will lead, and be at the heart of, the decision-making process. My hon. Friend the Minister for Grenfell victims is working...
directly with them to agree on a set of written principles that will guide the way forward for the future of the site. When decisions are made, we want them to have the broadest possible support from those who have been affected, particularly those who lost loved ones, rather than just following the views of those with the loudest voices. The principles that we are drawing up will help us to ensure that that happens, and they will include a firm commitment from the council that if the bereaved, the survivors and the wider community do not want the site to be redeveloped for housing, the site will not be redeveloped for housing.

As well as dealing with the aftermath of the tragedy, we are determined to do everything possible to prevent such a disaster from happening again. A crucial element of that is the public inquiry, which recently held its first procedural hearings under the chairmanship of Sir Martin Moore-Bick. I know that some members of the community are concerned about the inquiry’s remit, structure and personnel. Some have called for Sir Martin to be supported by an extended panel that reflects the diverse population of the tower. The decision on that rests with the Prime Minister. She has given a commitment to consider the composition of the panel once Sir Martin has determined what further expertise is needed, and she is now giving active consideration to the issue.

Meanwhile, Sir Martin has said that he is actively considering plans for a consultative panel of local people who could talk to and receive information from the inquiry. Such a panel has been established successfully by the inquiry into child sexual abuse as a way of closely involving victims and survivors in the work of that inquiry. Sir Martin has said that any decision on the establishment of such a panel for the Grenfell Tower inquiry will be taken in consultation with tower residents and bereaved families. I can assure the House that, whatever happens next, legal representatives of core participants will have access to all relevant documents. They will be able to offer opening and closing statements at certain hearings, and they will be able to suggest lines of questioning for witnesses. The needs of the community have been at the heart of the inquiry since it was first announced, and that will not change.

Learning lessons for the future will be a crucial part of Sir Martin Moore-Bick’s inquiry, but it is not the only piece of work on how building safety can be improved. Earlier this year, the Home Secretary and I asked Dame Judith Hackitt to carry out an independent review of building regulations and fire safety. The current system is complex and confusing, a situation that has developed over many years and under successive Governments. Today Dame Judith has published her interim findings, which show that there is a need for significant reform. I can confirm that the Government have accepted all her recommendations. We agree with her call for a change in culture and a more effective system that will encourage people to do the right thing and hold to account those who try to cut corners. Everyone who is part of the system, including Government, has an important role to play in delivering this change in culture and mind set. We fully support this direction of travel signalled in Dame Judith’s report. Achieving culture change will, inevitably, take time, but while Dame Judith explores these issues further, she has also has identified a number of areas where we can make a start today. These include work on restructuring guidance and tightening restrictions on the use of desktop studies.

On desktop studies, we will revise the approved documents on fire safety and commission work to produce a new British standard on when and how such assessments can be used. On guidance, we will work quickly with industry experts to complete work on clarifying the approved documents on fire safety. More widely, we will consider how the entire suite of guidance on compliance with building regulations can be restructured and reordered to make it more user-friendly; we will work with experts across the sector to explore how this can be done.

Dame Judith recommends that consultation with fire and rescue services be carried out early in the design process and then acted on, and that fire safety information on a building should be handed over at the right moment. We will write to building control bodies to highlight these recommendations. The Government will play our part in making the system work better and fixing the problems, and I urge the construction industry, building control bodies, fire and rescue services, landlords and others to play their part too.

In January, Dame Judith will host a summit on building regulation and fire safety. It will form the springboard for the next phase of her review, and I encourage leaders from across the sector to take part and help design a better system. While Dame Judith continues her vital work, we are continuing to support wider work to make existing buildings safer. In the past six months, we have overseen a comprehensive set of fire safety tests on cladding components and systems. Fire and rescue services have visited and checked fire safety in every residential tower that has been identified as having cladding likely to constitute a fire hazard or which they consider a priority for other reasons.

Across the country, swift action has been taken to improve fire safety systems, and to put in place interim measures where risks have been identified. We have provided detailed advice to local authorities, housing associations and private landlords on how to ensure their buildings are safe. DCLG’s expert panel has issued advice to building owners about carrying out the necessary work to address the fire risks of certain cladding systems.

There is undoubtedly room for improvement in the way the building regulations system works and is managed in the future. However, Dame Judith makes it clear that her report should not be interpreted as meaning that buildings constructed under the existing system are unsafe. The system needs to be made stronger for the future, but the action taken since June is helping building owners make homes safer today.

Six months ago 71 people lost their lives and hundreds more lost friends, loved ones, homes and possessions. Six months on, progress is being made; the situation is moving in the right direction, but there is still a long, long way to go. And as long as that is the case, I will not stop working with, and fighting for, people who have suffered more than any of us could bear. They must not be forgotten; they will not be forgotten.

5.13 pm

John Healey (Wentworth and Dearne) (Lab): I thank the Secretary of State for early sight of his extensive statement.
Last Tuesday, Mr Speaker, you welcomed Grenfell survivors and bereaved families to this House for a memorial meeting. Many of us in the Chamber today were at that event, and, six months on from the terrible fire at Grenfell, they told us, “It should not need us, as survivors, to bear our wounds to get the action needed, but you’re the only people we can turn to.”

As the Secretary of State said, both he and I were also at the national memorial service in St Paul’s cathedral last week, and perhaps the most moving part of the service was a sound montage of voices from Grenfell. The final voice was a woman’s: “I want to start afresh,” she said, “I just want a home again.”

Yet more than six months after the fire, more than 150 of the 210 families from Grenfell Tower are still in emergency or temporary accommodation. That is no place for a family at Christmas, and no place for people to start to rebuild shattered lives.

It really is not good enough for the Secretary of State to say that responsibility for rehousing lies with the local authority. This is the same council that failed Grenfell residents before the fire, and it is failing them again now. The buck must stop with Ministers. Will the Secretary of State confirm the figures released on Thursday, which showed that only 45 of the Grenfell Tower families are in permanent homes again, and that more than half are still in emergency accommodation? How many of the 50-plus households in temporary accommodation have children, and how many of those have been there longer than the six-week legal limit? Above all, what will he and the Government now do to get the Grenfell Tower survivors and families back in permanent homes again?

In truth, Ministers have been off the pace at every stage since the fire. They have been too slow to act and too reluctant to take responsibility for the response required for this national disaster. The Secretary of State now needs to bring real urgency to this task. Dame Judith Hackitt’s interim report today is welcome, but this review was promised in the autumn. It has arrived just before Christmas, and there is still no date for the final report. Many of its findings are not new, but it is still damming to hear the chair say in the report that “the whole system of regulation...is not fit for purpose, leaving room for those who want to take shortcuts to do so.”

Developers are still building new homes to meet these regulations, and people still do not know whether the materials and systems used on their homes are safe.

The Secretary of State says that he will work quickly with industry experts on clarifying the approved documents on fire safety. This was promised by his predecessor, Eric Pickles, in 2013 after two previous coroners reports on fatal fires, and was due to be published in 2016-17. That never happened. Will the Secretary of State tell us when this work will be completed and published? Will he also act on other recommendations, rather than waiting for the final Hackitt report next year? Will he start immediate work to make sanctions much tougher for those who do not follow the regulations? Will he make meeting a national standard mandatory for those doing fire inspections? Will he make all fire testing public? And will he ensure that residents are informed of all safety assessments and surveys done on their homes?

On the public inquiry, I am delighted that the Secretary of State has today finally recognised the concern about extending the advisory panel to help to build trust. We welcome this, as we have been making this case for some time on behalf of the Grenfell residents, but the right hon. Gentleman speaks on behalf of the Government, and it is simply not good enough to say that this decision rests with the Prime Minister. She commissioned the inquiry and confirmed its terms of reference four months ago. When is she going to make this decision?

On the safety of tower blocks around the rest of the country, six months after the Grenfell Tower fire, the Secretary of State still cannot give a commitment that all the other tower blocks are now fire safe. Indeed, he cannot even confirm today that all tower blocks have had a fresh fire safety assessment. Is it the case, as some reports state, that fewer than half the council tower blocks in England have had a fresh fire risk assessment since the Grenfell Tower fire? What is the figure for privately owned blocks, which is likely to be much lower? By what date will all tower blocks, public and private, have had a proper fire risk assessment? How much have the Government so far spent on funding to help social landlords to do immediate essential fire safety remedial work? Why will the Secretary of State not back our calls, alongside those of fire service chiefs, for the Government to help to fund retrofitting sprinkler systems in social housing, so that residents can be as safe in those blocks as they are in newly built tower blocks?

This is not about party politics, but it is about challenging the decisions and policies of those in power. This is exactly what the Grenfell families want, and exactly what our job in this House is. All of us share a responsibility to ensure that the Grenfell survivors who need help and a new home get them, that anyone culpable is held fully to account, and that every measure is in place to ensure that this can never happen again, but I say to the Secretary of State that this demands a much greater sense of urgency than we have had from him and the Government to date.

Sajid Javid: I thank the right hon. Gentleman for his response. He raises a number of issues, which I will go through in turn. He asked about the progress of rehousing the victims of the tragedy. I remind the House that 151 homes were lost to the fire, but there are now 207 households to rehouse as several families took the opportunity to create some small family units, each one of which has been accepted. Of the 207, 144 have accepted offers of temporary or permanent accommodation. He asked me about how many of those households had actually moved in, and 61 have accepted temporary accommodation and 83 have accepted permanent accommodation, with 56 of those receiving temporary offers and 46 of those receiving permanent offers having moved in.

I have recognised on several occasions, and I recognise again today, that progress has been painfully slow, but I have been absolutely clear that no family should be forced or pushed to accept an offer of housing. In addition to offers of permanent and temporary housing, all families have been offered private rented sector accommodation. They can either find it themselves, or they can show examples of what is available out there and work can be done for them. However, the clear instruction to the council has been not to force anyone to do anything
that is against their wishes and to treat them like people, not statistics. I know that the right hon. Gentleman will agree with that approach.

The right hon. Gentleman asked about the building safety work, and I thank him for welcoming the independent work that has been done by Dame Judith Hackitt. He talked as though that is the only work that has been done since the terrible tragedy but, as he will know, the expert panel was set up within days of the tragedy. The panel is still in place today, and its remit has been strengthened to look at structural safety, for example. The panel has also issued guidance to local authorities, housing associations and private residential providers on several occasions, and that guidance is being continually updated. Alongside that, we have had the building safety programme, which began its work on the different types of cladding immediately. During the summer, as the right hon. Gentleman will remember, a number of independent building systems tests were carried out, and comprehensive results have been published and advice has been given accordingly. Lastly, a tremendous amount of work has been done by fire and rescue services across the country, and today offers me the opportunity to commend them on their work to test and independently inspect over 1,000 towers. That work continues.

The right hon. Gentleman also asked me whether any residential towers still require testing and inspection. We believe that all residential tower blocks that have any type of aluminium composite material cladding have been properly inspected, as have several other towers about which there are concerns for other reasons.

As for the timing of the report, given the amount of work required and given that the independent review has been looking at a system that has been developed over many years under successive Governments, it is welcome to have the interim report at this stage. We expect the final report in the spring.

Mr Mark Prisk (Hertford and Stortford) (Con): I welcome the Secretary of State’s remarks. Indeed, he has been assiduous in reporting back to Parliament. Dame Judith Hackitt, who has just spoken to the Communities and Local Government Committee, says in her report that there is a culture, to which the Secretary of State referred, of businesses “waiting to be told what to do by regulators rather than taking responsibility for building to correct standards.”

That has to change. Will the Secretary of State ensure that any future regulations change that culture and ensure that those who design, build and subsequently manage buildings are firmly held to account?

Sajid Javid: My hon. Friend speaks from great experience. Dame Judith recommends a culture change, which will of course take time, but there are some immediate measures we can take. It is certainly our intention to work with Dame Judith and to implement her final recommendations.

Martyrn Day (Lindithgow and East Falkirk) (SNP): I start by thanking the Secretary of State for his statement and Dame Judith for her work. We must not forget that this interim report comes only six months after one of the most devastating high-rise fires the world has seen, and our thoughts at this time of year are with those who lost everything in the catastrophe.

I wish to repeat the call that my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) made last month for the Government to allow indefinite leave to remain to those to whom they offered an immigration amnesty. That is needed for undocumented survivors to feel able and safe to take up the support they so desperately need. Surely that is simply the right thing to do in these tragic circumstances.

This report makes recommendations to ensure that we have regulatory systems that are robust enough for now and for the future. We must be able to assure residents that the buildings they live in are, and will remain, safe. We in the Scottish National party welcome the report’s conclusion that safety must come ahead of cost cutting. Will the Secretary of State ensure that the findings of this report are heard and that safety is made paramount?

Sajid Javid: I thank the hon. Gentleman for his comments, particularly on the immigration rule changes that the Government have announced to help families. We continue to monitor that to see what more we can do, if required. I also assure him that building safety is absolutely paramount, which is why we commissioned all the work that has taken place since the terrible date of this tragedy and accepted the recommendations of the interim report today.

Mr Philip Hollobone (Kettering) (Con): What is the present fire advice to residents in similar blocks? If a fire breaks out, should they stay in their accommodation or should they leave the building?

Sajid Javid: The fire advice situation can be different in every block. What we have asked is for the owners of such blocks, often the local authority or a housing association, to work with fire safety experts, including the fire and rescue service, and to make sure that, whatever the fire advice is, it is made very clear to every single resident. We believe that advice has been universally followed.

Emma Dent Coad (Kensington) (Lab): Will the Secretary of State confirm that, despite the Prime Minister’s promise after the Grenfell Tower fire that, “I have fixed a deadline of three weeks for everybody affected to be found a home nearby”, there are, according to our calculations—including from the tower, Grenfell Walk, other walkways and nearby buildings—more than 200 children still in bed-and-breakfast accommodation after up to six months? I believe that is illegal.

Sajid Javid: The commitment we gave that all families would be offered temporary accommodation within three weeks of the date of the tragedy was absolutely met. They were all offered such accommodation. I have continually updated the House over the last six months, and no doubt the hon. Lady has had updates from her constituents. We have tried at every stage to offer both permanent accommodation and different types of temporary accommodation. As I have acknowledged today, there are still too many families in emergency
accommodation, and we continue to work with the local authority to do whatever we can to reduce that number.

Will Quince (Colchester) (Con): Will the Secretary of State confirm that he still regularly meets the victim groups and is really listening to what they have to say? To pick up on a point he made, is he ensuring that, despite the understandable questioning from the Opposition, people will not be pressed in any way to take unsuitable accommodation for political expediency?

Sajid Javid: I can absolutely confirm that to my hon. Friend. I have regularly met victim groups and members of the community, and so has my hon. Friend the Member for Reading West (Alok Sharma), the Minister with responsibility for Grenfell victims. He meets members of the community on an almost weekly basis. I can also confirm that we will not press anyone to take any type of accommodation with which they are not comfortable.

Mr Clive Betts (Sheffield South East) (Lab): The Select Committee found it very helpful to hear from Dame Judith Hackitt at first hand this afternoon. One of her clear recommendations was that instead of fire and rescue services giving advice and then being ignored by those in authority, such advice ought to put on a basis where it has to be taken account of and implemented. Does the Secretary of State agree with that proposal? If he does, will he rethink his decision not to provide any extra funding to local authorities to carry out important fire safety work that fire and rescue services say is essential?

Sajid Javid: First, let me thank the hon. Gentleman for the work his Committee is doing to help the overall review of building regulations. I welcome the fact that Dame Judith Hackitt gave evidence to the Committee today and its members could question her.

The hon. Gentleman asks me specifically whether we agree with the recommendation that advice from fire and rescue services should not be ignored—we do agree with that. We have accepted Dame Judith’s interim recommendations. He also asks about funding for fire safety measures, and I can say that our commitment stands that if local authorities cannot afford essential fire safety measures, they should come to talk to us and we will work with them to give them the flexibility they need.

Wendy Morton (Aldridge-Brownhills) (Con): I thank the Secretary of State for his statement. We all agree that it is crucial that the Government listen to the victims of this tragedy. Will he confirm that he and other Ministers will remain in regular contact with victims’ groups throughout the process and for as long as is necessary?

Sajid Javid: I can confirm that to my hon. Friend. It is essential that in dealing with this tragedy, be it on issues relating to fire safety, rehousing, mental health support or the future of the site, which I mentioned earlier, all decisions must be made in consultation with the local community—not just those with the loudest voices, as I said, but actual members of the community who have been the most affected.

Ms Karen Buck (Westminster North) (Lab): Further to the question asked by my hon. Friend the Member for Sheffield South East (Mr Betts), the Chair of the Select Committee, it is estimated that cash-strapped local councils have already committed £500 million to essential fire safety works in the aftermath of Grenfell. Will the Secretary of State tell us how much of that has been reimbursed by central Government?

Sajid Javid: As I have said a number of times at the Dispatch Box, we have asked local authorities to contact us, and more than 30 have done so. Ten have given us detailed information and three have given us the actual information we require. We are in active discussions.

Robert Courts (Witney) (Con): I am glad to hear that progress is being made on rehousing victims, but will the Secretary of State update the House on what steps are being taken—by the Government or by the council—to ensure that sufficient decent homes are available for people to be rehoused in?

Sajid Javid: The council has been leading the work to acquire new homes. About two months ago, it set a plan to acquire about 300 homes by Christmas, and it has exceeded its plans—the number is closer to 400 homes.

Andy Slaughter (Hammersmith) (Lab): We cannot wait for the final Hackitt report before resolving the issue of the combustibility of cladding and insulation. Some blocks are passing the current test with limited combustibility materials. Some are failing, but the landlords are using other types of limited combustibility materials as a replacement. Will the Government just say that only non-combustible materials should be used for external cladding on high and medium blocks?

Sajid Javid: The hon. Gentleman raises a good point, because clearly a number of building owners have, when they are taking down cladding, sensibly asked what they are going to replace it with. That is why we asked the expert panel to look at that, in the light of the building safety programme, and it has issued detailed guidance on it.

Tom Pursglove (Corby) (Con): The Secretary of State has previously said that the local authority had accepted the recommendations of the independent taskforce. Will he update the House about progress on implementing those recommendations?

Sajid Javid: I meet the local council regularly and I also have discussions with the taskforce. A number of points were set out in the taskforce report, and the local authority has set up a group to go through each in detail. As we get further details, I will bring them to the House.

Wera Hobhouse (Bath) (LD): Right across the country, people now live in tower blocks from which cladding has been removed. They will not only worry about their safety, but face much higher heating costs, because the cladding also serves as insulation. The Secretary of State has already partly answered my question, but nevertheless when will he tell landlords what cladding is safe for use so that safe reinstallation can take place as soon as possible? He will appreciate that there is some urgency to the matter.

Sajid Javid: First, it is not for me, as a Minister, to recommend what type of cladding should or should not be used. That work should be done by experts, which is why the expert panel that we established, which is still in
place, has issued guidance ever since the date of the tragedy. It continues to update guidance on what cladding should be used at all times.

Bill Wigan (North Herefordshire) (Con): Everybody is united in never wanting to see something like this happen again. An insulation manufacturer in my constituency, Kingspan, which was not involved in this tragedy, is keen to work to ensure that building regulations deliver the fire-proofing that we all hope for and expect. Will the Secretary of State agree to meet Kingspan?

Sajid Javid: I hope that my hon. Friend will understand that I should not comment on which companies were or were not involved in the tragedy; that will be a decision for the public inquiry and the criminal inquiry. Although in principle I am happy, at the right time, to meet any company that is involved in building services, it is appropriate that I do so only once I am comfortable that any inquiries and reviews are over.

Clive Efford (Eltham) (Lab): Dame Judith Hackitt draws attention to how the privatisation of things such as fire inspections has denuded local authorities of essential expertise, and that is also true of building control. Can we bring such deregulation to an end, urgently, because people continue to be put at risk? Can we bring such matters back under the responsibility of local authorities, where they belong?

Sajid Javid: Perhaps the hon. Gentleman has in mind the 2002 deregulation of building regulations self-certification schemes, or perhaps the 2005 regulatory order on fire safety that the then Government claimed was cutting red tape. As I have said, successive Governments have been involved in building regulation, and I am glad that Dame Judith Hackitt is looking at all of that.

Kevin Hollinrake (Thirsk and Malton) (Con): Some things are best left open to interpretation and some things are simply best proscribed. Does my right hon. Friend consider a simple prohibition of combustible materials on the outside of all high-rise buildings to be the right way forward?

Sajid Javid: As a member of the Select Committee, my hon. Friend is rightly taking a close look at these issues—I welcome that. In the interim report, Dame Judith talked about a risk-based approach. The appropriate response for the Government is to wait for the final report, look at all these issues in the round, and then make a final decision.

Dr David Drew (Stroud) (Lab/Co-op): Will the Secretary of State look again at the role of local authorities in building control? In particular, will he get Dame Judith to examine the idea of primary agency, which has effectively removed the “local” from local authority?

Sajid Javid: Yes.

Mr Jim Cunningham (Coventry South) (Lab): The Secretary of State can in fact direct local authorities to take the advice of the fire services until such time as the committee of inquiry reports. There is nothing stopping him from doing that. In the past, I have dealt with the Government from a local authority angle. How much money is the Secretary of State actually making available, bearing in mind that it was said today the cost will be billions?

Sajid Javid: The hon. Gentleman will know that local authorities have rightly been taking account of the advice that has been issued by the expert panel, which is constantly updated as the panel gets new information. On the availability of money or financial flexibility, we are, as I said earlier, working with a number of local authorities.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I welcome the interim review. Dame Judith’s explanation to the media and the Select Committee today was very impressive. Will the Secretary of State tell us how many applications for the costs of cladding replacement and fire precautions, including fire marshals, have been registered with the first-tier tribunal by landlords and freeholders?

Sajid Javid: First, may I take the opportunity to thank the hon. Gentleman for the work that he does on the all-party group on fire safety and rescue? I also thank him for welcoming the report. He raises the issues of tribunals and leaseholders in relation to meeting the costs of building safety. I have made it clear that I expect private sector landlords to take the lead that has been shown by housing associations and local authorities. I have also increased the funding that is available from the Leasehold Advisory Service so that people can get proper advice.

Kate Green (Stretford and Urmston) (Lab): Local housing providers in my area tell me that there are now bottlenecks and delays both in accessing new cladding material and finding contractors to carry out the work. Can the Secretary of State say how quickly he thinks all properties can have new cladding if they need it, given that there are concerns about extra costs in relation to heating bills due to a lack of insulation if cladding has been removed, or for additional fire safety measures in the interim if it has not?

Sajid Javid: I reassure the hon. Lady that, right from the start of this terrible tragedy, when it was clear that a lot of cladding would have to be replaced, we worked very closely with the industry and the supply chain. That work has been led by the Department for Business, Energy and Industrial Strategy. I would be happy to write to her to provide further information.

Grahame Morris (Easington) (Lab): Since 2013 and the coroners’ reports into the Lakanhal House and Shirley Towers’ fires, it has been well established that our building regulations need to be overhauled. May I push the Secretary of State to elaborate on the details on page 13 of his statement and give a date by which the necessary changes to the building regulations will be made?

Sajid Javid: Part of me would love to give a specific date today, but the hon. Gentleman will understand that it would not be practical or sensible to do so. We must wait for the final report. In the meantime, there are interim measures that can be taken, including simplifying the guidance in Approved Document B, which we can start working on immediately. We will be able to give a date on the final overall changes to building regulations and building guidance only once we have the final report.
Mike Kane (Wythenshawe and Sale East) (Lab): This morning I met representatives of the Wythenshawe Community Housing Group, who estimate the cost of modifications to their blocks in my constituency at £6 million. If the Treasury allowed the works under the VAT shelter incentive, there would be a saving of £1.2 million. Are the Government considering that?

Sajid Javid: If I have heard the hon. Gentleman correctly, I believe that he is referring to a housing association. As I understand it, no housing association has approached the housing association regulator. If the housing association to which he refers wishes to do so, I am sure that it will be taken seriously.

Peter Kyle (Hove) (Lab): It was very good to hear the Secretary of State say in his statement that he was encouraging people to do the right thing and to hold to account those who try to cut corners. In order to do that, people need information. Does he agree with the call of my right hon. Friend the Member for Wentworth and Dearne (John Healey) that all fire test information needs to be made public from now on?

Sajid Javid: It is certainly worth looking at.

Jack Dromey (Birmingham, Erdington) (Lab) rose—

Chris Elmore (Ogmore) (Lab) rose—

Mr Speaker: Wow! What a difficult choice. I call Jack Dromey.

Jack Dromey: Six months on, despite the West Midlands Fire Service recommending the fitting of sprinklers, 10,000 households in 213 tower blocks in Birmingham are awaiting such action. The council has said that it will play its part, but as it is suffering the biggest cuts in local government history, it has looked to the Government to play their part. Nothing has been forthcoming. This cannot go on, so will the Secretary of State agree to meet Birmingham’s MPs and the tenants of tower blocks in Birmingham?

Sajid Javid: It is worth noting what Dame Judith said about sprinklers in her report. In summary, she recognises that a number of measures can be taken to improve the fire safety of buildings, but there is not any single one that is absolutely essential—advice must be taken about each particular building. With regard to Birmingham, as I have said about other councils, if it wishes to approach us about financial flexibilities, we will be happy to consider that.

Chris Elmore: I have raised the issue of combustible insulation with the Secretary of State before. I understand his Department’s focus on cladding, but may I plead with him again? When these buildings are de-cladded, their insulation is exposed and this can cause problems with flammability. What is he doing to investigate this?

Sajid Javid: The hon. Gentleman is right to raise that point. The expert panel has looked at the issue and covered it in its guidance. It continues to monitor the situation and, if necessary, it will update that guidance.

Paul Flynn (Newport West) (Lab): Was Dame Judith right this morning to say that the Government were told in 2010 that the regulations were “not fit for purpose”? If so, this is a catastrophic failure of not only regulations but politics. If we are to lift the anxiety of the tens of thousands of people living in the 165 blocks of flats that are still at risk, should not the Government’s action be not just inspection, but remedial action on a generous and swift basis?

Sajid Javid: I agree with the last bit of the hon. Gentleman’s remarks—any action we take should be as swift as possible.
Harassment in Public Life

5.46 pm

The Secretary of State for the Home Department (Amber Rudd): With permission, Mr Speaker, I would like to make a statement on the Government’s plan to tackle threats against MPs and harassment in public life.

I echo the Prime Minister’s view that threats of violence and intimidation are completely unacceptable and have no place in our politics. Everybody should be treated with tolerance, decency and respect. Which party an MP stands for, and how they choose to vote, campaign or present themselves, should not be met with vitriolic and disgusting messages suggesting they should be “hung in public”, “get what’s coming” to them or, perhaps most unacceptably of all, that their unborn child should “die”. Across this Chamber, we have much to disagree on, but I know we are agreed on this matter. Everyone in this House condemns particularly the abuse and harassment received by the right hon. Member for Hackney North and Stoke Newington (Ms Abbott); she has our entire support as we do so.

We cannot reach a situation in which people are put off from expressing their views, and engaging in debate or politics in the first place, because of fears of being targeted. Indeed, people being able to freely express their views is essential for our democracy. And it is not just those in politics who are being abused and threatened. Celebrities and other public figures often find themselves at the receiving end of the most horrific abuse. Even those who end up inadvertently in the public eye are being targeted. For instance, online trolls aimed vile and upsetting abuse at the victims of the London and Manchester terror attacks.

Although intimidation, abuse and harassment are nothing new, social media has provided those who wish to abuse others with greater opportunities to do so. The internet is more often than not a force for good, but it can also be a frightening and toxic place, and we know that abuse, misogyny and racism are found on social media platforms. Online abuse can cause stress, anxiety and even panic attacks.

I welcome the report of the Committee on Standards in Public Life on intimidation in public life, and I thank the committee for its thorough consideration. It was asked to undertake the review in the light of abuse experienced by parliamentary candidates—including those who stood in the 2017 general election campaign—that was highlighted by those across the political spectrum. The report provides a body of evidence showing the extent and nature of the problem, as well as the risks to freedom of speech and to diversity in public life if action is not taken. The report demonstrates that a significant proportion of candidates in the 2017 general election experienced harassment, abuse and intimidation, and that the widespread use of social media platforms is the most significant factor driving the behaviour that we are seeing. Worryingly, this is already affecting the ways in which MPs are relating to their constituents, and has put off candidates who would otherwise want to stand for public office.

The report makes recommendations for Government, political parties, social media companies, the media, law enforcement and everyone in public life. This reflects the fact that tackling abuse is a joint responsibility. We will consider the recommendations in detail, and we will respond to them in due course, but I would like to take the opportunity today to set out what the Government are already doing to address harassment in public life.

Online abusers, or trolls as they are sometimes known, believe that they can act with impunity and that there are no consequences for their actions. I am clear that that is not the case. The law does not differentiate between criminal offences committed on social media or committed anywhere else.

We already have robust legislation in place to deal with internet trolls, cyber-stalking, harassment and perpetrators of grossly offensive, obscene or menacing behaviour. Effective laws need effective enforcement, and that is why we are also working to strengthen the criminal justice response to these issues to ensure that those who break the law online are brought to justice. The Crown Prosecution Service recently revised its guidelines on social media to incorporate new and emerging crimes that are being committed online. It also reiterates and clarifies that offences committed online invite the same consequences as those committed offline.

We are working to improve the response from law enforcement agencies. We know that local forces need to get better at investigating digital crimes, and we are investing nearly £17 million through the police transformation fund to meet the challenges we face in the digital era. That includes providing the police with better capabilities to investigate online crimes.

We have provided funding for a new national hub to tackle the emerging threat of online hate crime. The hub, run by police officers, will work to ensure that online cases are managed more effectively and efficiently, providing better support for victims and streamlining the process for frontline police officers.

The Committee on Standards in Public Life particularly highlighted the role that social media has had in the proliferation of abuse and harassment in public life, and we are taking clear action to make the UK the safest place to go online. In October, we published the internet safety strategy Green Paper, which sets out a high level of ambition for how everyone must play a role in tackling online harms.

One of the things we have consulted on is the introduction of transparency reporting for social media companies. This means that social media companies will be expected to publish information about what reports they are receiving on harmful content and to set out how they have responded. This will provide us with the information we need to better understand who is being targeted and what the nature of the behaviour is so that we might better respond to this growing problem. We have also committed to establishing a code of practice for social media companies, which will set out what they should do about harmful or inappropriate conduct taking place on their platforms.

I know that it can be a frightening thing to be on the receiving end of a threat, but I want to reassure Members of the House that arrangements are in place to ensure their safety. MPs’ security is the responsibility of the Parliamentary Security Department, which works closely with the police to ensure that appropriate security measures are in place. They provide personal security advice and guidance, and there is a package of security measures available for homes and constituency offices.
It is completely unacceptable that torrents of abuse and threats are directed at public figures. People being abused for their views, their work or simply who they are will never be allowed to become the new normal. Each gruesome threat is a reminder that there is a dark, unpleasant underbelly of our society—that there is a small minority who bully and demean for entertainment and out of malice. We must make it clear at every opportunity that this sort of behaviour is not acceptable and that it is the responsibility of everyone to call it out and to work together to protect our democracy and to ensure that we retain healthy public debate on the issues that matter to us.

Harassment and abuse are problems that reach beyond political divides, beyond organisational boundaries and beyond the public sector, and the recommendations by the Committee on Standards in Public Life reflect that. One of the key recommendations is for public leaders to call out and condemn this behaviour where it occurs, and my statement here today demonstrates this Government’s commitment to do just that. I commend the statement to the House.

5.54 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Does the Home Secretary agree that vigorous debate and insults have been a feature of political life in this country for centuries? It was the distinguished Conservative politician Benjamin Disraeli who described the smile of his opponent Robert Peel as resembling “the silver fittings on a coffin.”

But does she also agree that the abuse and harassment of recent years is qualitatively different? It is partly the sheer volume, which is facilitated by social media. Nobody who has sat at home and seen literally hundreds of abusive tweets flood their timeline can underestimate the psychological pressure these things put on us all. But it is also the brutal sexism and racism, together with threats of rape and violence, which are a world away from the studied insults of the Victorian House of Commons. And, of course, there was the murder of our colleague Jo Cox.

The Home Secretary will be aware that I have some knowledge of these matters, as fully 45% of this abuse on Twitter in the run-up to the last general election was directed at me. Does she agree, however, that it is unhelpful to suggest that abuse and harassment are the sole preserve of any particular political party or any faction of a political party?

Social media companies have a role to play. They are quick to take down material that is in breach of copyright; they need to be made to react as quickly to offensive material and material that incites hatred or even violence. If necessary, a system of punitive fines should be put in place.

But mainstream media also have a role to play. When politicians get death threats as a result of how they vote in this House, that is not the primary responsibility of social media companies; if anyone is responsible, it is the headline writers who accuse judges of being enemies of the people, and elected Members of Parliament of being mutineers and saboteurs, when all they are doing is exercising their civil right to cast their vote in the House of Commons.

Political parties also have a role to play. All parties should be wary of attack ads, posters, Facebook advertising and political narratives that implicitly target particular politicians on the basis of race, colour and creed. That would be the lowest form of dog-whistle politics.

When people online use the N word, and when they use racist, homophobic, misogynistic, anti-Semitic or anti-Muslim language, that is not acceptable. Threats, and the use of memes of people being hanged or targeted in crosshairs, against any party or public official, from whatever quarter, are equally unacceptable. However, Opposition Members believe that the knee-jerk reaction to every problem cannot be yet more legislation. There are laws against abuse, threats and violence, and before we consider fresh legislation, these existing laws need to be properly enforced against every perpetrator and to defend every victim. In particular, Opposition Members query whether there needs to be special legislation for people in public life. Abuse and harassment are not acceptable for anyone.

Finally, does the Home Secretary agree that we need to deal with this acknowledged crisis of abuse for the sake not just of those of us who are currently Members of this House but of young people who might be considering a career in public life but are rightly horrified by current levels of abuse?

Amber Rudd: I find much to agree with in the right hon. Lady’s comments. To start with her final one, that is such an important point. This is not just about the Members of Parliament who are sitting here. We are none of us wallflowers or made of glass. We expect scrutiny, but we do not expect, and nor should we receive, the sorts of threats that some of my colleagues and some of hers have received—it is completely unacceptable. However, it goes wider than that. Other people considering a life in the public arena will look at us and hear about some of the abuse that we have received, and it will put them off. That is unacceptable as well. This has a much further, wider reach than just the MPs who are here. That is why it is so important that her party and mine are so clear that it is unacceptable and that we will call it out.

As the right hon. Lady rightly says, there is a tradition of debate in this place. Some of it can verge on the rude, but there is no need for it to verge towards and over the threshold of actually being threatening. I agree that there is no need to single out an individual source. She particularly names a political party. Other colleagues may have a view on that. We must be clear that the real attackers here—the villains in this particular area—are the people who write and deliver these attacks. Some of my colleagues, like, I am sure, some of hers, have received those attacks not online but through the postal or through telephone communication. This is all unacceptable, and we will always call it out.

Several hon. Members rose—

Mr Speaker: Order. In a bid to accommodate colleagues on this very important matter, may I appeal to Members for brevity, and to those who arrived late not to expect to be called?

Anna Soubry (Broxtowe) (Con): Thank you, Mr Speaker, for the support that you have given to some of us who in recent days have had particular death threats and abuse because of—as has been identified by both the shadow
Home Secretary and the Home Secretary—newspaper comments. I am not going to go into them at length; others can talk about that. My question to the Home Secretary is quite specific.

You, Mr Speaker, have seen quite clearly, in the two dossiers that I have presented to you, a link between a Secretary is quite specific. Others can talk about that. My question to the Home Secretary and the Home Secretary—newspaper comments. I am not going to go into them at length; others can talk about that. My question to the Home Secretary is quite specific.

You, Mr Speaker, have seen quite clearly, in the two dossiers that I have presented to you, a link between a Secretary is quite specific. Others can talk about that. My question to the Home Secretary is quite specific.

I commend the Home Secretary for her statement. She says that we have to call this out, and she is right. I am an old journalist as well as an old barrister. I believe in freedom of the press, but everybody has a responsibility not to incite abuse and death threats. Will the Home Secretary help us with any thoughts and plans that she might have as to how we get a more responsible press that understands its role and its public duty in doing the right thing by everybody?

Amber Rudd: My right hon. Friend speaks with such clarity from her personal experience. She has shared with me copies of some of the threats that she received, and they are truly appalling. I modestly pay tribute to her strength of character and ability to stand up and to continue to fight her case, for which I have enormous respect. Given that everybody knows the level of abuse that is taking place towards MPs and more widely in public life, everybody should consider very carefully the language that they use so that it does not incite the sort of activity of which we have seen too much, and to which there is such a high cost, not only to the individuals involved but, as has been stated, to the enthusiasm of other people to join us in public life. We need to think very carefully about the type of language that is used in order not to give succour to the type of violence that can follow.

Joanna Cherry (Edinburgh South West) (SNP): On behalf of the Scottish National party, I welcome this timely report on intimidation in public life. The report highlights how minority religious groups and ethnic groups, women and LBT women experience the highest levels of abuse. Research published recently by Amnesty International found that in the period 1 January to 8 June, female Members of Parliament from all parties were sent more than 25,000 abusive messages on Twitter. As has been said, the right hon. Member for Hackney North and Stoke Newington (Ms Abbott) received by far the greatest share of that abuse. I pay tribute to her for the courage that she displays in continuing in the face of it.

Researchers had to set the right hon. Lady’s results to one side in order to provide analysis of the abuse that the rest of us were receiving. The research revealed that I was the second most abused female MP in this House during that period. I can tell the House that the daily diet of sexist, homophobic and anti-Catholic abuse that I receive on Twitter not only wears me down but has a serious effect on my family and my loved ones. I have no doubt that the abuse that we all receive is designed to intimidate us and prevent us from speaking out. We saw that at its zenith last week when people who had dared to vote in line with their conscience were attacked. I pay tribute to the right hon. Member for Broxtowe (Anna Soubry) for calling out some newspapers in this respect. It is an attack on democracy.

Will the Home Secretary confirm that she will not only consider the terms of this report carefully but take action? Deadlines for action on some of the recommendations are set out in the report. Will she set up some sort of monitoring process to tell us whether the Government are acting and on which recommendations, and to track their actions?

There is a real issue about discrimination against women discouraging young women, women of colour, women of religious or ethnic minorities, LBTI women, and women with disabilities from entering politics. Will the Home Secretary reassure me that action will be taken to make sure that these young women are not put off from entering this House or, indeed, any of the other Parliaments in these islands?

Amber Rudd: I thank the hon. and learned Lady for her constructive comments. By being here to make those points and to stand up against the harassment, she is herself a great example that I hope other women will be inspired to follow. It is so important for other women to have these sorts of role models who have the courage of their convictions to stand up and oppose the abuse, and to say how they will attack it.

The Government have just received the publication. We will look carefully at its recommendations, which are varied. I share some of the concerns raised by the right hon. Member for Hackney North and Stoke Newington (Ms Abbott) about whether additional legislation is required for people in public life. I share her view that people in public life should not necessarily have additional coverage, because all abuse is unwelcome, but we do not yet rule out legislation. I would welcome an early conversation with her, and with the hon. and learned Member for Edinburgh South West (Joanna Cherry), to discuss that. The hon. and learned Lady made the very important point that, in a bid to increase diversity in this House, we have an extra duty to combat this abuse.

Mr Dominic Grieve (Beaconsfield) (Con): We are not exactly shrinking violets in this House, and I think that most of us are perfectly capable of engaging in robust debate. I have to say, however, that I have been shocked by the level of vitriolic abuse that I have received in the past week, and shocked also to realise that actually this is the new normal for large numbers of Members of this House—a sort of hidden unpleasantness that dominates our lives. I am concerned that, while undoubtedly some of it comes from people who may be a little unhinged, the stimulus for it undoubtedly, as has been suggested, comes from some sections of the national media choosing to report the politics of this country in a way that is designed to entertain but also to intimidate. This is all the more remarkable because when, about a year ago, I criticised one national newspaper, the Daily Mail, for its attack on the judiciary over article 50, its response was to threaten to sue me for libel.

One really has to wonder how this extraordinary unpleasantness has crept in. I think that the Home Secretary may agree that we are going to have to stand
up for decency in public discourse and face this down. If we do it collectively, then we do not need to change the law—we can prosecute those who cross the boundary. Then we may be able to face down what seems to me to be a deeply unpleasant phenomenon in our society at present.

Amber Rudd: I share the view of my right hon. and learned Friend that this must not be allowed to become the new normal. That is why I am here to make this statement. It is also why so many colleagues across the House—and you, Mr Speaker—feel so strongly about this issue. Let us make this a tipping point where we call it out and say “No more”. We in the Government will take action. We have set out elements of the action that is already being taken. We have the Committee’s recommendations, and we will look carefully at them. I will certainly join my right hon. and learned Friend in making sure that we call this out and ask for a new type of behaviour, so that colleagues do not receive the sort of intimidation that they have experienced.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I fully endorse the words of my right hon. friend the shadow Home Secretary. I thank the Home Secretary for her statement, but I want to press her on the question of death threats to MPs because of how they voted in last week’s debate. Does she agree that we have a proper debate on the Front Bench teams are managed, and the way in which party leaders allow their campaigners to operate, conduct campaigns and put material on social media all contribute to how people see our politics and our democracy. It will put people off going into public life if the Members in this House today do not call out such unacceptable abuse every time they see it unfolding online or in the press.

Amber Rudd: My right hon. Friend’s question follows on from that asked by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I agree that we must call out such abuse and not allow it to become the new normal.

My right hon. Friend makes a particular point about the past 10 days or so, during which I know several colleagues have received a particularly large number of nasty threats and attacks. I point out to her that a number of colleagues have experienced such levels of intimidation and threat for a much longer period. I know that because those colleagues have approached me, or because I have heard about them approaching their own chief of police to report threats and request additional security, not only for themselves but sometimes for their staff. This has not just happened in the past few weeks; it happened more than a year ago, and in some cases two years ago. We must not simply accept that such abuse is part of the life of an MP. It is not acceptable, and now is the time for us to call it out and make the necessary changes together.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): We all believe in passion in politics, as well as in disagreement and argument, but when that passion turns to poison, it can undermine democracy itself. I welcome the Home Secretary’s statement and strongly support the strength and the words of the shadow Home Secretary. We will be hearing in the Home Affairs Committee tomorrow from Google, Facebook and Twitter about the further action we want them to take to tackle online abuse; they have all been urged to do more.

Yvette Cooper: I also welcome Twitter’s statement today about taking into online abuse, which she is taking forward tomorrow. I welcome the right hon. Lady’s inquiry into online abuse, which she is taking forward tomorrow. I also welcome Twitter’s statement today about taking...
down a number of particularly hateful accounts; it shows that action is being taken. Google has announced that it will be publishing transparency reports. At least action is being taken in an area that has, I know, caused a great deal of harm and concern to very many of us.

I repeat that I believe that the real issue is the attackers, who are potentially launching their hate and abuse. As far as the media are concerned, it covers not just national newspapers but internet companies, commentators and television. I hope and expect that the level of discourse here today, and further in response to the Committee’s investigations, will start to engage them; and that they will notice that their language must reflect the fact that MPs are beginning to talk about hate threats and threats of violence as the new normal. We need their assistance to step down from that.

Antoinette Sandbach (Eddsisbury) (Con): Like many of my colleagues, last week I was subjected to hundreds and hundreds of emails, many of which were abusive. The situation was not helped by Members calling for deselections. There is a clear link between abuse and certain parts of particular political parties calling for deselection. Will the Home Secretary condemn that linkage and work across this House to ensure that Members, who are democratically elected by their constituents, can stand here, speak for their constituents and vote in accordance with their conscience without such threats hanging over them?

Amber Rudd: The hon. Gentleman raises such an important point. It is tragic to hear about the attacks on him, so I am pleased that he has had the opportunity to put them on the record. I hope that we will start to turn this around, and I wholly agree with him that we need to see more action from communications service providers. As I have said, I am delighted that the Home Affairs Committee is playing its part, and we in the Government will certainly play our part in making sure that they do more, act faster and go further to protect everybody.

Sir Hugo Swire (East Devon) (Con): May I add my congratulations to Lord Bew on presiding over a typically balanced and well researched piece of work? When some time ago I asked my right hon. Friend’s then ministerial colleague, my hon. Friend the Member for Truro and Falmouth (Sarah Newton), what the figures for successful hate crime prosecutions were, she said that she did not have the figures to hand at the time. Although I very much welcome the tone of my right hon. Friend’s statement about looking again at the Crown Prosecution Service’s guidance and about more funding for local police forces to investigate digital crimes in particular, will she reassure me that both the CPS and police forces nationally and locally will take this more seriously and that we will see some successful prosecutions to warn off others who would follow in their wake?

Amber Rudd: My right hon. Friend raises such an important point. Part of addressing hate on social media is about preventing it, but we also need to make sure that we pursue people and get convictions. I am pleased to say that CPS prosecutions for online hate crime are up 68% in the past three years, and we are ensuring we have a programme of work in place to improve police forces’ digital capability. I hope that he will feel that we are addressing this, but there is obviously more to do.

Chuka Umunna (Streatham) (Lab): I believe something very dangerous is going on in our country. As the hon. Member for Eddsbury (Antoinette Sandbach) said, it is being perpetrated, unfortunately, by some Members, certainly by members of other bodies and definitely by elements of our media. What they do is to imply to varying degrees that if Brexit—there is undoubtedly a link to that issue—is not delivered in certain terms, there will be violence. For example, the leading UKIP MEP Nigel Farage said at a dinner earlier this year that if Brexit was not delivered to his satisfaction he would be “forced to don khaki” and to “pick up a rifle”. Does the Home Secretary agree that this type of talk, whether said in jest or otherwise, is totally and utterly unacceptable because the effect is to justify violence when under no circumstances would it ever be acceptable?

May I just press the Home Secretary again about the fact that there is no doubt that The Daily Telegraph and the Daily Mail have a particular role to play, given their disgusting equivalents of wanted lists on their front pages? What is she doing to engage with those publications in particular?

Amber Rudd: The most important point that the hon. Gentleman makes is about language. I completely agree with him that the language that was used by Nigel Farage, as he described, is the sort of inciting language that is completely unwelcome in an environment where
we are trying to protect not just MPs, but anybody in public office and the people who will come after them. I urge media companies—online and offline—to consider that very carefully, because of the atmosphere in which some of these debates are taking place.

Dr Sarah Wollaston (Totnes) (Con): Sadly, abuse and intimidation are directed not just against those in public life, but against their families and those who work alongside them. I am sure the whole House will want to join me in paying tribute to our amazing teams in our constituency and parliamentary offices—in my case, Nina Smith, Lucy Mannion and Daragh Quinn—who deal with people with unfailing courtesy and respect. It is a great shame that, after I am targeted as a traitor by organisations such as the Daily Mail, the extent of the abusive calls is unfortunately so great that I have to ask them to work from home, and that when Members listen to this stuff—when we go in and work alongside them the next day—we find that it is truly shocking and unacceptable.

Amber Rudd: I thank my hon. Friend for making such an important point. It is for us all to remember that our staff—they are the frontline—so often have to deal with these abusive phone calls, and they do such a fantastic job in usually protecting us from them, but they often have to deal with a torrent of abuse. Yes, I completely share her view, and I wholeheartedly endorse what she says about the people who work for her, as I do about everybody whose staff working for them put up with a level of abuse that we all have to endure.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): On behalf of my party, I warmly—I repeat, warmly—welcome what the Home Secretary has said to us today. May I suggest that one way to help to tackle this problem would be to redouble our efforts in teaching about democracy, and teaching about debate and the courtesy of debate, in our schools the length and breadth of the United Kingdom?

Amber Rudd: That is a very interesting point. I believe that the coarsening of debate in the political environment has led to the acceleration of this, and I will certainly pass on that point to the Department for Education.

Mr Philip Hollobone (Kettering) (Con): I am beginning to think that it is almost impossible to mix politics with Facebook and Twitter. These platforms are just made for anonymous abuse, and they do not contribute to modern civilisation. They encourage people to instant outrage, because they have to react immediately, without any pause for reflective thought. There is just an automatic direction towards abusing somebody, rather than towards debating, discussing and, importantly, listening because these platforms are for the transmission not the receipt of ideas. To my mind, they do not enhance our democracy in any way at national level, but also, importantly, they do not do so in relation to local councillors at local level.

Amber Rudd: My hon. Friend makes such an important point. That is largely, but not exclusively, where a lot of the hate comes from. For my own part, I no longer look at my Twitter timeline, but I know that plenty of people, particularly younger people, live online and they should not be put off coming into public life because they would then be expected not to engage on Facebook or Twitter. We must have an environment in which such people can continue to engage in their normal communications and go into public life if they choose to do so.

Catherine West (Hornsey and Wood Green) (Lab): Will the Home Secretary join me in condemning the behaviour in my constituency this weekend of an individual attending the William Hill darts championship who got dressed up as the shadow Home Secretary, put that on Twitter, and began making insults and using racist and demeaning language? Is the Home Secretary pleased, as I am, that the venue in my constituency was able to eject the individual and that we have robust approaches to dealing with this? Will she condemn it, and will she perhaps look again at whether we can do anything more in relation to licensing to ensure that, at sporting events and in entertainment venues, we are doing all we can to clamp down on racism or disgusting and demeaning behaviour to those in public life?

Amber Rudd: I wholeheartedly condemn that. It sounds as though it was dealt with appropriately, so I commend the officers engaged with and delivering on that. If the hon. Lady felt that we should be doing anything in addition, I would welcome an early appointment with her, so that she can tell me what that is. I urge her to have a look at the recent report from Lord Bew to see whether anything should be added.

Alec Shelbrooke (Elmet and Rothwell) (Con): The difference between social media and the printed media is the anonymity factor. Will my right hon. Friend listen very carefully to the investigation about what can be done that is being undertaken by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper)? At the end of the day, social media is becoming a cancer in our society, but the people who own and run it can actually be the surgeons who remove that cancer. They need to be encouraged to do so, because we will otherwise disengage from social media and have a lack of democratic accountability, which would be a pity.

Amber Rudd: Yes, I agree with my hon. Friend. We cannot have a situation in which people are expected to disengage from social media to avoid the abuse. As I have said, I am delighted that the Home Affairs Committee is taking this forward as well.

Angela Smith (Penistone and Stocksbridge) (Lab): It appeared during those terrible days following the murder of Jo Cox—16 June 2016—that the politics of hope and unity would triumph over the politics of division and hatred, but, sadly, we were wrong and we are now in a much worse place than we were at that moment. The intimidation is not just from anonymous people on Twitter, but even between colleagues attacking each other in this place—my heart goes out to those who were attacked last week—and division between those on Government and Opposition Benches, although I consider friendship to be above politics, as well as from our councillors and some of our party members. Will the Home Secretary ensure that any action taken includes consideration of the need for our political parties to understand that intimidation and abuse from Members is as bad as intimidation and abuse from anywhere else?

Amber Rudd: The hon. Lady raises a very important point in an appropriate and delicate way, but I think everybody knows exactly what she is highlighting. I share
her views. We need to clean up our own houses as well as working across houses. I hope that her party, as well as mine, will listen carefully to the points she raises.

**Simon Hart** (Carmarthen West and South Pembrokeshire) (Con): On that point, the Committee on Standards in Public Life, of which I am a member, reported in some detail on party leadership. It strikes me that simply calling out bad behaviour may be going nothing like far enough, so will the Home Secretary, at least on behalf of our party, assure us that not only will offending activists and third parties be brought to book, but it will be done in a public and robust manner?

**Amber Rudd**: My hon. Friend is quite right. May I take this opportunity to thank him for his work on the Committee on Standards in Public Life and to thank Lord Bew for his leadership in delivering the report, which makes a number of recommendations? I may talk delicately across the Floor of the House with the hon. Member for Penistone and Stocksbridge (Angela Smith), but there are some very clear recommendations in the report and some very hard-hitting points. I urge everybody to ensure that their party leaders are held to account and deliver on those.

**Jim Shannon** (Strangford) (DUP): I thank the Home Secretary for her statement and the firmness of her response. Will she outline what protection and support there is for staff in constituency offices, bearing in mind that they can be accosted by constituents regarding casework in their personal time, and can be subject to verbal and sometimes physical abuse?

**Amber Rudd**: The hon. Gentleman is absolutely right. As my hon. Friend the Member for Totnes (Dr Wollaston) commented, the staff in our offices are often on the frontline of this abuse. We have to make sure that they are protected. This is not just about us; it is about a wider group of public servants, such as our staff. I agree with him that it is equally important to protect them. I hope that if he looks at the report, he will see that that point is addressed, but if he has further concerns he should come and talk to me about them.

**Rebecca Pow** (Taunton Deane) (Con): I will pick up on a point that was made from the Opposition Benches. Where do our children learn to trust? Where do they learn what is right, what is wrong and what is acceptable behaviour? I honestly think that we have to deal in our education system and in our schools with the issue of social media and how we conduct ourselves as citizens, because what is happening now is truly unacceptable in so many cases.

**Amber Rudd**: My hon. Friend is right. In citizenship classes, there is an online element that I would expect to be covered. That point has been made by other Members, and I will ensure that the Department for Education hears it. I think that our children hear about what is acceptable when they hear people like us calling things out, saying, “No more,” insisting that this is the end of such abuse, and saying that we will take action. It is by example that they learn.

**Chris Bryant** (Rhondda) (Lab): Mr Speaker, the first thing you did as Speaker, as is required, was to go to the House of Lords and demand the traditional privileges of this House. At the top of that list is freedom of speech. We should be able to speak our mind without fear or favour and, for that matter, to vote without fear or favour. What we have seen over the past week is a deliberate attempt to humiliate, to bully, to intimidate and to prevent people from doing what is their democratic right. We will not be a Parliament—we will not be a free Parliament—if we continue to allow that to go on.

The worst of it is that there is a concatenation here. Yes, the newspapers, with the authority they have, are putting horrible stories on their front pages and effectively lining people up as if they should be politically shot. An amplification then goes on through social media. But there are also international actors involved in this. There are Russian bots deliberately seeking to intimidate Members of this Parliament.

I do not believe for a single instant that the Government are taking this seriously enough. At the beginning of my time in Parliament, I might have got one death threat a year; it is now one death threat a week and several a month. Until we see real action—until I know that a police officer will one day ring me back and say, “We have done something about it. That person is going to prison,”—I honestly will not believe that the Government really know what is going on out there.

**Amber Rudd**: Let us make that change ourselves. Let us make sure that our voice is heard clearly, loudly and effectively. Let us say that this is the point at which we will make those changes. We have made it clear that the sorts of activities the hon. Gentleman describes are illegal online, as they are offline, and I would expect them to be reported. We are seeing prosecutions by the CPS, and the police are taking it seriously and are much better trained on digital evidence. I would expect that to start to make a difference.

**Mark Menzies** (Fylde) (Con): I welcome the sentiments of the Home Secretary and what she has said today, but when it comes to social media, the time for pussyfooting is over. These are multibillion-pound companies that have the resource to tackle this issue if they want to. What is the Home Secretary doing to tackle those who hide behind anonymous accounts, making it very hard to close them down and to pursue them through the courts? That is something that she should be tackling with the social media companies.

**Amber Rudd**: I say to my hon. Friend that there is no pussyfooting on this side of the House. We are determined to ensure that the social media companies are held to account. As I said earlier, we are pleased that Google has announced that it will publish transparency reports. Twitter has taken action. It is not enough, but it is an important step in an area that we care about so much. We need to make sure that the people who do these sorts of things and make these sorts of posts are held accountable. We will achieve that by leaning into the social media companies.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): The Government regularly state that what is illegal in the real world is also illegal in the virtual world. Effective laws need effective enforcement, yet the Home Office has allocated only £200,000 to the online hate crime hub. Now that exercising the sovereignty of this House
is resulting in death threats, will the Government make sufficient financial resources available to protect all victims?

Amber Rudd: The hon. Lady has drawn attention to one element of our strategy—the online hate hub, which is staffed by police officers who centralise and act on reports of hate—but that is by no means the only activity. The CPS has increased the number of prosecutions by 68% over the past three years and we have put £17 million from the police transformation fund into proper engagement with different police forces to ensure that they have the right skills for the digital recording of the evidence. I reassure the hon. Lady that the online hate hub is only one part of a strategy and we will take action.

Amber Rudd: What I would like to say is that the people to blame are the people making the threats and the attacks. It is not just about one media channel, but the whole arena. It is about making sure that we all call out the language. The hon. Lady may have one particular target and other MPs may have different particular candidates they want to call out, but I am very clear that any use of that sort of language to denigrate MPs can lead to the sorts of attacks that should not take place.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank Lord Bew for a very robust report. Having experienced death threats and a campaign of sustained harassment towards me, my family and my excellent staff, I note that the report indicates that political parties must show leadership and do something that perhaps does not come naturally: work together and enforce a code of conduct for Members. How does the Home Secretary see that going forward, and does she have a timeframe for taking that very important step?

Amber Rudd: I thank the hon. Lady for her comments. I know she, like us, feels very strongly about this. It is a very good report and there is a lot for us to do. It calls for party leaders to call this out and to take action. I am standing here making sure that I reassure Members that we will be taking action. There are a number of different particular items. One we have not discussed today is additional legislation for people in public life. We have agreed to look at that, but we are not yet convinced that it needs to be done. I will certainly come back to her before deciding whether to go forward with it.

Sarah Champion (Rotherham) (Lab): I am sure that everybody in this House recognises that the abuse and intimidation, mainly online, faced by people in public office is replicated and symptomatic of what is happening across the country, including to children. I welcome the Department for Education bringing in relationship education to teach children to respect themselves and others, but will the Home Secretary commit to extra resources for police, not just for training but so they can protect and prosecute?

Amber Rudd: We have put £17 million of resources from the police transformation fund to support the police, so they can have the tools they need to collect evidence when there are online threats. We will always make sure that the police have sufficient resources to do their jobs.

Christian Matheson (City of Chester) (Lab): In welcoming the Home Secretary’s statement, may I press her on this idea of focusing on the attackers? Just as a clockwork mouse will only scamper across the floor if it is wound up, so some of these keyboard warriors will only take to their computers if they are incited by billionaire tax-dodging newspaper owners—or their editors. Does the Home Secretary accept that there is an element of incitement in some of the shocking newspaper headlines and that that incitement corrodes the quality of our democracy?

Amber Rudd: The hon. Gentleman refers to the language used. The point I have made in my statement and in answer to questions is that we should all—media companies, too—consider very carefully the sort of language used in our debates. I would also ask him to consider very
carefully some of the language used by those on the shadow Front Bench about some of my fellow MPs on the Government Benches. We have to be very careful about the type of language used, not just by media companies but by individuals in this House.

Ian Paisley (North Antrim) (DUP): I welcome the Home Secretary’s comments about language. It was not social media that made, carried or celebrated a massive banner at the Gay Pride celebrations in Trafalgar Square this summer proclaiming—I spell out the word—“F-u-c-k the DUP”, but an identifiable individual, reported to the CPS and the Metropolitan police, whom I could name but will not. The report referred to by the Home Secretary claims:

“We are persuaded that the CPS guidelines are reasonable and proportionate.”

The fact of the matter is that if such a banner was carried in any other jurisdiction of the United Kingdom that person would have met the test and would have been prosecuted and probably fined. I hope the Home Secretary will consider legislative change to lower the threshold, so such crimes can be dealt with properly by the police and the CPS. I hope she will also consider an additional tariff on a person’s sentence if a public representative is attacked verbally or abused physically.

Amber Rudd: I am not familiar with the individual case the hon. Gentleman raises, but if he would like to write to me about it I will certainly look at his recommendation. It is interesting to hear his view about the requirement for additional legislation. No doubt we will be looking at that when we consider the Committee’s responses.

Chris Elmore (Ogmore) (Lab): Mr Speaker, you will be aware that I joined this House in May 2016 after a by-election. Before that election, newspaper articles claimed that I did not live at the address I did live at. Despite the Labour party offering proof, without doubt, that I lived at my home address, articles were run saying I did not live there. After my election, I received countless numbers of tweets from people saying they were looking through my lounge windows to see how my furniture was laid out. I lied to my partner—she now knows this—when I referred that to the police, because I was terrified she would want to move out of our home.

I was a councillor for 10 years and I had to move because my address was public when I sought election. I have asked the Home Secretary whether she could change it so that councillors receive the same protection as MPs. I had to move because constituents put dog excrement through my door. This behaviour is not just linked to MPs, but to councillors too. May I also ask that by-election candidates, with all the scrutiny they receive from the written and social media, are given support, particularly if they are then elected to this House and have never experienced that type of abuse before?

Amber Rudd: I am very sorry to hear that horrific and hateful personal example from the hon. Gentleman. It must have been very distressing for him and his family. We have changed the rules so that candidates no longer have to put out their home address when they stand for election, but I will certainly look at that. I would be grateful if he sent me a note about it.

Peter Kyle (Hove) (Lab): The most common question I get asked by young people these days is, “How do you put up with all the abuse?” I know the Home Secretary will find that as heartbreakingly as I do. Young people know that a corruption has entered our politics, whereby people now believe that if somebody honestly disagrees with them they are unprincipled. As soon as we accept the principle that somebody is unprincipled simply for disagreeing, that opens the door to all sorts of really bad behaviour. This cannot be tackled purely with legislation. What can we do to drive this notion out of our body politic?

Amber Rudd: I wholeheartedly agree with the hon. Gentleman. When I visit schools or universities, I too get exactly the same question: “How can you put up with this abuse?” That is why it is so important for us to call it out. He asks what we can do and I urge him to look at the report. But it is not enough to just act on the report, which we will, or to consider additional legislation, which we may. We all have to make sure that we call it out often and firmly. Sometimes it is difficult when people come after us and we think that this is the role of a Member of Parliament. But no, it is not just about that.

[Interruption] I am getting a certain amount of heckling, Mr Speaker. I referred earlier to somebody from the Labour party. I just remind hon. Members that another person who needs calling out is the right hon. Member for Hayes and Harlington (John McDonnell).

Martin Whitfield (East Lothian) (Lab): The Government have rightly said that offences online are the same as offences offline, and that the punishment should be the same. Is the media vehicle carrying such offences not as responsible as the driver of a bank robber?

Amber Rudd: That is exactly an area we are continuing to look at, and which the Home Affairs Committee is looking at, and where we are starting to see some real action. It is not enough. We want to go further and faster, but it is a start.

Gavin Robinson (Belfast East) (DUP): As the DUP’s home affairs spokesman, I say gently that this evening’s statement would have been stronger if Members had been less selective in their condemnation of political commentary and abuse. Just today, I received notification from a local PSNI inspector in east Belfast that abuse reported to him could not be progressed because Twitter does not comply or engage unless there is an imminent threat to life. In reflecting on legislative provisions, will the Home Secretary ensure that this frustration and the failure to engage with authorities in Northern Ireland and throughout the United Kingdom is dealt with appropriately?

Amber Rudd: I thank the hon. Gentleman for his contribution. It is distressing to hear that example, because we are beginning to see some progress from Twitter. If he would like to write to me about that particular example, I will certainly take a look at it. Abuse online is not only just as unwelcome but just as illegal as abuse offline.

Mr Speaker: Order. I thank the Home Secretary for her statement, the shadow Home Secretary for her response and all hon. and right hon. Members for their remarks this afternoon.
Let us be absolutely clear: making death threats or other threats of violence will always, everywhere, without exception, be wrong. In a political context, making death threats or other threats of violence against people on grounds of their views is, whether the authors know it or not, a kind of fascism that must be explicitly and unequivocally denounced. Today, thankfully—and I am extremely grateful to colleagues across the party divide from the highest level—it has been.

You will hear me, as your Speaker, call Divisions. The hon. Member for Rhondda (Chris Bryant) referred to the freedoms of this place, and when the Chair calls Divisions the Chair is calling on hon. and right hon. Members to vote as they think fit, and I am confident that that is what all of you—if I may speak to you very personally—do. How you vote is always a matter for you and not for me, but you must be conscious, as I am sure you are, of your duty in this matter. I want, in the light of what has been said and of the experiences of some of my colleagues in recent days, simply to conclude by saying that in voting as you think fit on any political issue, you as Members of Parliament are never mutineers. You are never traitors. You are never malcontents. You are never enemies of the people. You are dedicated, hard-working, committed public servants doing what you believe to be right for this country. If there are people who cannot understand that basic concept of principled conduct, perhaps they need help to ensure that in future they do.

Finance (No. 2) Bill
(Clauses 8, 33, 40 and 41, Schedules 9 and 11 and certain new Clauses and Schedules)
[1ST ALLOCATED DAY]
Considered in Committee.

[Mrs Eleanor Laing in the Chair]

Clause 33

Bank levy

6.53 pm

Question proposed, That the clause stand part of the Bill.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

Amendment 1, in schedule 9, page 132, line 32, leave out from “in” to end of line 33 and insert “accordance with the provisions of section (bank levy: Part 1 of Schedule 9: pre-commencement requirements)”.

This amendment paves the way for NC3.

New clause 1—Review of operation and effectiveness of bank levy—

“(1) Schedule 19 to FA 2011 (bank levy) is amended as follows.

(2) After paragraph 81, insert—

PART 10

Review

82 (1) Within six months of the passing of the Finance Act 2018, the Chancellor of the Exchequer shall undertake a review of the operation and effectiveness of the bank levy.

(2) The review shall consider in particular—

(a) the effectiveness of the levy in reflecting risks to the financial system and the wider UK economy arising from the banking sector,

(b) the effectiveness of the levy in encouraging banks to move away from riskier funding models,

(c) the revenue effects of the changes to the levy made in Schedule 2 to the Finance (No. 2) Act 2015,

(d) the effectiveness of the anti-avoidance provisions in paragraphs 47 and 48 of this Schedule.

(3) A review shall also compare the effects of the bank levy with those of the bank payroll tax (within the meaning given by Schedule 2 to the Finance Act 2010) in relation to—

(a) revenue, and

(b) the matters specified in sub-paragraph (2)(a) and (b).

(4) A report of the review under this paragraph shall be laid before the House of Commons within one calendar month of its completion.”

This new clause requires the Government to carry out a review of the bank levy, including its effectiveness in relation to its stated aims, the revenue effects of the changes made in 2015 and the comparable effectiveness of the bank payroll tax.

New clause 2—Public register of entities paying the bank levy and payments made—

“(1) Schedule 19 to FA 2011 (bank levy) is amended as follows.

(2) After paragraph 81, insert—

PART 11

Public register of payments

83 (1) It shall be the duty of the Commissioners for Her Majesty’s Revenue and Customs to maintain a public register of groups paying the bank levy and the amounts paid.
(2) In relation to each group, the register shall state whether it is—
(a) a UK banking group,
(b) a building society group,
(c) a foreign banking group, or
(d) a relevant non-banking group.
(3) In relation to each group, the register shall state the amount paid in respect of each chargeable period.
(4) In relation to chargeable periods ending between 28 February 2011 and 31 December 2017, the Commissioners must public the register no later than 31 October 2018.
(5) In respect of subsequent chargeable periods, the Commissioners must public the updated register no later than ten months after the end of the chargeable period.”

This new clause requires HMRC to prepare a public register of banks paying the bank levy and the amount they have paid.

New clause 3—Bank levy: Part 1 of Schedule 9: pre-commencement requirements—
“(1) Part 1 of Schedule 9 shall come into force in accordance with the provisions of this section.
(2) No later than 31 October 2020, the Chancellor of the Exchequer shall lay before the House of Commons an account of the effects of the proposed changes in Part 1 of Schedule 9—
(a) on the public revenue,
(b) in reflecting risks to the financial system and the wider UK economy arising from the banking sector, and
(c) in encouraging banks to move away from riskier funding models.
(3) Part 1 of Schedule 9 shall have effect in relation to chargeable periods ending on or after 1 January 2021 if, no earlier than 30 November 2020, the House of Commons comes to a resolution to that effect.

This new clause requires the Government to provide a separate analysis of the impact of Part 1 of Schedule 9 nearer to the time of proposed implementation in 2021 and to seek the separate agreement of the House of Commons to commencement in the light of that review.

New clause 11—Review of effects of bank levy on inclusive growth and equality—
“(1) Schedule 19 to FA 2011 (bank levy) is amended as follows.
(2) After paragraph 81, insert—

PART 10

REVIEW ON INCLUSIVE GROWTH AND EQUALITY

82 (1) Within six months of the passing of the Finance Act 2018, the Chancellor of the Exchequer shall undertake a review of the bank levy.
(2) The review shall consider in particular—
(a) the effects of the levy on inclusive growth,
(b) the impact of the levy on equality.
(3) A report of the review under this paragraph shall be laid before the House of Commons within one calendar month of its completion.”

This new clause requires the Government to carry out a review of the bank levy, including its effects on inclusive growth and inequality:

The Financial Secretary to the Treasury (Mel Stride): The Finance Bill makes changes to the bank levy, in particular restricting its scope to UK activities. These changes support our vision to help keep UK banks globally competitive. They reflect improvements in international banking regulation that reduce the risk of overseas operations to the UK, and they complete a set of changes announced in 2015 and 2016 that significantly increase the tax we raise from our banks.

Let me be clear from the outset that this Government believe that banks should make a significant contribution to the public finances, beyond general business taxation, that reflects the risk they pose to the UK economy. That has been the record of Chancellors since 2010. As part of that, in 2011 the Government introduced the bank levy on the balance sheet equity and liabilities of banks and building societies, but this additional tax contribution made by banks has to support our broader objectives for the sector. It therefore needs to be responsive to international commercial and regulatory changes in banking. Any tax changes should ensure that we can continue to secure the additional contribution from the banks from a sustainable tax base, and they also need to ensure we retain a strong, stable and competitive banking sector that supports the wider economy by lending capital to both businesses and individuals.

Alberto Costa (South Leicestershire) (Con): Does the Minister agree that in pursuing the policies he has just outlined in a strong and stable way we can have sustainable banking that gives the significant contributions to the Treasury that are much needed, and that the policies espoused by the parties opposite would do great damage to our economy and our public services?

Mel Stride: I thank my hon. Friend for that perceptive and helpful intervention. There is no question but that a healthy banking system is absolutely central to a healthy economy, which is why we have invested so much time and energy since 2010 in making sure that the regulation of the banks is tightened up, which was, of course, part of the original rationale for the bank levy. The fact that we are reducing the bank levy over time from 2015 and moving towards taxing profits is in itself an indication of the health of our banking system.

Mr Jim Cunningham (Coventry South) (Lab): Is the Minister satisfied that the banks have enough in reserve to cope with any emergency should there be a downturn in the world economy?

Mel Stride: As the hon. Gentleman will know, the Bank of England carries out stress tests on our banking system. In the latest round, the banks came through very strongly—not a single one failed. The tests stress the system to a greater extent than the effect of the last financial crisis in 2008, so we can be certain that the measures the Government have put in place, the operation of the independence of the Bank of England and carrying those things through are having the desired effect that he rightly seeks.

Alex Burghart (Brentwood and Ongar) (Con): After 2008, a bank levy was needed because there was not much profitability in the banks to enable their assets to be taxed, but as we have improved regulation it is now worth moving to tax their profitability. Does the Minister agree that this is the right time to make this shift in raising revenue?

Mel Stride: My hon. Friend is entirely right. The Government since 2015, and the coalition Government, oversaw the restoration of the banking sector to a healthy central part of our economy. He is absolutely right. The shift from the bank levy to the taxation of profits which was introduced on 1 January 2016 indicated
that the risks themselves were diminishing under our stewardship, and that our banking sector was profitable enough to bring in considerably more tax revenue. Since 2010, under Conservative Chancellors, we have secured more than £44 billion in additional tax—I stress the word “additional”—from the banks, over and above the tax that we would be applying to them were they non-financial businesses.

7 pm

Robert Jenrick (Newark) (Con): In 2010, tax receipts from the financial services sector amounted to about £53 billion; today they amount to £71 billion. We are making the banks and the wider financial services sector pay their fair share, but we do not want a race to the bottom. We want the sector to be competitive, because tens of thousands of well-paid, highly skilled jobs throughout the country—not just in London but in cities like Nottingham, near my constituency—depend on it.

Mel Stride: My hon. Friend is entirely right. The additional tax raised from the banks amounts to £9 billion between 2010 and the present time, and a further £25 billion is projected over the current forecast period. Far from taxing the banks less over time—as, no doubt, the Opposition will shortly have us believe we have done—we are securing more tax revenues than we did in the past.

Alex Chalk (Cheltenham) (Con): As circumstances change, it is right for us to move from a bank levy to taxing bank profits. I am sure that, in due course, we shall hear a great hue and cry about how appalling it is to lose the bank levy. Is that not a little perplexing, given that Labour voted against its imposition in 2011?

Mel Stride: That is a valid point. I am waiting with some interest to hear what Opposition Front Benchers have to say about that point in particular. Even my shadow, the hon. Member for Bootle (Peter Dowd), is waiting expectantly to hear what he himself has to say, which is intriguing.

Dan Carden (Liverpool, Walton) (Lab): Did the big banks not lobby for this change, and are they not likely to benefit from the surcharge that has replaced the levy? Did not bigger, riskier banks pay more than other banks in the system?

Mel Stride: When we consider who benefits and who does not, we must assume that overall, given that more tax is being raised than hitherto, the banks are probably paying more tax on average as a consequence of these measures. However, the measures will obviously have different impacts on different banks, depending on their profitability and on whether they are at or above the capital threshold of £20 billion at which the levy itself begins to kick in.

In 2015 and 2016, the Government announced a set of changes in the way in which banks were taxed. We set out a phased reduction in the rate of the bank levy to 0.1% by 2021. We announced the changes that the Bill makes in the levy, reducing its scope so that it applies to banks’ UK rather than global balance-sheet liabilities. However, we also introduced an extra 8% tax on banks’ profits over £25 million, on top of general corporation tax. I hope that when the Opposition spokesmen respond to my comments and to the amendments and new clauses, they will at least recognise the important increase in taxation that has been applied to the banks since 2016.

Rachel Maclean (Redditch) (Con): I, too, look forward with great interest to hearing from Opposition Front Benchers. Has not part of the Government’s overall approach been to back the independence of the Bank of England? Has that not also helped the overall regulation of banks, and ended the situation which, under Labour, led to some of the problems in the banking sector?

Mel Stride: My hon. Friend is absolutely right. I think it would pay all Members dividends to consider the comments made by Mervyn King at the time of the last crisis, when he said that the Bank of England had very limited scope to deal with the issues that were faced at the time. Since then, of course, we have fundamentally changed the structure of the oversight of banks. We have ensured that the Bank of England is at the heart of it, and that the independence of the Bank and the other institutions that we have set up is paramount. That is partly why the position of the banks is so much stronger than it has been hitherto.

We prevented the banks from reducing their corporation tax liabilities when they were required to pay compensation for misconduct, effectively applying additional taxes. The shift towards taxing profits means that the recovery in banks’ profitability will translate into higher tax receipts for the Exchequer, while also ensuring a sustainable long-term basis for the taxation of banks.

Mark Menzies (Fylde) (Con): It is important that we raise record sums from the banks to pay for vital public services, but is there not a balance to be struck? We need healthy banks, not only to support small businesses and provide mortgages for first-time buyers, but to ensure that there are banks in our high streets.

Mel Stride: My hon. Friend is right, and this is all about striking the right balance. We recognise that banks need to pay their fair share because of the systemic risk that they can feed into the economy, and because, some years ago, the British taxpayer stood behind the banking system. The other part of the balance is to ensure that our banking system remains competitive in comparison with others in the world, and can, in turn, leverage the competitiveness of our own industries through its lending.

Nigel Huddleston (Mid Worcestershire) (Con): My hon. Friend is making an important point. Rather than setting a tax rate for party political purposes, we should aim to maximise tax revenue while also securing economic growth.

Mel Stride: My hon. Friend is absolutely right, as we know from recent experience. For example, although corporation tax has been reduced from 28% in 2010 to 19% and then to 17% under this Government, the corporation tax take has increased by 50%. Labour’s policy is the reverse. It foresees raising taxation not just from banks but from all the businesses in the country, large and small, including high street businesses, which, as we know, often struggle.
Dan Carden: A branch of Barclays bank in County Road in my constituency has closed, and I know that many other Members have fought to keep local bank branches open. Are the Government willing to take any action—at least in the case of RBS, which we partly own—to ensure that high-street banking is still available to the most vulnerable and elderly constituents whom we all represent?

Mel Stride: Conservative Members believe that it is better for commercial organisations to be left to run their own businesses. They tend to do it rather better than Ministers, dare I say—although I think I could be quite handy at running a bank or two; who knows?

The issue of bank closures is very important. We are working hard to reinvigorate our post offices and to ensure that the banking facilities that they provide—which are available, typically, to more than 90% of personal and business customers—are promoted in all the 11,500 branches in the United Kingdom.

Stephen Lloyd (Eastbourne) (LD): A constituent who came to my community surgery on Saturday made a simple suggestion that I thought might well work. Banks face structural challenges, and many are closing, especially in rural areas. Why do the Government not encourage more than 11,500 of them across the UK.

To that end, should we not take cash, and to offer banking services—albeit not the practice in the form of the post office: post offices are partly own—to ensure that high-street banking is still available, typically, to more than 90% of personal and business customers—are promoted in all the 11,500 branches in the United Kingdom.

Mel Stride: The hon. Gentleman raises an interesting idea, but I would argue that that is already effectively in practice in the form of the post office: post offices are able to deal with the customers of the major banks, to take cash, and to offer banking services—albeit not the full range, but certainly the most basic and most important to local communities—and, as I said earlier, there are more than 11,500 of them across the UK.

James Cartlidge (South Suffolk) (Con): All of us who represent rural constituencies are concerned about the issue of access to bank branches and closures, but does that not mean that there is an extra onus on providing access to fast broadband in rural areas so that people can access online banking? To that end, should we not welcome the announcement in The Sunday Times that there will be further help this week for speeding up broadband in the most hard-to-reach rural areas?

Mel Stride: My hon. Friend raises an important point about connectivity, particularly in rural areas, including in constituencies such as mine where making sure there is good broadband is often one way of reducing sparsity and people being cut off from each other, and that is why we have invested so heavily in that area.

These changes are expected to increase the additional tax contribution from banks by more than £4.6 billion over the current forecast period to 2022-23.

Mr Jim Cunningham: Will the Minister look into a situation that a number of us have had letters about? In the case of certain banks, including HSBC, where a person who is on a bank’s pension retires, that retirement pension is deducted because of their old-age pension. I do not expect an answer right away, but will the Minister look into that?

Mel Stride: I congratulate the hon. Gentleman on the ingenuity with which he has shoehorned that question, which is possibly a Department for Work and Pensions matter, although I am not sure. But I will certainly come back to him on that point, and if it is not for me to respond, I will make sure the appropriate Minister in the appropriate Department does so.

We expect to raise over £25 billion from the additional taxes that banks pay over this period, on top of the £19 billion that we have raised to date since 2011. By 2023 we will have raised more than £44 billion in additional bank taxes introduced since the 2010 election.

I will now turn to the changes made by the current Finance Bill, and set out the reasons for changing the scope of the bank levy. Hon. Members will be aware that the bank levy aims to reduce the risk banks pose to the wider UK economy. It is currently chargeable on the global balance-sheet equity and liabilities of UK-headquartered banks, but overseas banking groups only pay bank levy on UK activities. However, regulatory developments currently being implemented across the G20 as a result of the standards set by the Financial Stability Board and the Basel Committee on Banking Supervision will reduce the risk that overseas operations of UK banks pose to the UK economy, for example with stricter international standards on the need for subsidiaries to be independently capitalised.

We have also made it mandatory for the largest UK banks to separate core banking services from their investment banking activities by 2019. This ring-fencing will help to insulate UK borrowers and depositors from failures arising in banks’ overseas branches, before the changes to the scope of the levy take effect. As such, there will now be less need for the bank levy to address the risks posed by overseas operations of UK banks, and as the bank levy is less necessary to cover these risks, we have an opportunity to boost the competitiveness of UK banks by reducing its scope.

At present, UK-headquartered banks pay the levy on their worldwide operations, while foreign-headquartered banks only pay on their UK operations. We want the UK to stay at the forefront of global banking; we want banks based in the UK to compete and win business overseas, bringing jobs, prosperity and tax receipts with them. So we have decided that from 2021 the bank levy will apply only to UK balance-sheets for UK-based and foreign banks alike. This will allow UK banks to compete and win business on a more level playing field in these overseas marketplaces, and it is a change we are making as part of a package of reforms that secures revenue while boosting competitiveness.

The corporation tax surcharge, the reduction in bank levy rates, and changes to compensation relief restriction were legislated in 2015. Following detailed consultation, this clause and schedule implement the final element of our plan: changes to the scope of the bank levy. The clause and schedule narrow the scope of the bank levy so that from 2021 it will be chargeable only on the UK balance-sheet equity and liabilities of banks and building societies. Broadly, this means that overseas activities of UK-headquartered banking groups will no longer be subject to the bank levy. However, the levy will continue to apply to the UK operations of UK and foreign banks.
Robert Jenrick: Will the Minister re-emphasise the point he has just made: that the practical effect for our constituents of the move he is making today will make it much more attractive for important British international banks such as HSBC and Standard Chartered, who have a choice of locations in which to be registered—HSBC recently considered whether to move to Hong Kong or even mainland China—to remain in the City of London?

Mel Stride: As is so often the case, my hon. Friend has hit an important nail on the head: in terms of improving our competitiveness, it is clearly deeply unattractive to have a situation where UK-domiciled banks are being taxed on their foreign operations whereas foreign banks are not being taxed by us on their foreign operations, but are only being taxed on their operations in the UK. He is right that the future of HSBC, Standard Chartered, Barclays and other banks, who make a huge contribution to our tax-take and our economy, are much more secure if they are not being disadvantaged by being taxed on overseas operations unlike their foreign counterparts. As part of these changes, the schedule also provides for a reduction in the amount on which the levy is chargeable for certain investments a UK bank makes in an overseas subsidiary.

I shall now briefly turn to the amendments tabled by Opposition Members. For the reasons I have described, we believe that a combination of taxing profits and balance-sheets is the most effective and stable basis for raising revenue from the banking sector. The bank payroll tax was intended as a one-off tax; even the last Labour Chancellor pointed out that it could not be repeated without significant tax avoidance. I can assure the House that information about the bank levy will continue to be published as part of the normal Budget cycle. Official statistics are published on the pay-as-you-earn income tax and national insurance contributions, bank levy, bank surcharge, and corporation tax receipts from the banking sector as a whole. The Government have published a detailed tax information and impact note on the proposed changes introduced by part 1 of the schedule. We have also published information about the overall Exchequer impact of the 2015 package of measures for banks, and these figures have been certified by the Office for Budget Responsibility.

Finally, new clause 2 proposes that HM Revenue and Customs should publish a register of tax paid by individual banks under the levy. Taxpayer confidentiality is an essential principle for trust in the tax system, and HMRC does not publish details of the amount of tax paid by any individual business. While this Government continue to consider measures to support transparency over businesses’ tax affairs, we must balance that with maintaining taxpayer confidentiality in order to sustain public confidence in our tax system.

Dan Carden: Is it not right that these banks, some of which were bailed out by, and may well look in the future for bail-outs from, the public, are treated slightly differently from other companies across the UK economy, and that we should have a public register for that reason?

Mel Stride: I would maintain that the banks are indeed being treated rather differently from other sectors of the economy, not least—as I have been at great pains to point out this evening—because they are being taxed far more heavily than other types of business. On a fundamental issue of principle relating to tax confidentiality, it would not be right to single out any particular bank, whatever its history, to make an example of it and treat it differently from other financial institutions.

The changes in this schedule are part of a package of measures that provide a sustainable basis for raising revenue from the banking sector in the long term. These measures continue to apply additional taxes to banks, to reflect the special risk that they pose to the UK economy. They put the taxation of banks on a more certain and sustainable footing to ensure that the banks will continue to pay additional tax, and they reduce the impact of the bank levy on UK banks’ international operations. In doing this, we will ensure their continued health and competitiveness, which are essential for us if we are to go on raising yet more tax from our banking sector. I commend the clause to the Committee.

Peter Dowd (Bootle) (Lab): I rise to speak to the amendment and new clauses in the name of my right hon. Friend the Leader of the Opposition and others. Banks have a crucial role to play in the proper and smooth functioning of our nation’s economic wellbeing. In addition, it is important to ensure that the banks are not all lumped together with a one-size-fits-all approach for the purpose of a bank-bashing session, as was suggested by Conservative Members. Further, it is neither reasonable, fair nor sensible to homogenise the people who work in the banking sector as either saints or demons. Neither beatification nor demonisation of the banks is appropriate; it does no credit to the complexity of the landscape facing us. It is important when dealing with fiscal issues relating to banks that we keep a sense of proportion during the process. That is why it is important to ensure that, in an objective sense, we examine the context in which the Government have decided to cut the take from the bank levy. So, what is that context?

Alberto Costa: Will the hon. Gentleman be fair enough to confirm at the Dispatch Box that since the Conservative party came into government in 2010, the tax take from the banking sector has increased, especially since 2015?

Peter Dowd: I will come to that in the course of my speech.

I was asking about the context for these measures. First, there is the political context; then there is the ideological context. Politically, we saw a new low for the Government last week. We witnessed an increasingly weak and ineffectual Prime Minister being pulled between the troika of the Democratic Unionist party, her hard-line Front-Bench Brexiteers and, latterly, rebels on her own Back Benches.

Leo Docherty (Aldershot) (Con): The hon. Gentleman mentioned ideology. The shadow Chancellor is on record from 2013 as being a self-declared Marxist. Does the hon. Gentleman share that ideology? Is he a Marxist, too?

Peter Dowd: The hon. Gentleman is nothing if not persistent in asking that question. We are dealing with the bank levy, not the political opinions of the shadow Chancellor. I will be happy in due course to pitch our policies against those of the Conservatives.
Alex Burghart: Does the hon. Gentleman regret the fact that his party opposed the bank levy when this Government introduced it in 2011?

Peter Dowd: I will come to that in due course as well, if I may. I am beginning to think that my staff have been leaking my notes. I shall have to have words with them.

Last week, in true one nation mode, the right hon. and learned Member for Beaconsfield (Mr Grieve), among others, gave the Brexit Front Benchers every opportunity to acquiesce to his reasonable requests. In effect, he tried to give them a “get out of jail” card, but they could not take yes for an answer, and the remnants of the Government’s credibility went down the pan. There is a civil war going on within the Government, and this goes to the heart of the matter. The Government are throwing everything into the mix to try to distract us from the civil war that is going on in the Tory party.

Alex Chalk: I am grateful to the hon. Gentleman for talking about civil war. By contrast, in the interest of showing the solidarity among Labour Members, does he agree with the shadow Chancellor’s listing of his hobby in “Who’s Who?” as “generally fermenting the overthrow of capitalism”?

Peter Dowd: I know that the hon. Gentleman was disappointed when he was unable to ask that question last week because the Whips wound up his ability to do so. The reality is that that is of absolutely no relevance to the matter in hand. It does not matter; it is a complete irrelevance. We are in danger of getting swamped by red herrings.

Dan Carden: On the topic of the shadow Chancellor, it was he who called for an independent assessment of the bank levy, the balance between fairness and competitiveness, and how the Government’s calculation was arrived at. Does my hon. Friend support the shadow Chancellor in that call?

Peter Dowd: Of course I am more than happy to support the shadow Chancellor, because that is the very point that we are trying to make—[Interruption.] I referred to red herrings a moment ago, and I hear Conservative Members mentioning Marxist herrings. That is very witty; it is nice to hear a witty comment from the Conservative side on occasions.

Rachel Maclean: The hon. Gentleman refers to red herrings, but surely the views and political ideology of his shadow Chancellor are relevant. I will therefore give him another opportunity to answer the question: is he a Marxist, like his fellow shadow Treasury spokesman? Does he agree with that ideology, or is there civil war in the Labour party as well?

Peter Dowd: I think that the shadow Chancellor is more interested in Groucho Marx than Karl Marx, quite frankly.

James Cartlidge: It is very kind of the hon. Gentleman to take so many interventions on the trot. [Laughter.] This is not a minor issue. Let us not forget that Marxism destroyed the economy of half our continent. I very much admire the hon. Gentleman, but he did mention ideology in the first place. It is therefore not only in order for me to raise the question in his terms, but pertinent. Is he a Marxist—or is he perhaps a Leninist, a Bolshevist, or an adherent of one of the various other isms?

The Temporary Chair (Sir Roger Gale): Order. It may be in order in the hon. Gentleman’s terms, but it is not in order in my terms. I should like to return to the bank levy.

Peter Dowd: Thank you for bringing us back to the land of reality, Sir Roger. I very much appreciate it.

Mr Jim Cunningham: Let us get real and say to the Government that at the end of the day, when we are in government, our Chancellor will carry out the policies of that Labour Government, whatever his personal views are. More importantly, many comments have been made about the previous Labour Government tonight, but the previous Chancellor said that it was not the Labour Government who created the financial crisis. If we had not capitalised the banks, many of those on the Conservative Benches would be in the poorhouse today.

7.30 pm

Peter Dowd: As ever, my hon. Friend makes a reasonable point. The Government are so lacking in confidence that they are gerrymandering Public Bill Committees to reflect their control-freakery. We have to ask ourselves how long the Government can treat the House with such disdain. It is the kind of disdain that saw the Government ensure that there was no amendment of the law resolution, which has deliberately restricted the scope of the Bill and effectively limited parliamentary scrutiny and debate. [Interruption.] A Whip says from a sedentary position that that has happened before, but the procedure is used rarely and not in these circumstances. It is the Government’s control-freakery and fear of scrutiny that makes them do such outrageous and virtually unprecedented things.

Perhaps if the Bill set out a bold plan—let us call it a long-term economic plan—to get the economy back on track, we could all put up with the Government’s guileful procedural gymnastics. However, as I said on Second Reading, there is little in the Bill to solve the growing problems facing our economy—from sluggish growth and slow productivity to a lack of investment in our infrastructure and our people. The Government have instead decided to dedicate their efforts to offering the banks another tax break by further limiting the scope of the bank levy, ensuring that from 2020 UK banks will pay the levy only on their UK balance sheets, not their overseas activities. It is the same old Tories looking after the same old interests.

Alex Burghart rose—

Leo Docherty rose—

Peter Dowd: I will give way.

Alex Burghart: I am very grateful. I want to give the shadow Minister another opportunity to answer the question. Does he regret his party’s decision to vote against the bank levy in 2011?

Peter Dowd: I will come to that in a moment. In future, if two hon. Members want to make an intervention at the same time, they should perhaps have a ballot.
Leo Docherty: The hon. Gentleman mentioned tax. If we had a Labour Government, by how much would corporation tax rise?

Peter Dowd: We discussed this issue last week, but the bottom line is that we are here to talk about the tax policies of the Government, not the Labour party. I suggest that the hon. Gentleman reads “Funding Britain’s Future”, which we call the grey book. As I said to one of his colleagues last week, I am not his research assistant. The Independent Parliamentary Standards Authority provides the hon. Gentleman with enough money to employ his own research assistant, so he should not need a shadow Minister to do his research for him.

Labour’s position on the bank levy has been clear. We have consistently argued for a higher bank levy and pointed out that the levy, introduced in 2011, would raise substantially less than Labour’s bankers’ bonus tax. In short, we have always stood against the Government’s divisive austerity agenda. That was why we voted against the 2011 Finance Bill, which introduced the bank levy along with cuts to corporation tax and tax giveaways for the most well-off. That was also why we voiced our concern in 2015 over the Government’s cuts to the bank levy and the introduction of a corporation tax surcharge. It is why we will vote against the measures in the Bill.

Alex Burghart: Given the hon. Gentleman’s love of punishingly high corporation tax, does he not regret supporting the corporation tax surcharge on banks in 2015, when he was in the House?

Peter Dowd: No matter how many times Government Members ask rather tangential questions, I will not be drawn down that particular avenue, much as I would love to have that debate with the hon. Gentleman. The bottom line is that we have always stood against this Government introducing austerity measures at the same time as giving banks a tax cut. That is what it comes down to.

Stephen Kerr (Stirling) (Con): Will the shadow Minister give way?

Peter Dowd: No, I will push on for a moment.

It is worth pointing out that the bank levy was not the brainchild of a Conservative Government. It was not introduced by the previous Chancellor after he had listened to the clear public outrage aimed at the reckless decisions made by some in the banking sector, who plunged the world into one of the greatest economic crises in modern times. As much as Government Members would like to blame the Labour Government for a world financial crisis, that is stretching credibility a little too far. [Interruption. ] It is nice to see that the Chief Secretary to the Treasury is shouting across the Chamber, but I cannot quite hear her, so if she wants to intervene—or shout a little louder—so that I can actually hear her question, I will be more than happy to answer. It is nice to see her in the Chamber.

Mr Jim Cunningham: It is probably right to look at the history, rather than listening to the made-up stuff coming from Conservative Members. Let us be clear that the financial crisis started with Lehman Brothers in America. We recapitalised the banks, and we kept our triple A rating so that we could borrow to bail out the banks in the first place. The Government are trying to take the credit for something that they did not do.

Peter Dowd: My hon. Friend is right. Conservatives always try to take the credit. They take responsibility for the good things and no responsibility for the bad things—it is the way they are made.

The banking levy was not designed to ensure that the banks received enormous and unprecedented bail-outs from the taxpayer, such as the £76 billion of shares the Government purchased in RBS and Lloyds. It was designed to make them pay their fair share. In fact, the very concept of a levy was developed at the G20 summit in Pittsburgh in 2009. It was championed by the previous Labour Government, who subsequently introduced the bankers’ bonus tax. In the coalition’s 2011 austerity Budget, the Government decided to dump the bankers’ bonus tax and adopted the bank levy. At the time, Labour made it clear that the levy threshold was far too low in comparison with the money that would be raised if the Government stuck with Labour’s bonus tax. Instead, Ministers wilted under pressure from the banks and set the levy at a puny £2.6 billion.

James Cartlidge: The hon. Gentleman is talking about where the bank levy came from. I remind the Committee that it was actually Geoffrey Howe who introduced a deposit levy in a Budget in the early 80s as part of his stabilisation of the financial system inherited from a previous Labour Government.

Peter Dowd: I thank the hon. Gentleman for that history lesson.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): If we are talking about the 1980s, let us remember that corporation tax spiked to over 50% in 1983 under a Conservative Government. Government Members are giving us lectures, but they should perhaps look at their own history rather than judging ours.

Peter Dowd: That is a fair comment.

The threshold was established despite Treasury officials considering it to be far too low. Under the original plans, the levy would have raised £3.9 billion a year—nearly £1.5 billion more than £2.6 billion—but the Government of the few ensured that the threshold remains low.

At 0.078% for short-term liabilities and 0.039% for long-term liabilities, the level set was—not to put too fine a point on it—an embarrassment when compared with that in other countries that introduced a similar levy. It was less than a third of France’s level, substantially smaller than Hungary’s, which was set at 0.53%, and even lower than that of the USA. They are all well-known Marxist countries.

In 2015, under pressure from the Minister’s and the Government’s chums, once more the then Chancellor cut the bank levy rate, and the current occupant of No. 11 has continued on that sojourn. In so doing, he has ensured that, by 2020, the UK’s biggest banks will have received a tax giveaway worth a whopping £4.7 billion. That is £4.7 billion that could have been spent on our public services—notably on children’s services, for example.
Stephen Kerr: It is all well and good for the hon. Gentleman to say what he is saying, but he is neglecting a simple fact. The financial sector is paying 35% more in tax today than it did in 2010 under a Labour Government.

Peter Dowd: Yes, because the sector returned to profitability after a Labour Government supported it throughout. That is why the sector has returned to profitability. Ultimately, if a Labour Government had not gone in and supported the sector, there would have been no banks, no profits and no tax whatsoever. I remind the hon. Gentleman of that one.

Alex Burghart: I am enjoying the hon. Gentleman’s potted Marxist history of the past 10 years. There seems to be a little bit of history that he has forgotten, which is of course the lax and inappropriate regulatory regime that the Labour party introduced under Ed Balls. That regime contributed to the terrible state in which our banking sector was left after 2008. Perhaps the hon. Gentleman would like to remind the Committee and his party of that.

Peter Dowd: First, we did not regulate the banks in the United States, where it all started. I ask the hon. Gentleman—I have said this a number of times—to go and look at “Freeing Britain to Compete,” the document produced by the right hon. Member for Wokingham (John Redwood) for the shadow Cabinet in, surprisingly, August 2007.

The Chief Secretary to the Treasury (Elizabeth Truss): They were not the Government.

Peter Dowd: “They were not the Government” is shouted across the Dispatch Box, but that brings me to the point I am making. The bottom line is that chapter 6 of “Freeing Britain to Compete” called for significantly less regulation of the banks. As I have said before, the right hon. Member for Wokingham effectively said in that document that the Labour Government at the time believed that, if we did not regulate the banks, they would steal all our money. Many people out there believe that that is, in effect, what happened. The taxpayer had to bail out the banks. Why did the taxpayer have to bail them out? Because of the lack of regulation. The taxpayer would have stolen all our money. Many people out there believe that is, in effect, what happened. The taxpayer had to bail out the banks. Why did the taxpayer have to bail them out? Because of the lack of regulation. The shadow Cabinet at the time ratified a policy of less regulation. If we had followed the right hon. Gentleman’s exhortations, as ratified by the shadow Cabinet, we would be in an even worse state. I ask the hon. Member for Brentwood and Ongar (Alex Burghart) to go and have a look at that one.

Rachel Maclean: The hon. Gentleman is discussing the strictures and exhortations of my right hon. Friend the Member for Wokingham (John Redwood), who was then an Opposition Back Bencher. Surely the hon. Gentleman must recognise that it was the Labour party, in government, that deregulated the banks and took power away from the Bank of England. Whatever my right hon. Friend may or may not have said—he is an incredibly intelligent and learned person—he was not in government and was not making policy. It was the Labour Government who made the policy to deregulate and allow the financial crisis by taking away strength from the Bank of England at a time when it should have been strengthened.

Peter Dowd: If the hon. Lady wants to take back to the Conservative party the independence of the Bank of England, she should feel free. We will not support it—

[Interruption.]

That is what I heard her say. She was complaining about the independence of the Bank of England. So a new policy has been introduced by the Conservatives to take away the independence of the Bank of England.

To offset the cuts to the bank levy, the Government introduced the 8% corporation tax surcharge, which they falsely claimed would offset the reduction. If we look at their Red Book and the forecasts from the Office for Budget Responsibility, however, we can clearly see that the surcharge will not make up the fall in the bank levy. Under the forecasts, the surcharge is set to increase by £0.3 billion a year, while the receipts the Exchequer receives from the levy will fall by £1.7 billion a year, which is a £1.4 billion gap. That is a fact. That is in the Government’s own Red Book.

7.45 pm

Dan Carden: I am grateful to my hon. Friend and constituency neighbour for giving way. There is a lot of displacement activity coming from Conservative Members in the form of interventions. This is the second debate I have attended on the Finance Bill in which not one Conservative Member has mentioned living standards, wages, public sector pay or any real life conditions.

I encourage my hon. Friend to carry on with his speech and to talk about the review that should take place into the bank levy and the real life consequences of this Tory Government’s policies.

Peter Dowd: I thank my hon. Friend for his advice, which I will take.

In 2017, we are still feeling the effects and economic consequences of the actions of the banks. Every day we are told by the Government that there is no money to invest and that austerity must continue, yet the Government have gone out of their way to undermine any remuneration from the banks that caused this sorry state of affairs in the first place.

Once again, the Opposition’s ability to amend this Bill is hamstrung and limited by the Government’s continued use of arcane and outdated parliamentary procedure. In football parlance, not only have they moved the goalposts but they have put boards across the goalmouths so that the Opposition cannot score any goals—a recreant act, if ever there was one, from a pusillanimous Government frightened of their own shadow.

By tabling new clause 1, we seek, first, to require the Government to carry out a review of the bank levy, including its effectiveness in relation to its stated aims—Sir Roger, you will be glad that we are back on the bank levy. Secondly, we seek to establish the extent of the revenue effects of the cuts made in 2015. Thirdly, we seek to calculate how much would have been raised if the Government had stuck with Labour’s bankers bonus tax. Let us have the comparisons.

Such a report would shine a light on the Government’s malpractice in cutting frontline services while offering tax giveaways to the banks. It would require the Minister to reassure the House directly that certain banking practices are not simply in hibernation. “Once bitten,
twice shy” is a fair assessment of most people’s views, including many in the sector itself. A by-product of the process would be to show that far more would have been raised under Labour’s bankroll tax.

We are also calling for a separate review of the changes introduced by clause 33 and schedule 9 and their overall impact on revenue and risky behaviour. That review would make the Treasury explain the rationale for further limiting the scope of the bank levy and foregoing billions of pounds while, at the same time, pushing for more cuts to departmental budgets and frontline services.

It is, of course, unsurprising and indicative of the Government that they have failed to keep track of the banks that regularly pay the levy and a full list of what they have paid. That is why, in the name of transparency—a very novel concept for the Government—we would ensure fiscal accountability. The Opposition have tabled an amendment that seeks to create a public register for the bank levy.

The Minister talks about commercial sensitivity. Well, that old chestnut is brought out time after time. When we supported the banks with billions upon billions of pounds, nobody talked about commercial sensitivity then. In this particular case, I am sure many in the banking sector would be happy to have such transparency. It is shocking that the Government consider this tax cut for the wealthy few to be a good use of nearly £5 billion.

Alongside demanding that the Government change course, we must also understand the impact of the lower levy rate introduced in 2011, as well as the revenue effects of lowering the levy in 2015. That, among other things, is what our amendment seeks to tease out.

Robert Jenrick: I am confused by the hon. Gentleman’s position on the bank levy. He says that he voted against it in 2011 because it was set at too low a threshold, but between 2011 and 2015 the then Chancellor raised the bank levy seven times and, on each occasion, the Labour party voted against it. Why did it do that?

Peter Dowd: I suggest that the hon. Gentleman goes back and reads Hansard when it is printed to see exactly what I said.

Once we can see the true costs of the Government’s policies, we can grasp the extent of the choices they have been making and how they have favoured a small, wealthy group over the many citizens of this country and time again. Let us look at the example of children’s services. Only a week before the Budget, the chief executive of Action for Children, Sir Tony Hawkhead, described the “devastating cost” of cuts to children’s services, which he said have been left on a “dangerous and unstable” footing. These prevention and protection services are vital to provide proper care for our nation’s children, and the banking levy could help with that, yet we have seen deep cuts of 55% of funding for local government and a gap of £2 billion in funding by 2020.

There is widespread talk and reports of local councils having to seek permission from the Government to raise council tax to cover the costs, in effect, of cuts to the bank levy—that money may have been available for children. So cuts to bankers and council tax up seems to be what we are being told today. As these services have been decimated over the past seven years, we have seen a doubling of serious child protection cases and twice the number of children put into care protection plans. Last year, 70,000 children were placed into care. The support for foster care, adoption and Sure Start children’s centres has all been reduced. Youth centres are closing and parenting classes are being axed. Short breaks for disabled children, provided by local councils, are being taken away and are under strain.

Taken together, those cuts mean that some of the most vulnerable children in our country are paying the price for seven years of failing economic strategy. When are the Government going to change their strategy? It is still shocking to see the Government put the needs of others ahead of those of our youngest citizens, who are picking up the bill for austerity.

Alex Burghart: Will the hon. Gentleman not acknowledge that, as we have reduced the rate of corporation tax, so revenues have increased and there is now more money to spend on public services than there would otherwise have been? Does he not acknowledge that there is a real risk that, if his party were to increase corporation tax rates, there would be less money coming in? As cuts to public services and so on would be on his party’s head?

Peter Dowd: In short, no. The Institute for Fiscal Studies has made no link whatsoever between the rate of corporation tax and tax take. This is one of these myths that have been presented to the House time after time, which in the main we have tried to ignore, but at some point we have say that it is complete and utter claptrap, not to put too fine a point on it.

The banking surcharge, supposedly introduced to compensate the taxpayer for this levy loss, will not come close to making good the difference. The Chancellor still has a choice though: he could reverse the cut to the bank levy and end the crisis in our children’s services instead.

It is increasingly clear that the oldest political party has run out of steam.

Lucy Frazer (South East Cambridgeshire) (Con): Does the hon. Gentleman therefore think that France’s recent proposal to cut taxes for higher earners in order to woo bankers over to France is an incorrect policy, and that France has got it wrong because low taxes do not encourage investment and growth in a country?

Peter Dowd: The only thing that is going to attract people over to France is the shambles that the Government have made of their Brexit negotiations. That is a significantly bigger factor than, for example, the banking levy.

Gareth Snell: France has a corporation tax rate of 33%, so I am not entirely sure the point the hon. and learned Lady was making is valid. Would my hon. Friend care to comment on that?

Peter Dowd: My hon. Friend is right on that. Other countries, including the United States, have a corporation tax of 36% and the German rate is higher than ours, so even if we went back to the 2010 level of 26% that we had under a Labour Government, we would still have the lowest rate of all our competitors. That is the reality. Interestingly, they are doing much better than we are, notwithstanding that higher level of corporation tax.
Stephen Lloyd: Does the hon. Gentleman agree that the Conservative party continues to cut corporation tax aggressively, but that perhaps next year rather than cutting it still further it might take that money to ensure that the WASPI women—the Women Against State Pension Inequality Campaign—get a fair transition payment?

Peter Dowd: There are many, many calls on the taxpayer, and that is one of them. The Government would do well to pay attention to the exhortations of the hon. Gentleman.

James Cartlidge rose—

Peter Dowd: I am more than happy to give way in relation to corporation tax, but it is important that I maintain the theme of the austerity project. It has not led us to prosperity. It has delivered misery for this country, yet the Government stick to the same old rules: tax breaks for wealthy bankers and cuts for the rest of us. It is like a stuck record.

James Cartlidge: I am sure that, coming from where he does, the hon. Gentleman takes a close interest in the Republic of Ireland, a country he has not mentioned. Is he aware that, by keeping its corporation tax rate low, it has revolutionised its economy and become an export tiger, and that that has been a key factor in helping it to recover from the crash?

Peter Dowd: Huge amounts of support from the European Union have revolutionised the Irish economy. My forebears came from Ireland, but I do not think even the Irish would compare themselves as a small country of 3.5 million people or thereabouts with the United Kingdom with its 60 million—this is chalk and cheese. The hon. Gentleman will appreciate that that is a ridiculous comparison to make in the debate.

Our amendment will finally help to demonstrate the true cost to the public purse of the Government’s favourable approach to some. In that way, we can understand exactly what the cost in revenue is. This should be all the evidence the Government need to change course—things simply are not working. Productivity is low, inflation is up, wages are stagnating, public services are in absolute decline and the NHS is under strain, as is social care, yet the Government just do not get it. They seem to think that we live in Shangri-la, but, unfortunately, we do not. We know that the Conservative party relies on support from vested interests for its own survival, but the question we must ask ourselves is: should the survival of a clapped out, atrophying, self-centred, out-of-touch, diminished Tory party take precedence over the needs of children? I know the answer, so I will simply leave Conservative Members to answer it in the silence and solitude of their own consciences.

Stephen Kerr: It is my great privilege to follow the hon. Member for Bootle (Peter Dowd), whose speech was greatly entertaining, if a little devoid of something approaching accurate history. We were treated to a festival of revisionism on this country’s economic history over the past 10 years. I did agree with one thing he said—it was almost the first thing he said—which was that it is wrong to create a single category to describe bankers. He alluded to the fact that some may be called saints and others may be called sinners—he may have said that, but I cannot recall exactly the term he used—and that is undoubtedly the case, so to generalise about banking and bankers, as we often hear Opposition Members do, is extremely rash.

As for culpability for the events from the end of 2007 to 2009, the hon. Gentleman may wriggle on the issue, but the fact is that the Labour Government were indeed culpable, as were other politicians of that time who were holding senior office in this country, including the then First Minister of Scotland, Alex Salmond, who politically encouraged the Royal Bank of Scotland to engage in some of the more reckless initiatives that the leadership of that bank were engaged in. The result was that not only did they upset a great Scottish institution, but they nearly upended the whole United Kingdom economy.

Ian C. Lucas (Wrexham) (Lab): Does the hon. Gentleman recall the shadow Chancellor at that time, the then Member for Tatton, calling repeatedly for the relaxation of what he described as the strict regulation that the Labour Government were imposing?

Stephen Kerr: The important thing to remember is who was in government and whose hand was on the tiller at the time, and it was a Labour Government’s.

8 pm

Stephen McPartland (Stevenage) (Con): Does my hon. Friend remember the City Minister, Ed Balls, saying in 2006 that nothing could endanger the light-touch regulation of the banking system?

Stephen Kerr: I thank my hon. Friend for that useful intervention because I absolutely do remember that. The reason why those words might linger in mind longer is that they came from someone holding an office of state. Cabinet members at the time were positively encouraging those whom they considered their friends in the City to become increasingly reckless, as was the First Minister of Scotland, as I have mentioned.

Gareth Snell: Now that the hon. Gentleman has demonstrated that his memory is fully functioning, will he answer the question asked by my hon. Friend the Member for Wrexham (Ian C. Lucas)? Does he recall the comments made by the former Chancellor, who was shadow Chancellor at the time? It appears that the views of shadow Chancellors are quite important to Conservative Members.

Stephen Kerr: It might be a function of my age, but I must confess that I have no recollection of anything to which the hon. Member for Wrexham (Ian C. Lucas) referred. I apologise to the House for the lapse in my memory, but I am of an advanced age and it is perhaps a senior moment—I do not know.

I support the Bill and the plan that goes with the banking levy, which is a fair way to ensure that banks make a fair contribution to the tax system and that they make the right contribution to society. The changes proposed in the Bill are fair. They provide for a level playing field for all banks, whether domiciled in the UK or based outside it.
Sandy Martin (Ipswich) (Lab): Will the hon. Gentleman explain how we can know there is a level playing field and that such levies are fair if there is not complete transparency?

Stephen Kerr: I was about to describe the level playing field as I see it. The Bill will remove any disincentive there might have been for banks to base themselves in the UK, which is important. I remind all Members of the reputation that our country and particularly the City has. I think we would all agree that the City is the financial capital of the world.

With respect to the bank levy, the banks’ contribution must go beyond the paying of taxes, as outlined in the Bill. Given the banking sector’s behaviour—I referred to the comments by the hon. Member for Bootle about saints and sinners earlier, but I am generalising now—the banking industry does have a responsibility to make a fairer contribution to society, which is what the measures taken by the Government since 2010 and 2015 have made happen.

Let me mention in passing the Financial Conduct Authority’s report on the Royal Bank of Scotland and its treatment of small and medium-sized business customers.

James Cartlidge: I do not want to distract my hon. Friend from his excellent speech, but he referred earlier to the former First Minister, Alex Salmond; does he recall the encouragement that Mr Salmond gave to Bootle about saints and sinners earlier, but I am generalising now—the banking industry does have a responsibility to make a fairer contribution to society, which is what the measures taken by the Government since 2010 and 2015 have made happen.

Stephen Kerr: I have a very bright recollection of that. There is a famous document that shows the First Minister wrote to the chief executive of RBS and added at the end some personal notes that went above and beyond encouragement.

Given recent history, it is right that the banks make a more-than-fair contribution, and that is what they have been doing. I return to the FCA’s report on the RBS and its treatment of small and medium-sized business customers. I refer specifically to the conduct of RBS’s global restructuring group, about which the FCA’s report makes depressing reading. When I looked at the report, I lost count of the number of times the words “inadequate”, “inappropriate”, “systematic” and “failure” were linked repeatedly to a wide range of RBS’s activities, and particularly the global restructuring group’s conduct towards small and medium-sized businesses. The words I highlighted were appended to the description of how the group laid charges and managed loans and communications and to the description of its valuation practices. There is also the fact that the complaint procedures were completely ignored.

Many Members from all parties will know of examples of how the systematic failings in RBS’s global restructuring group affected constituents and their businesses. My constituency is no different. I am mindful of ongoing investigations involving cases in my constituency and other constituents and their businesses. My hon. Friend from his excellent speech, but he referred earlier to the purchase, which many people thought at the time was a risky investment?

James Cartlidge: My hon. Friend reminds us that, what with Royal Bank of Scotland and Bank of Scotland, there is clearly a theme among these great institutions that failed. Has he considered the fact that the bank levy is one function of a system in which ultimately the lender of last resort is the most important function? That system would simply not exist had Scotland gone independent and been left with massive liabilities to pick up. It would not have been able to cope.

Stephen Kerr: My hon. Friend makes a first-class point. He provides me with an opportunity to remind the House that, thankfully, in September 2014, Scotland had the good sense to vote overwhelmingly to remain part of the United Kingdom. Part of the reason for that was, I am sure, the lessons we had learned as a country from our experiences between 2007 and 2009, particularly the recklessness of the Scottish National party Government and the First Minister at the time, Alex Salmond, in the way he conducted himself with respect to RBS.

Just so that the hon. Member for Glasgow North (Patrick Grady) is aware, I am talking about the bank levy in relation to bank closures. It is my firm belief that having bank branches in communities is part of the covenant between the public and their financial institutions, but that covenant that is clearly broken. People should expect the banking sector to keep businesses going with cash flow, loans, financial planning and so forth. People should also expect that bank branches are close by and serve the communities in which they live. Earlier, the hon. Member for Liverpool, Walton (Dan Carden) reminded us that high street banking is particularly important for people in our constituencies who are elderly or whose mobility is challenged in other ways.

In Bannockburn, Dunblane, Bridge of Allan and the Springkerse estate in Stirling, RBS and the Bank of Scotland are leaving communities without adequate access to banking. It is important to state these things in the context of our consideration of the bank levy.

Ian C. Lucas: The hon. Gentleman is making a powerful argument about local banking. Does he therefore support the Labour party proposals for the introduction of regional banks? A nation such as Scotland could have its own banking system to serve local communities, rather than the incredibly centralised system we have now.

Stephen Kerr: I am in favour of some fair competition in retail banking. We need to consider many important issues in the context of the future of retail banking, especially how it appears in the heart of our communities.

RBS is closing its branch in Bridge of Allan, which happens where I live. In the past eight months alone, the Clydesdale bank, the Bank of Scotland and the TSB have all closed their branches, and now RBS is, too. That leaves the post office on Fountain Road as the only place where anyone will be able to do any over-the-counter banking.

Gareth Snell: Given that the Government are the major shareholder in one of the banks to which the hon. Gentleman referred that has closed and left his community devoid of proper facilities, does he not agree that it is time for the Government to step in and use their shareholder clout to ensure that bank branches stay open?
Peter Dowd: Does the hon. Gentleman agree that using state money to keep banks open in local communities amounts to Marxism?

Stephen Kerr: Well, I have mentioned what I did in my earlier years. In all those years, I was never accused of being a Marxist. I am concerned when communities become devoid of a basic service, such as a bank branch of any description. Frankly, I consider it to be unacceptable. These banks have had so much money from the British people and have been bailed out by them. I have already mentioned the recklessness of the banks, particularly of the Royal Bank of Scotland, for which I do not apologise.

I should say that I did actually work for the Royal Bank of Scotland when I left school. Perhaps I should have mentioned that earlier. [HON. MEMBERS: “Yes, you should.”] I was 16 at the time. I was a junior bank officer for RBS at the East High Street branch in Forfar. The Royal Bank of Scotland is a great institution. I just pause to pay tribute to its staff because they do a great job, and they have done a great job over these past 10 years in particular in very great difficulties. I pay them my compliments for that. Nevertheless, it does not excuse the Royal Bank of Scotland. In addressing the bank levy, it is important to remember that the greed and the calumny that they were guilty of means that they owe the British people something more. I fully acknowledge that that something more has been extracted and is being extracted, but I also think that there is a case for having the social responsibility to maintain a presence in the communities of my constituency, such as in Bannockburn, Dunblane, Bridge of Allan and the rural parts of the constituency. I am afraid that a mobile bank does not quite meet the need.

The other consequence is that many more empty units are appearing on our high streets. That is on top of the units that have been left empty by the Scottish Government and their inaction on business rates. I was about to say, Sir Roger, that I wish that I could show you the picture of King Street in Stirling, but, in retrospect, I am glad that I cannot, because there are so many empty units and so many “to let” and “for sale” boards. That is a situation that leaves someone such as me, who loves Stirling and the great history of my constituency, a presence in the communities of my constituency, such as in Bannockburn, Dunblane, Bridge of Allan and the rural parts of the constituency. I am afraid that a mobile bank does not quite meet the need.

The Temporary Chair (Sir Roger Gale): I am leaning with interest to the hon. Gentleman. He is talking about social responsibility, but I need to remind him that he should be talking about the bank levy.

Stephen Kerr: I appreciate that reminder, Sir Roger. My comments about social responsibility are in the context of why we have a bank levy at all and why it has been an important part of the Government’s focus in, quite rightly, raising the billions of extra revenue.

I promise that I will take only a few seconds more. There was some comment earlier about the effect of taxation. Someone mentioned the Laffer curve, which is well known to Members. It was certainly well known to the former Member for Gordon and the former First Minister of Scotland, Alex Salmond, who used to quote the Laffer curve in his models. He argued with great eloquence in many places—perhaps he even did so here, I cannot be sure—for lower corporation tax. That was one of the things that Alex Salmond absolutely stood for. The lack of any intervention on me means that I am obviously not going to be corrected on that score.

8.15 pm

I read in the Scottish edition of The Sunday Times yesterday that Arthur Laffer has analysed the tax changes that the Scottish Government announced last Thursday in their annual Budget statement and found them wanting. He warns us that Scotland—[Interruption.] I am talking about this in the context of the bank levy, because bankers’ bonuses were mentioned. We are talking about the effect of taxation on incentive. Arthur Laffer warns us that Scotland is likely to be on a par with Greece—a place where enterprise and hard work are discouraged.

Rachel Maclean: My hon. Friend is talking about Scotland, but is he aware that, in the whole UK, while we reduced corporation tax from 28% to 19%, the amount collected has increased from £37 billion to £50 billion during the period 2010 to 2017. Will he comment on that as well?

Stephen Kerr: I am delighted to offer a comment on that, because that is exactly in line with the point that I am trying to make, which is that the Laffer curve is exactly that—we increase revenue as we reduce taxation rates. It is very much at the core of what we believe on the Government Benches. At one time, it was what the SNP also stood by, but now the Financial Secretary in the Scottish Government has not even heard of Laffer. He told a Select Committee in Holyrood that he had never heard of the Laffer curve. That is where we are at in Scotland. When it comes to incentive, hard work and industry—I am referring this to the bank levy and the bankers’ bonuses that were mentioned by Opposition Front Benchers—we are now at a point where £33,000 a year is classified in Scotland as “rich”. I think that that
is dismal. We are talking not about people with yachts in the marina bays of the west of Scotland, but doctors, teachers and middle managers—the working men and women of Scotland. Therefore, when it comes to the bank levy and to bankers’ bonuses, and we talk about incentives to work hard, to exercise initiative and to take a few risks, it is just not on in Scotland now. The Scottish Government are sending out a clear message, which I find dismal and dismaying, that that is not the kind of Scotland that they want. It is the kind of Scotland that I want. It is the kind of United Kingdom that I want, which is why I unreservedly stand to support the Bill.

Kirsty Blackman (Aberdeen North) (SNP): You will be delighted to know, Sir Roger, that I will be talking about the bank levy and the new clauses that have been tabled both by the Opposition and by our party. I wish to start by saying that I have rarely been more embarrassed to be part of this House than I am this evening. This debate followed hot on the heels of a statement on scrutiny. It would be much better for all parties if there was a ping-pong between Government Back Benchers and the Opposition Front-Bench team. It just was not acceptable. I appreciate the fact, Sir Roger, that you intervened and brought Members back to the matter under discussion.

James Cartlidge: Will the hon. Lady give way?

Kirsty Blackman: No, I will not give way.

The other concern about the tone of this debate thus far is that it has basically been a history lesson. Both sides have been talking about the history and how we have ended up in this situation. Very few people have spoken at any length about the future and about how the bank levy in the future will affect the tax take of the Treasury, as well as how it could be made to be more fair and ensure that we redistribute taxes and wealth in a positive way.

The SNP has a manifesto commitment to support the reversal of the reduction in the bank levy. We stand by that commitment and have been consistent in our views on that. We have also been consistent in supporting the introduction of a tax on bankers’ bonuses.

I am pleased with the way in which Labour’s new clause 1 has been written; there is a lot to commend it to the Committee. The suggestion of looking at the effects on revenue of the bank levy compared to the bank payroll tax is utterly sensible. It strikes me that this information should be in the public domain, so that we can all talk from a position of knowledge about the actual effects that this has had, rather than the projected effect that the Treasury thought it would have when it was first put in place or even thinks it might have now. It is totally reasonable for us to ask for a review of these things.

We would be able to go further and ask for more drastic changes if the Government had proposed an amendment of the law resolution, which would allow us to be more flexible in tabling amendments. As I think I have said before—if not, I am quite happy to say it now—the fact that the Conservative Government are not proposing an amendment of the law resolution means that future Labour Governments will be likely to do the same thing, so this creates a situation whereby the House is less transparent and there is less Opposition scrutiny. It would be much better for all parties if there was an amendment of the law resolution.

New clause 1 states that the proposed review would consider

the effectiveness of the levy in reflecting risks to the financial system and the wider UK economy arising from the banking sector”.

That is key. Despite all that has happened since the financial crash, there are concerns about ensuring that banks continue to make less risky propositions and continue to be safe places for people to put their money. It is reasonable to look at the bank levy in the context of discouraging risky behaviour by banks, and the reference to the incoming revenue is key.

New clause 11, tabled by the SNP, would deal with two things: inclusive growth and equality. We will hear an awful lot in the debate tomorrow about equality, and this should apply across all measures. The review proposed in our new clause would consider whether reducing the bank levy would disproportionately affect, for example, people of a certain gender or people who are not wealthy. People who work for banks are more likely to be male and wealthy. Therefore, reducing the bank levy is more likely to support them than it is to support groups that are disadvantaged in the first place.

We in the SNP have been absolutely clear and consistent in our support of inclusive growth. We have also been clear that things such as quantitative easing—certainly since the first round of QE—do very little to support those people at the bottom of the pile or to inject money into the real economy, but actually have a disproportionate effect in organisations such as those in the FTSE 100. We will keep being clear that inclusive growth is important, which is why we have proposed progressive options for taxation. Particularly in this place, it is difficult to get any sensible answers from the Government about how their proposals will affect people across the spectrum. That is not necessarily because the Government have not done the work; they may have done the work, but they are unwilling to publish it. They do not produce comprehensive reviews of how the tax takes have changed as a result of the changes they have made to the tax system.

Hon. Members will be unsurprised to hear me calling again for the Government to be more transparent, but that is what I am doing. I will also be very clear that we are keen to support new clause 1 if Labour decides to push it to a vote.

James Cartlidge: It is a pleasure, as always, to follow the hon. Member for Aberdeen North (Kirsty Blackman). Interestingly, she mentioned inclusive growth, to which I will return shortly. It is also a pleasure to follow my hon. Friend the Member for Stirling (Stephen Kerr), whose speech was a real tour de force. The hon. Member for Aberdeen North criticised him for not talking about the future and dwelling on the past. Actually, he was talking about the present—the challenges facing his constituency today, in the here and now. The bank levy is incredibly important because it is all about the future prosperity of those constituents, so I very much welcome my hon. Friend’s comments.

Interestingly, the Opposition’s new clause 3 gives us a good way of looking at the bank levy as it stands. Subsection (2) of new clause 3, which would affect schedule 9—the schedule that contains the details about the bank levy—states:

“2 No later than 31 October 2020, the Chancellor of the Exchequer shall lay before the House of Commons an account of the effects of the proposed changes in Part 1 of Schedule 9(a) on the
public revenue, (b) in reflecting risks to the financial system and the wider UK economy arising from the banking sector; and (c) in encouraging banks to move away from riskier funding models.”

I accept that those three points are incredibly germane. In fact, let us not wait until 31 October 2020. Let us stand here now and think about how a review would fit under Labour’s very own new clause.

Look at subsection (2)(a) of new clause 3, which is about the impact “on the public revenue”. What do we see? Well, the banking sector paid 58% more tax in 2016-17 than in 2009-10. That is under a Conservative Government. The average amount paid by the banks every year since 2010 has been 13% higher than under Labour. In 2016, the Government introduced an additional tax on banks—the 8% corporation tax surcharge, which we have been discussing—which will raise nearly £9 billion by 2022.

Sandy Martin: I give way to my Suffolk colleague.

Sandy Martin: In 2009-10, the banks were recovering from the worst position they had been in since the 1930s. In many cases, they went under and needed Government support to get out. Does the hon. Gentleman accept that it would therefore have been extraordinary if the banks were not making more profit in 2016-17 than they were in 2009-10, that that is the reason why there is more take from the bank levy than there was in 2009-10, and that it is not simply because the Conservatives have reduced the amount of it?

James Cartlidge: I consider the hon. Gentleman to be a friend because we work together in Suffolk as MPs; we are always happy to do that. I will be coming to the issue of the crash and the way in which the banks went back to the 1930s, as he puts it, because I experienced that myself.

Stephen McPartland: Is my hon. Friend aware that the total tax take from banks now is 6% higher than it was in the year before the financial crash?

James Cartlidge: My hon. Friend makes an excellent intervention and provides the rebuttal for me. The key point is that more tax is being raised now than before the crash.

My point is that were we to apply now the test of the impact on the public revenue under Labour’s very own review as proposed in new clause 3, we could only come to one conclusion, which is that all the taxes we have put in place on the banking sector—not just the bank levy—have been raising significantly more revenue. The rising revenue has contributed to paying off the deficit and supporting UK public services. [Interruption.] The shadow Minister, the hon. Member for Bootle (Peter Dowd), is shaking his head. I am happy for him to intervene and tell me that we are not raising more tax from the banks. He was very generous in giving way to me, but it appears that he is not going to intervene.

Subsection (2)(b) of new clause 3 states that the review that Labour would introduce of the bank levy would look at “reflecting risks to the financial system and the wider UK economy arising from the banking sector.” I always find it amusing to see a Labour amendment—particularly from this Labour party—talking about risks to the financial system; indeed, I think the shadow Chancellor himself has referred to Labour as a risk to the financial system. One wonders whether, in its own review, Labour would be modelling what the impact of a run on the pound—let alone a run on the banks—would be on the banking system. I certainly think it would be most profound.

The hon. Member for Aberdeen North said we are going back in time, but of course we have to go back, because the bank levy was born out of what happened in 2008. The bank levy came from the crash, which has had very many wider impacts, but particularly on this aspect of our tax system.

Let us remember the real bank levy—the real cost to the public. The cost of the bail-out of the banks was £850 billion. That was the figure the National Audit Office published in 2009 while there was still a Labour Government. That consisted of all kinds of costs. There was £107 million for City advisers—that’s right, a Labour Government spent over £100 million on City advisers. There was £76 billion to buy shares in RBS and Lloyds. There was £250 billion to guarantee wholesale borrowing to strengthen liquidity. There were many more hundreds of billions of such costs, including hundreds of billions for the Bank of England to insure itself in providing liquidity. People forget that. When we talk about the cost of the bail-out, we are not talking just about buying shares in the banks; this huge amount of subsequent activity that took place ultimately has to be accounted for, and it is borne by the whole of our economy and all our taxpayers.

Therefore, when we talk about Labour’s review “reflecting risks to the financial system”, we all have to reflect on the fact that it was the very crash in the financial system in 2008—that most epic of crashes—that brought us to this point in the first place, that cost so much and that put such a huge burden on the national debt and the taxpayers of the future.

Gareth Snell: I am very interested to hear the hon. Gentleman give us his rhetoric about history. What, at the time, were the suggestions from the Conservative party in terms of dealing with the impending crash? Anecdotally, I know that chief execs of banks were talking about money running out at cashpoints. What would the Conservative party have done differently in 2008 from what happened under the Labour Government?

James Cartlidge: I would say three things. First, the hon. Gentleman talked earlier about the shadow Chancellor, but I have to go back and quote the City Minister at the time—Ed Balls—who said in 2006: “nothing should be done to put at risk a light-touch, risk-based regulatory regime”.

Gareth Snell: If we are going to trade quotes across the Chamber, the then Member for Witney, who was the leader of the Conservative party at the time, said: “I want to give you...less regulation.” If we are talking about regulation and the state of the banks at the time, the Conservative party is as culpable as anybody else.
James Cartlidge: I am happy to have that debate. I will tell the hon. Gentleman what I said. I started a mortgage broking company in 2004—we have expanded since then, and I should declare that I still have interests in that business. I wrote an article for The Guardian in 2004 about the next general election. [Interjection.] Just a closet Marxist. At the time, the big issue being talked about was public services, but I said—this was in 2004—that the big risk we were not talking about was consumer debt. I knew that because, having just started a business in that area, I was stunned by what was happening in mortgage finance, which, of course, was the type of borrowing that laid the seeds for our destruction in 2008.

Sandy Martin: May I tell the hon. Gentleman how prescient he was in 2004? He was clearly right. Does he have the same concern about the rising level of private debt now?

James Cartlidge: The hon. Gentleman makes a very good point, and I will come back to that once I have set out the context of my remarks. The key point is this: there are some concerns, but in a growing economy, consumer debt will tend to rise, so we have to separate out that which is perfectly acceptable and that which may give cause for concern. I will come back to that point, but it is very fair.

In respect of proposed subsection (2)(b) of the Labour new clause, which talks about “reflecting risks to the financial system”, we conclude by reminding ourselves that it was the very explosion of the financial system that created the need for this bank levy. As I say, we have to debate the past—why we are here in the first place and where this all came from—and the fact that we are on a journey. The reason this tax is being tapered off is that the banking sector is once again becoming profitable, and we are allowing it to flourish again as a free enterprise-based banking system, but, of course, in the context of very strict regulation and a prudential regime.

Let me go back to the point about personal experience. It amazes me when members of the Labour party stand up and, like Pontius Pilate, wash their hands of the huge impact of that crash. At the time, many of us approached the regulator—the Financial Services Authority—which Gordon Brown launched early in the first Parliament after Labour won in 1997. He claimed that that would avoid future financial crises. We must remember that and have accountability.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): Will the hon. Gentleman be reasonable or fair enough to acknowledge that while it is entirely possible to say that the system of regulation on the eve of the financial crisis was not adequate—no one is making the case that it was—surely it is illogical and ridiculous to suggest that the Conservatives would have been doing anything different. After all, the banks themselves were not aware of the level of risk they had undertaken, so it was no surprise that the regulator did not appreciate it. One cannot claim that the Conservatives advocated anything different from the overarching framework of regulation that existed at the time.

James Cartlidge: I entirely disagree. The absolute root cause of it all was not saving enough and having a bad culture of over-reliance on debt. I well remember that back in ’98 and ’99 when Francis Maude was the shadow Chancellor, he kept saying, with regard to the low savings ratio, “We are storing up problems for the future.” At every Budget, no matter how high Labour was in the polls, our shadow Chancellors and shadow spokesmen—people like Howard Flight—would say that the savings ratio was way too low and we were storing up problems for the future. We did warn, we did say it, and we were ignored.

Alison McGovern (Wirral South) (Lab): The hon. Gentleman is making the case that people borrowed too much because they were somehow feckless or immoral. [Interjection.] He mentioned the poor savings culture in this country and said that people were unable to save. Actually, is it not the case that the picture has worsened since then, because the simple fact is that wages have been held down and people are now unable to save? How has his party in government fared on the issue that he has raised?

James Cartlidge: I never talked about fecklessness or being immoral. I was talking about the economic fact that the savings ratio was dangerously low throughout much of the Labour Government’s time in office, and they were warned about it. Labour Members are saying that we never said anything, and that simply is not true.

The hon. Lady seems to think that Labour had good policies on debt. I remember when someone could get a self-certified mortgage, with no proof of income, on an annual percentage rate relating to bad credit, so they could have a history of failing to pay debt. Not only that, but it was interest-only, so they were not even repaying the capital. There was a whole menu of different types of sub-prime such as light-adverse, medium-adverse or heavy-adverse. As I have said before, basically the question was, “Do you have a pulse?”, and then one got a mortgage.

Peter Dowd: Will the hon. Gentleman simply acknowledge that in August 2007 the Conservatives had a policy of significantly more deregulation, including of the banks, and that was ratified by the Tory shadow Cabinet at the time?

James Cartlidge: I do not accept that. Those mortgages were being advanced. The FSA knew about them and the Government knew about them. The fact is that when you are in charge of the financial system, you have a responsibility to act in a prudent manner. The Governor of the Bank of England always says, “Your duty is to take the punchbowl away when the party gets started.” The problem was that when the party got started under the new Labour Government in terms of debt and borrowing too much, they did not take the punchbowl away—they came out with a new round of tequila slammers, and when that was not enough, they brought out the Jägerbombs, until in 2008 we had the biggest hangover in our history, until the crashing of our economy on the back of the most reckless oversight of financial regulation that this country has ever seen.

Mr Mark Prisk (Hertford and Stortford) (Con): My hon. Friend is making a very strong case. However, he is relatively new to this place. May I remind him, and the Committee, that when I was on the Opposition Benches for 10 years, the then Labour Chancellor of the Exchequer told us that he had abolished boom and bust? That is the political context in which Labour ruined the economy,
James Cartlidge: My hon. Friend is absolutely right. The types of borrowing that I have talked about were the reality, but what have we done since? It is no longer possible to get self-certified mortgages. It is very difficult—almost impossible—to get interest-only mortgages as a residential purchaser.

Kirsty Blackman: Will the hon. Gentleman give way?

James Cartlidge: The hon. Lady did not give way to me, but because I believe in inclusive growth and equality, I will give way to her.

Kirsty Blackman: The hon. Gentleman is making a very sensible case about the issues there were with mortgages before, but there are currently issues with consumer credit. The Bank of England has raised concerns about, for example, the card credit that people are taking out, and the fact that half of households have less than £100 in savings. When is he going to take the punchbowl away?

James Cartlidge: I did say that I would come to the current position on credit. I want to finish on the analysis of the three tenets in new clause 22 under which Labour says that we should consider how the bank levy has worked. According to subsection (2)(c), we should look at it in terms of “encouraging banks to move away from riskier funding models.”

It is quite amusing to see a Labour new clause that contains the phrase “encouraging banks to move away”. My colleagues will appreciate that the whole point of reforming the bank levy is not to encourage banks to move away, but to encourage them to stay here and create wealth and jobs. Let us not forget that in all the figures we have heard about, we have not heard the key one. Banks contribute £116 billion of value added to our economy, not including any of the tax take.

Peter Dowd: We have talked about the rewriting of history. The Shadow Cabinet at the time—we are talking about what happened at the time—said:

“We need to make it more difficult for ministers to regulate, and we need to give the critics of regulation more opportunity to make their case against specific new proposals.”

The Conservatives’ direction of travel at that time was towards not more regulation, but less. Does the hon. Gentleman acknowledge that at all?

James Cartlidge: All the financial plans of that shadow Government would have been about fiscal prudence, and the context would have been completely different. The Labour Government crashed the economy on every single front, which is why we are where we are today.

There is one final point I want to make. We had a wide-ranging discussion earlier about Marxism, which I thought particularly intriguing. We have to decide, as a country, whether we want to be a flourishing free enterprise economy or a centrally commanded one in which everything remains in, or is taken into, the public sector. When the banks were nationalised, they were bailed out on the basis of rescuing the economy from an extreme threat that could have left us resorting to barter. The point is that we have put the banks on a stable footing so that they can flourish again and become competitive businesses. The bank levy, to me, is about striking a balance but having a competitive financial services sector to drive our exports and growth, and that is why I will be voting to support it.

Karin Smyth: We have had an interesting, if not very factually correct, history lesson this evening. I want to bring us back to the question of how we spend £4.7 billion of taxpayers’ money, and the political choices that the Conservative party are making in this Finance Bill. Politics is about priorities, and I would like to talk, as the hon. Member for Aberdeen North (Kirsty Blackman) suggested we should, about the future and how we might spend the money differently. For my constituents in Bristol South, and, I think, for the country, the biggest issue in the Budget is productivity. I would like to think that we could use that money for something better, such as technical qualifications, to help to reduce the skills gap in my constituency.

Of all the constituencies in the country, mine sends the smallest number of young people into higher education, and only 24% have a level 4 qualification. For a city that contains two universities and has two more close by, that is scandalous. Because of that, I have followed the apprenticeship levy very closely and supported the Government in its introduction, but the figures are hugely disappointing. Large employers are using the levy to train current executives, and small employers simply do not know how to navigate the system. That has led to the 62% drop-off in apprenticeships since last July. It is outrageous that in the Budget, the Chancellor could only give a nod to the apprenticeship levy by saying that he would keep an eye on it, at the same time as deciding to grant the banks a tax giveaway of £4.7 billion.

T-levels have had very little debate in this House since they were announced in October, and they are mentioned only in passing in the Budget. I welcome the Government’s approach to trying to improve technical education as an alternative to the academic option, because it could really help social mobility in my constituency and those of many other hon. Members. The Government have said that T-levels were “the most ambitious post-16 education reform since the introduction of A-levels”, but if they are, the current signs are very worrying. Let us compare that £4.7 billion with the sums of money that the Government have committed to T-levels: £60 million in 2018-19, £445 million in 2021-22 and £500 million every year afterwards to ensure that the supposedly hugely ambitious T-levels are a success. However, while the overall investment is welcome, it pales into a rather small figure compared with the other sums we are talking about.

8.45 pm

Further education providers have already raised concerns this year that the figure is not enough, and they are already facing reduced student numbers. They need the money now. In fact, our country needs that money now, because as we heard in the Budget, productivity is one of the greatest problems facing our country. As Lord Sainsbury has said:

“Government, the education sector, industry, LEPs and Combined Authorities now need to put in the necessary resources and effort, and not wait until the last moment”

to do something about this problem.
It is disappointing that the Chancellor simply offered £20 million in staff development training for T-levels, which is in contrast with the £80 million in incentives to get more A-level maths students, for example. There is no clarity on what, where, how or who this will apply to, and there is a real lack of transparency about the process for choosing pathways and providers. So far, the tenders for the 2015 institutes of technology have been delayed, and teaching the first new T-levels has been pushed back to September 2020, with the delay of another year. Only one pathway from each of the three routes is likely to begin by 2020, and most of the providers do not look likely to deliver T-levels until perhaps 2024. After the problems encountered with the apprenticeships levy, which is due to help with our skills gap and to increase productivity in this country, there ought to be a much greater sense of urgency about getting this rolled out and helping FE providers to be prepared.

In conclusion, I would like to know how and when the providers in Bristol South—indeed, I am sure many hon. Members would like to know this about their own constituency—can expect to access additional funding, and helping FE providers to be prepared.

Robert Courts: It is a great honour to speak in the debate on this very important matter, and particularly to follow the hon. Member for Bristol South (Karin Smyth). She made some very interesting points, and I am glad that she supports many of the technical education measures that the Government are bringing in. I entirely agree with her that this is one of the great challenges the country faces, and I applaud the Government’s work in setting out a framework for technical education in the future.

I want to talk directly about the bank levy. All hon. Members on both sides of the House probably accept that it is very important for the banks to pay a fair contribution towards public services and the tax yield in this country. They are significant employers with significant operations and they are wealthy and profitable enterprises, but it is very important to have a balance. Such a balance throws into relief the fact that banks are responsible not just for being profitable and therefore for paying tax, but for introducing liquidity into the system and enabling us to borrow.

If any hon. Member has ever borrowed to buy a car or a house or to invest in a business—many of their constituents will of course have done so—the money will have come from a bank in most cases. It is very important that banks are enabled to provide precisely that service, so there has to be a balance. Yes, they must pay a fair share towards the economy and society in which we all live, but that share should not be so large that their ability to lend is decreased. I suggest that this Government have got the balance right. In 2010, the Conservative coalition Government increased regulation, and in 2011 they introduced the bank levy, which reflected the risk inherent in the banking sector. It is an inherently risky sector because of the very nature of the way in which it operates, and the bank levy was introduced precisely to recognise that risk. It was introduced to incentivise the banking sector as it then was to invest in a way that was less risky than the ways in which it had operated up until that time.

That spirit of balance, which is the keynote point of my few remarks this evening, is why we need reform now. There is a gradual shift from the levy to taxing profit, recognising that the regulatory regime globally, as well as in this country, has moved on considerably since it was introduced. Since 2016, we have had an 8% tax on bank profits—the corporation tax surcharge—which will raise £9 billion between 2017 and 2022. The bank levy rate will be reduced to 0.1% over the same period. Of course, there is the additional fairness brought by ensuring that the levy affects only UK balance sheets. UK-based banks must never be disincentivised from being based here, rather than being based abroad and operating here. We can make those changes now because of the improvements in global regulation.

Members from all parts of the House should recognise that it is important that we, as politicians, do not become too fixated on the rate of taxation, but rather look at the revenue that is earned. I suggest that this Government have got that balance—that key focus—correct. That is the economic paradox of taxation rates. We heard about the Laffer curve from my hon. Friend the Member for Stirling (Stephen Kerr). If there is 0% tax, 0% taxation is received. If there is 100% tax, 0% taxation is received. The point is where precisely the balance is struck. I suggest that the Government have got it correct.

The measures that we have brought in since 2015 have introduced an additional £7 billion through to 2023, bringing in a total of £30 billion over and above what would have been brought in through corporation tax in any event.

Peter Dowd: I am not quite sure that the hon. Gentleman is correct about that, because the Institute for Fiscal Studies states:

“Cuts to corporation tax rates announced between 2010 and 2016 are estimated to reduce revenues by at least £16.5 billion a year in the short to medium run.”

Even the Treasury’s own figures show that the cost has been significant.

Robert Courts: I simply do not accept that point, with the greatest of respect to the hon. Gentleman. It is quite clear that the reduction in corporation tax, which I am glad he has mentioned, has led to an increase in revenues over that period. It is accepted that GDP is expected to increase by 1.3% in the long run. The receipts have increased by 50% since the Government have been reducing the corporation tax rate, from £36 billion to £55 billion between 2010 and 2016. That is an increase to £55 billion going to the Exchequer over that period.

Ian Paisley (North Antrim) (DUP): The hon. Gentleman is absolutely right. We have seen the boost in spending generated by the proposed reduction in VAT on the hospitality trade in Northern Ireland before the measure even kicks in. I suggest that if the Government had the bottle to do away with air passenger duty—that would be an exceptionally good move—we would see even more air travel and an increase in tax take overall.
Robert Courts: I thank the hon. Gentleman for those excellent points, which reinforce the point I am making.

Of course there has to be taxation, but we must strike a balance with the level of taxation. I know it is paradoxical, but sometimes when tax is reduced, there is an increase in the amount of tax that is taken because it sponsors the amount of work that business is able to do. When business is able to do more work, it earns more money, it pays more tax, it is able to employ more employees, those employees pay more tax and hopefully their wages increase. I am sure that Opposition Members will be glad to ensure that we have measures that increase wages. That is something we should all aim to do, not least because it increases the tax take and the funding for our public services.

I suggest that the Government’s measures can in no way be described as a bank tax giveaway, because 58% more is being paid in tax than was the case under Labour. An additional £27.3 billion was taken through corporate tax, the bank levy, national insurance, the bank surcharge and income tax in 2016-17 than would otherwise have been the case. A 35% increase in the amount of taxes paid by the financial services sector since 2010 is an extraordinary figure. It has been made possible by this Government’s sensible tax policies.

Nigel Huddleston: My hon. Friend is making a very important point about tax fairness. Whether corporations or individuals, the top 1% of income tax payers pay more than double what the bottom 50% pay. It is a similar principle.

Robert Courts: It is exactly the same principle with personal taxation. My hon. Friend makes an absolutely outstanding point. He is quite right and we must not forget that the principle is the same for personal taxation as it is for corporation taxation. Not only is the tax yield increasing, it is also borne by those who earn the most. It is indeed progressive and, I would hope, something all Members could support.

I know other Members wish to speak, so I will conclude with this point. An Opposition Member suggested that no one on the Government Benches has spoken about wages, public services and so on. I would very much like to concentrate on them in these last few seconds of my speech. It is through our tax regime, the sensible taxation policies that this Government have put in place since 2010, that we are now able to see an increase in—

Peter Dowd: Given those sensible taxation levels and rates, will the hon. Gentleman explain why productivity is the lowest of all our competitors, inflation is higher than our competitors, wage stagnation is almost becoming endemic, investment is slower, and economic growth is on the floor? If having these so-called lower rates of tax is such a fantastic opportunity for businesses, how come we are still in this particular situation?

Robert Courts: I am grateful, as ever, to the hon. Gentleman for making his points. He makes a number of them and it will not surprise him that I do not agree with him. We have record investment, an extraordinary economic miracle and a jobs miracle. We are still having to recover from the economic mess the Labour party left us in. There is absolutely no two ways about it: the Labour party left us with record levels of national debt.

Our economy is seeing an increasingly benign environment. That has been made possible by the sensible taxation measures the Government have allowed to take place and have sponsored. It is through that tax regime that there is more to spend on public services: companies can look to increase wages, hire more staff, pay more tax and thereby fund the public services we all need.

Rosie Duffield (Canterbury) (Lab): The Chancellor, in his Budget speech, offered nothing at all for our vital children’s services, which are already struggling and stretched. He was, however, able to find £5 billion of tax relief for bankers, so it is certainly a happy Christmas for them this year. The additional new surcharge on banks and the changes announced to the bank levy mean that the amount received will reduce by a third over time.

A less happy Christmas awaits the staff, parents and children who use the Riverside Sure Start children’s centre in my constituency. On Thursday, I was told that Kent County Council is considering plans to close this beloved centre. The council talks about making efficiency savings and bringing services in house, but we all know what that could mean: more victims of Kent County Council’s ruthless cost-cutting drive in line with this Government’s. When it comes to cuts, it seems to me that Kent County Council is doing its very best not just to throw metaphorical babies out with the bathwater, as real children and babies are being betrayed by this heartless agenda to keep the council in the black.

Kent County Council does not know when to stop. Many families in my community and from local schools rely on the services provided by our children’s centre. Those services include stay and play sessions, vital family support and outreach for parents. They also include advice and help with all aspects of childcare, school choices, breastfeeding support, health visitor and midwife clinics, post-natal depression advice, parenting skills, and speech and language services. Furthermore, the centre threatened with closure in Canterbury also offers advice on employment and opportunities to engage in adult education and training. Riverside children’s centre celebrated its 10th birthday last year. Since it opened in 2006, almost 7,000 children have attended the activities provided and nearly 2,000 families have registered with the centre.

9 pm

Alison McGovern: My hon. Friend is making an excellent speech. Given the comments that we heard earlier about recent history, does she agree that the brutal cuts to important children’s services such as those that she describes go completely against the rhetoric with which David Cameron and George Osborne came to this House when they went into government in 2010, after the events we heard described just a moment ago?

Rosie Duffield: Absolutely—

The Temporary Chair (Albert Owen): Order. As the hon. Lady continues, rather than concentrating on recent history, will she get back to the bank levy, which is what is under debate?
Rosie Duffield: I thank my hon. Friend the Member for Wirral South (Alison McGovern) for her intervention, but in the light of your comments, Mr Owen, I shall continue with my speech.

These parents and children will no longer be able to meet or play together, and the children will be unable to socialise with children their own age in a safe, well-equipped space. Loneliness is a—[Interruption.] This is about real cuts to real people, affecting their lives.

The problem of loneliness has been much talked about lately. New parents often experience feelings of isolation and can lack confidence, and that is especially the case for parents who have recently moved to a new area or do not have English as their first language. It goes without saying that they are helped enormously by being able to meet others in similar circumstances, sharing their common fears and trepidation at a time of huge life change. Taking away a lifeline such as Sure Start cuts them off from friends, health advice, skills sharing and their communities.

Gareth Snell: My hon. Friend is setting out in her excellent speech exactly the same point as that made by my hon. Friend the Member for Bristol South (Karin Smyth): reducing the bank levy will have a direct impact on community services. Could the services she has mentioned be saved if the Government were to drop their plans to cut the bank levy?

Rosie Duffield: Absolutely. We have heard a lot about Marxism and some filibustering speeches, but the real people watching today are interested in cuts to services such as children’s services. That is why I am speaking about them.

We know that two thirds of councillors from 101 local authorities that were surveyed said that not enough money was available to provide universal services such as children’s centres and youth clubs. How does the short-sighted and drastic cutting of the funding that children’s services need help the children and families of tomorrow? This short-term, household budget-style approach will leave a generation of communities bereft, isolated and without the many essential services that are so needed by parents and children.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): I wish to support Labour’s new clauses 1 to 3, which call for a review of the change in the scope and rate of the bank levy, the funds from which should be invested in young people’s and children’s services. Given the desperate state of young people’s and children’s services across the country, I am surprised that the Chancellor has chosen to reduce the bank levy, effectively depriving the Government of funds that could be spent on those vital services.

It has now been 26 days since the Chancellor delivered his Budget—his second Budget, and the 10th since the Tories took office in 2010, which is now nearly eight years ago. By coincidence, it is also nearly eight years since my baby was born, who is still my baby despite being eight years old. Every parent wants the best for their child and wants them to have every opportunity to fulfil their potential, but for the almost eight years of her life, we have seen her opportunity rationed and funding for children’s and young people’s services slashed. Sir Roger, I will quickly—[Interruption.] I am so sorry, Mr Owen.

Jonathan Reynolds: Sir Mr Owen.

Emma Hardy: You have been promoted, Mr Owen.

I want quickly to draw the House’s attention to the funding cuts to Hull City Council’s children’s services budget since 2010 and to argue that rather than reducing the bank levy the Government should be properly funding children’s services. The headline figures for Hull City Council are as follows. Spending on children’s and young people’s services is down by £19.5 million, with more than a quarter of its spending power cut since 2010. That is just half of the £37 million that the council has to cut before 2020. The time taken to get a diagnosis of autism is up, with the average waiting time now at 14 months. The number of Sure Start centres in the city is down since 2010. Those centres were instrumental in supporting me when I had my two girls.

Karin Smyth: Is that not simply incomprehensible at a time when productivity is such a major issue for our economy? Is not the proven, evidence-based value of Sure Start early intervention with children at the youngest age one of the biggest drivers for improving productivity, and is not cutting that totally detrimental?

Emma Hardy: I completely agree. The Education Committee has been looking into fostering. We know that in some of the most deprived areas of society the number of looked-after children is increasing, and we know that one of the reasons is that there is no money for social services departments to support families and give them the early intervention that they so desperately need. It is a false economy to pull funding away from early intervention, saying that that will save money. It will not; it will cost a lot more in the long run.

Those horrendous headlines do not tell the whole story. They do not tell of the worry experienced recently by breastfeeding mothers in Hull who panicked at the possibility that their peer-to-peer doula support would be cut because the council could not afford to pay for it. The council is having to make impossible choices. If it supports those breastfeeding mothers, it will have to pull funding from somewhere else. That is simply not fair.

Those headlines do not tell the story of the child in need who has fallen behind at school and finds it difficult to catch up again because of Government cuts in Sure Start’s speech, language and communication services. The Minister recently published an article in a newspaper complaining about the fact that children were starting school before they were school-ready. Why do the Government think that that is happening? It is happening because there is no money for the early intervention and Sure Start centres that are so desperately needed. Again, more potential is being missed and more opportunity wasted.

As I said in my maiden speech, I do not want a single child to have their life story written on the day they are born. Can we really say that the Bill will create the conditions in which all children can be given the support that they need and the opportunity to fulfil their potential?
Does it, as the Prime Minister said on the steps of Downing Street just after taking office, “do everything we can to help anybody, whatever your background, to go as far as your talents will take you”?

Until we can answer yes to those questions, a reduction in the bank levy is a luxury that we cannot afford. I urge Members to back Labour’s new clauses 1, 2 and 3, because the future of our economy, and our children, depends on them.

Mel Stride: We have had a very wide-ranging debate. On occasion, we even touched on the matter at hand—the bank levy.

The hon. Member for Bootle (Peter Dowd) was very generous in giving way, but less generous and less forthcoming in his answers. He was asked whether he recognised that we would be raising more tax from the banks. He said he would come back to that, but I do not think he did. He was asked why Labour had voted against the bank levy in the first place. On two or three occasions he said he would come back to that, but I am not sure he did. When he was asked whether he supported the overthrow of capitalism, he declined to answer. When he was asked by how much Labour would increase corporation tax, he told his interlocutor to go away and look it up. He was asked whether he was a Marxist. He was swamped by red herrings at one point, which caused my hon. Friend the Member for South Suffolk (James Cartlidge) to say that he was the victim of too many interventions “on the trot”—boom boom!

My hon. Friend the Member for Stirling (Stephen Kerr) stressed the importance of a fair playing field, which is exactly what the Bill is introducing for the banks. The hon. Member for Aberdeen North (Kirsty Blackman) talked about the importance of less risky behaviour by banks. I certainly subscribe to that, which is why the Bank of England’s Financial Policy Committee has been conducting the stress tests to which I referred earlier. They have all been very successful, including one that is based on a no-deal Brexit scenario.

My hon. Friend the Member for South Suffolk also took us through the amount of tax that has been raised from the banks under the Conservatives. He slightly ruined it all by saying that he had once written an article for The Guardian, and that he was, indeed, a closet Marxist at least.

The hon. Member for Bristol South (Karin Smyth) talked about the importance of productivity while my hon. Friend the Member for Witney (Robert Courts) highlighted the importance of a balanced approach to tax so that the banks could lend and stay healthy. The final two contributions were on childcare support, on which this Government have a proud record: by 2019-20 we will spending a record £6 billion per year supporting childcare. On that note, I commend clause 33 and schedule 9 to the Committee.

Question put, [9.10 pm], that the schedule be the Ninth schedule to the Bill.
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sayid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr Marcus
Kaczyński, Daniel
Keeghan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Lewin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Dr Julian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sherry
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Paris, Neil
Patel, rh Prithi
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philip, Chris
Pincher, Christopher
Pow, Rebecca
Preston-Victor
Prisk, rh Mr Mark
Pritchard, Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees, rh Mr Jacob
Robertson, rh Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, rh David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturrock, Ian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Sym, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, rh Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaisey, rh Mr Edward
Vara, rh Mr Shailsh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Rebecca Harris and
Mike Freer

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonya
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, rh Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Charalamous, Bambo
Cherry, Joanna
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Creasy, Stella
Cruduas, John
Cryer, John
Cummins, Judith

Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Cunningham, Alex
Cunningham, Mr Jim
Dakin, David
Davies, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dodow, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrely, Paul
Field, rh Frank
Fitzpatrick, Jim
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
(2) After paragraph 81, insert—

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Schedule 9 agreed to.
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Question accordingly agreed to.

Schedule 9 agreed to.

New Clause 1

**Review of Operation and Effectiveness of Bank Levy**

(1) Schedule 19 to FA 2011 (bank levy) is amended as follows.

(2) After paragraph 81, insert—

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“PART 10

Review

82 (1) Within six months of the passing of the Finance Act 2018, the Chancellor of the Exchequer shall undertake a review of the operation and effectiveness of the bank levy.

(2) The review shall consider in particular—

(a) the effectiveness of the levy in reflecting risks to the financial system and the wider UK economy arising from the banking sector,

(b) the effectiveness of the levy in encouraging banks to move away from riskier funding models,

(c) the revenue effects of the changes to the levy made in Schedule 2 to the Finance (No. 2) Act 2015,

(d) the effectiveness of the anti-avoidance provisions in paragraphs 47 and 48 of this Schedule.

(3) A review shall also compare the effects of the bank levy with those of the bank payroll tax (within the meaning given by Schedule 2 to the Finance Act 2010) in relation to—

(a) revenue, and

(b) the matters specified in sub-paragraph (2)(a) and (b).

(4) A report of the review under this paragraph shall be laid before the House of Commons within one calendar month of its completion.”—(Peter Dowd.)
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This new clause requires the Government to carry out a review of the bank levy, including its effectiveness in relation to its stated aims, the revenue effects of the changes made in 2015 and the comparable effectiveness of the bank payroll tax.

Brought up, and read the First time.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 260, Noes 313.

**Division No. 75**

**[9.28 pm]**

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burton, Richard
Byrne, r Hickel

Tellers for the Ayes:  [Vicky Foxcroft and Colleen Fletcher]
Tellers for the Ayes:

Vicky Foxcroft and Colleen Fletcher

NOES

Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chopra, Mr Christopher
Churchill, Jo
Clark, Colin
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Tami, Mark
Thewliss, Alison
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitley, Martin
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Yasin, Mohammad
Zeichner, Daniel

Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chopra, Mr Christopher
Churchill, Jo
Clark, Colin
Question accordingly negatived.

Clause 40

Higher Rates for Additional Dwellings

Question proposed, That the clause stand part of the Bill.
Amendment 2, in clause 8, page 4, line 16, at end insert—
“(4A) Regulations under this section may not increase any person’s liability to income tax.”

This amendment provides that the power to make regulations in consequence of the exemption from income tax in respect of payments of accommodation allowances to, or in respect of, a member of the armed forces may not be exercised so as to increase any individual’s liability to income tax.

Amendment 3, in page 4, line 17, leave out from “section” to “may” in line 18.
This amendment is consequential on Amendment 2.

Clause 8 stand part.

New clause 4—Review of Relief for First-Time Buyers—
“(1) The Commissioners of Her Majesty’s Revenue and Customs shall undertake a review of the impact of the relief for first-time buyers introduced in Schedule 6ZA to FA 2003.

(2) The review shall consider, in particular, the effects of the relief on—
(a) the public revenue,
(b) house prices, and
(c) the supply of housing.

(3) The Chancellor of the Exchequer must lay a copy of a report of the review under this section before the House of Commons no later than one calendar week prior to the date which he has set for his Autumn 2018 Budget Statement.”

This new clause requires a review to be published prior to the Autumn 2018 Budget on the impact of the relief for first-time buyers, including information on the beneficiaries and effects on different aspects of housing supply.

New clause 10—Annual Report on Relief for First-Time Buyers—
“(1) The Chancellor of the Exchequer must prepare and lay before the House of Commons a report for each relevant period, including information on the beneficiaries and effects on different aspects of housing supply.

(2) The report shall include, in particular, information in respect of the relevant period on—
(a) the number of first-time buyers benefiting from the relief,
(b) the number of purchases benefiting from the relief,
(c) the average age of first-time buyers benefiting from the relief,
(d) the effects on the operation of the private rented sector,
(e) the effects on council housing and other social housing,
(f) the effects on the supply of affordable housing, and
(g) the effects on the operation of collective investment schemes under Part 17 of the Financial Services and Markets Act 2000 in the provision of cooperative housing.

(3) For the purposes of this section, “relevant period” means—
(a) the period from 22 November 2017 to 5 April 2018,
(b) each period of 12 months beginning on 6 April during which the relief is in effect, and
(c) the period beginning on 6 April and ending with the day on which the relief ceases to have effect.”

This new clause requires an annual report on the operation of the relief for first-time buyers, including information on the beneficiaries and effects on different aspects of housing supply.
Mel Stride: There is not an area or region of the country that will not see benefits for first-time buyers. [Hon. Members: “Yes, there is.”] No, I am afraid that that is simply not the case. This measure will benefit first-time buyers in every single region of the country. It is the case that property is a lot more expensive in some parts of the country than in others. Arguably, that is where the particular need is. As I have said, the average house price in London is 12 times average earnings, and it is 10 times average earnings in the south-east.

John Spellar (Warley) (Lab): Can the Minister give us any indication of his Department’s estimate of the cost of this measure and of the incidence—how it falls—in different regions of the country? In other words, how much is it going to cost globally and what other housing needs the Government have built with that money? Equally importantly, how much of this will be in the south-east and how much in other regions?

Mel Stride: In addition to what I just said about every region seeing benefits, I can tell the right hon. Gentleman that the average benefit for the average first-time buyer will be around £1,700, which is a significant amount. For people purchasing a property at the £300,000 to £500,000 level, the benefit is no less than £5,000, which is a considerable sum.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Does the Minister disagree then with the Office for Budget Responsibility, which says that the measure will actually increase house prices by 0.3%? Is the OBR wrong?

Mel Stride: As the hon. Gentleman may know, the figure of 0.3% takes a static view of this policy and its effect on house prices. It does not take into account the supply side changes that I have mentioned. As we increase supply, prices will inevitably begin to fall. There is no single solution to this challenge and no magic bullet.

Alison McGovern: Will the Minister give way?

Gareth Snell: Will the Minister give way?

Mel Stride: I will make a little progress, if I may.

The Budget announced an ambitious package of new policies to tackle the housing challenge, including planning reform; spending; and a new agency, Homes England, to intervene more actively in the land market. Together with the reforms in the housing White Paper, the housing package announced in the Budget means that we are on track to raise annual housing supply by the end of this Parliament to its highest level since 1970 and to 300,000 a year on average by the mid-2020s. That means that housing supply is on track to be higher over the 2020s than in any previous decade. However, it will take time to build these new homes, and the Government want to act now to help those young people who are aspiring to take their first step on to the housing ladder. That is why the Bill permanently abolishes stamp duty for first-time buyers purchasing a property for £300,000 or less. First-time buyers purchasing a house that is between £300,000 and £500,000 will save £5,000. To ensure that this relief is targeted at those who need it most, purchases above £500,000 will not benefit from the relief.

Gareth Snell: I thank the Minister for taking a second intervention from me. To my earlier point, though, there are fewer than 15 properties currently on the market in Stoke-on-Trent between the value of £250,000 and £300,000. I say again: the average wage in Stoke-on-Trent is £100 a week less than the national average. How will young people in Stoke-on-Trent benefit, when the housing supply does not exist and the wage level will simply not allow them to purchase a property of that value?

Mel Stride: The figures the hon. Gentleman chose to use were, I think, a range between £250,000 and £300,000, and he says there are 15 properties in that category. Of course, stamp duty kicks in at £125,000, so it is the range from £125,000 to £300,000 that we would actually be considering in that example.

First-time buyers are typically more cash-constrained than other buyers, and stamp duty requires cash up front, on top of a deposit and conveyancing fees, for purchases over £125,000. The Government think it is right to reduce the up-front costs that first-time buyers need to pay, giving them an advantage over the rest of the market.

Alison McGovern: I thank the Minister for giving way, but he simply did not answer the question from my right hon. Friend the Member for Warley (John Spellar), who quite legitimately asked him where the money from this cut is going. The Minister talked about the average gain that will be made. Will he tell us the average benefit to a first-time buyer in the west midlands?

Mel Stride: As I say, the average across the piece will be £1,700 per average first-time buyer. I also stated quite clearly that, in every region of the country, there will be those who benefit from this measure.

John Spellar: I thank the Minister for giving way, but surely his Department must have done an analysis, first, to convince the Treasury of how much this would cost and, secondly, to work out how much this would affect each region—in other words, how much benefit was going to the south-east, how much to London, how much to Yorkshire and how much to the west midlands. Why is he so reluctant to open up about those figures?

Mel Stride: What I am able to tell the right hon. Gentleman is that, as I have said, the average benefit will be £1,700 for the average first-time buyer. Every region in the United Kingdom will see benefit from this measure, and those regions—particularly in the south and south-east—where the ratio of salaries required to mortgage levels is particularly high will especially benefit.

However, the other thing we need to do as a Government, as I have already stated, is to make sure we get the supply of housing right. That is why we will be moving from the current level of 200,000 new builds a year up to 300,000 in the middle of the 2020s.

Ian Paisley: It is important to put on the record that Northern Ireland probably benefits disproportionately as a result of this measure, compared with any other part of the United Kingdom. The average house price in Northern Ireland is £128,650—in some areas west of the Bann, it is about £109,000—so hitting house prices over £300,000 would involve such a limited market.
Many, many people in Northern Ireland are going to benefit from this, and I welcome the move the Government have made.

**Mel Stride:** I thank my hon. Friend for those comments, which illustrate the point that there are benefits accruing across all regions of the United Kingdom.

The changes made by this Bill include the largest ever increase in the point at which first-time buyers become liable for stamp duty. This relief will help over 1 million first-time buyers who are taking their first steps on the housing ladder during the next five years. It provides immediate support while our wider housing market reforms take effect.

The changes made by clause 41 ensure that over 95% of first-time buyers who pay stamp duty will benefit by up to £5,000, including 80% of first-time buyers in London. That means that over 80% of first-time buyers will pay no stamp duty at all, and it saves the buyer of an average first property nearly £1,700, as I have said.

In summary, this change to SDLT will help millions of first-time buyers getting on to the housing ladder. Together with the broader housing package we have announced, we are delivering on our pledge to make the dream of home ownership a reality for as many people as possible.

**Lloyd Russell-Moyle:** Will the Minister give way?

**Mel Stride:** I am going to make further progress.

I will now move on to other changes relating to stamp duty. Clause 40 brings forward some minor changes to the higher rates of stamp duty land tax for additional properties, which will improve how the legislation works. The changes help in a number of circumstances, including in relation to those affected by divorce or the dissolution of a civil partnership, where they have had to leave a matrimonial home but are required to retain an interest in it, and in relation to the interests of disabled children, where a court-appointed trustee buys a home for such a child.

We will also close down an avoidance opportunity. The Government have become aware of efforts to avoid the higher rates by disposing of only part of an interest in an old main residence to qualify for relief from the higher rates on the whole of a new main residence. This behaviour is unacceptable, and the Government have acted to stop it with effect from 22 November.

Clause 8 introduces a new income tax exemption for payments made to members of the armed forces to help them to meet accommodation costs in the private sector in the UK. The exemption enables them to receive a tax-free allowance for renting accommodation or maintaining their home in the private sector. The allowance will also be free of national insurance contributions. That measure will be introduced through regulations at a later date. By using the private market, the Ministry of Defence will be able to provide access to similar accommodation, but with more flexibility.

Opposition Members have tabled amendments 2 and 3 to the armed forces accommodation clause, and I look forward to hearing about them in the debate. The amendments seek to prevent the Treasury from laying regulations that would increase the liability of a member of the armed forces to income tax. I am happy to reassure the Committee that the Government do not intend to use the power to increase tax liabilities either now or in the future. The regulation-making power is retrospective so that the allowance can be provided tax free before regulations take effect. As a standard safeguard, the Bill expressly provides that the Government would not retrospectively increase tax liabilities. I hope that, in the light of that, hon. Members will not press their amendments.

New clause 5, also tabled by Opposition Members, would require the House to expressly approve any regulations made under the clause. The Bill provides for regulations to be made under the negative procedure. Regulations made under the clause will align the qualifying criteria for the proposed exemption with the Ministry of Defence’s new accommodation model once more details are available. Any future regulations will ensure that the tax exemption reflects changes to the model. It would be a questionable demand on Parliament’s time, particularly over the next two years, for it to be called on to expressly approve regulations in these circumstances. The negative procedure provides an appropriate level of scrutiny. I therefore urge the Committee to reject the new clause.

The stamp duty relief for first-time buyers is a major step to help those getting on to the property ladder, and one that has been widely welcomed. The other changes made by these clauses provide relief from some tax costs associated with housing for several groups that deserve them. The clauses also tackle avoidance. I commend clauses 41, 40 and 8, and schedule 11, to the Committee.

**Jonathan Reynolds:** This country is in the grip of a severe housing crisis that the Conservatives have allowed to spiral out of control over the past seven years. Making sure that people have a roof over their heads and can raise their families somewhere safe, decent and affordable is more than just a matter of sound public policy—it is surely a yardstick of a decent society. At the moment, we are falling short of this yardstick to a degree that is shameful for one of the world’s most affluent nations.

Now, after seven years of Tory government, the Government say that they have noticed the problem, yet it is on the brink not of being resolved but rather exacerbated. The Chancellor’s autumn Budget, from which the measures in the Bill are drawn, falls woefully short in addressing the scale of what is needed. Since 2010, house building has fallen to its lowest level since the 1920s, rough sleeping has risen year on year, rents have risen faster than incomes and there are almost 200,000 fewer homeowners in the UK.

**Lucy Frazer:** Can the hon. Gentleman confirm whether Labour built houses when it was in office or house building fell when Labour was in office?

**Jonathan Reynolds:** Labour’s record in office is 2 million more homes, 1 million more homeowners, and—something that is particularly important to me as a Labour councillor during some of that time—an incredible investment in social housing. In local government, we used to ask whether we could ever fulfil the backlog in repairs that the Thatcher and Major Governments had created, but we did, and it made a tremendous difference to people’s lives.
[Jonathan Reynolds]

The one headline-grabbing move that the Chancellor made in the autumn Budget was the abolition of stamp duty land tax for first-time buyers up to the value of £300,000. I acknowledge that this was a Labour policy included in our manifesto for the June 2017 general election, but we were very clear in that manifesto that the measure should be proposed only if there were accompanying measures to increase supply. Without these, stamp duty land tax cuts risk further inflating a housing bubble that is snatching the idea of home ownership out of reach for the younger generation.

10 pm

Mrs Anne Main (St Albans) (Con): In St Albans, we are very grateful for the Chancellor’s abolition of stamp duty. Is the hon. Gentleman saying that the Labour party is against it, and that he does not wish it to happen?

Jonathan Reynolds: I have just explained that the policy was our idea to begin with, but it is effective only if it is accompanied by measures to increase supply.

Rachel Maclean: The hon. Gentleman says that he will support the policy if it is accompanied by measures to increase supply. That is exactly what the Chancellor has introduced in the Budget, so will the hon. Gentleman support the measure, or is he against cutting stamp duty for first-time buyers?

Jonathan Reynolds: No, we are not, as I have just explained, but there have to be measures that genuinely increase supply. I will explain to the hon. Lady that the measures in this Budget do not in any way contribute to that, and we will get on to the Office for Budget Responsibility’s definition.

Lucy Frazer: The Budget states that 300,000 houses will be built every year. That is a measure to increase house building, so will the hon. Gentleman commit to supporting the stamp duty measure?

Jonathan Reynolds: Members have become accustomed to the fact that the number of homes that the Government claim to build is not always the actual number that are built. I will get to some of that record of failure later in my speech.

Mr Kevan Jones (North Durham) (Lab): Does my hon. Friend agree that one of the mistakes that former Chancellor Osborne made was the cap on rents, which threw into complete chaos the planning of social landlords and housing associations in budgeting for building new houses? It had the effect of reducing the supply, rather than increasing it.

Mr Kevan Jones: Does my hon. Friend agree that one of the mistakes that former Chancellor Osborne made was the cap on rents, which threw into complete chaos the planning of social landlords and housing associations in budgeting for building new houses? It had the effect of reducing the supply, rather than increasing it.

Jonathan Reynolds: We will get on to whether those measures will be effective, based on the assessments that have been made. I am old enough to remember when a tax on land banking was described as Venezuelan-style socialism, so it is good to see some permutation of that idea among Government Members.

The analysis by the OBR on the likely outcome of the policy shows that it will push up prices by 0.3% in 2018.

John Spellar: My hon. Friend is talking about land banking by the big house builders. Is not the evidence of that utterly obscene bonus being paid to the chief executive of Persimmon, which is so outrageous that the chairman of the company has seen fit to resign in disgust?

Jonathan Reynolds: My right hon. Friend identifies another feature of a dysfunctional market. That will be corrected only by a change in Government policy, but we have not seen one in the Bill.

Conservative Ministers’ review of a previous stamp duty cut concluded that the tax relief, in itself, had “not had a significant impact on improving affordability for first time buyers”. That is why Labour has tabled an amendment calling for the publication of a review prior to the 2018 Budget on the impact of the relief on first-time buyers, including its effect on house prices and the supply of houses.

The Minister, as usual, talked an extremely good game on funding for new housing, which he said would help to ameliorate the supply issue. On further scrutiny, however, we find that no measures in the 2017 Budget will directly increase house building. Only one third of the £44 billion announced in the Budget is genuinely new, and there is no extra Government investment in new affordable homes. That builds on a legacy of failure. Let us remind ourselves that not one of the 200,000 starter homes promised by the Tories three years ago has yet been built. That lack of action is having a serious impact across every part of our society. During the Government’s seven years in power, homelessness has doubled. Shockingly, recent statistics from the Department for Communities and Local Government show that nearly 80,000 households were homeless in September; that includes 120,000 children. The situation is extraordinarily urgent.

Mr Kevan Jones: Does my hon. Friend agree that one of the mistakes that former Chancellor Osborne made was the cap on rents, which threw into complete chaos the planning of social landlords and housing associations in budgeting for building new houses? It had the effect of reducing the supply, rather than increasing it.

Jonathan Reynolds: Absolutely. A combination of policy measures—not just the failure on new housing completions, but a range of other measures—has contributed to this toxic situation. We see it perhaps most visibly in Greater Manchester—I live there and represent part of it—than in any other part of the country, and thank goodness that we in Greater Manchester have a Labour Mayor in Andy Burnham who is so determined to make a difference on this matter. If Labour was in power, we would set up a taskforce, led by the Prime Minister, to end this, and we would start by setting out plans to make available at least 4,000 homes for people with a history of rough sleeping.
The homelessness statistics obviously include the hundreds of families who tragically lost their homes in the Grenfell Tower disaster in June, four-fifths of whom are still living in temporary accommodation. Although Labour welcomes the additional funding for mental health services for those affected by Grenfell, we have profound concerns about the fact that no new money has been allocated for fire safety throughout the country. The Government ignored calls to fit sprinklers to all social housing tower blocks in 2013, after the disastrous and fatal events that happened at Lakanal House and Shirley Towers, so it remains the case that only 2% of tower blocks in the UK have sprinklers installed. That figure should be of serious concern to us all.

We can see that the measures included in the Bill fall far short of what is needed to fix the housing crisis in Britain. We want in particular to discuss one measure that the Opposition are concerned may be being used as a fig leaf for just another cut. This is in regard to clause 8, the income tax exemption for the armed forces accommodation allowance, which the Minister mentioned. The explanatory note to the clause states that this is “to allow members of the armed forces to give up their entitlement to accommodation in exchange for an allowance to be used to rent or maintain accommodation in the private market.”

Labour is concerned that this manoeuvre is designed to force more servicemen and women into the private rental sector, as part of a Government shift towards selling off the military housing stock in which armed forces personnel would ordinarily be housed.

Lucy Frazer: The hon. Gentleman has mentioned that Andy Burnham is the Mayor of the area he represents. Does he remember that, in 2010, when Andy Burnham was standing for the leadership, he said: “These issues are important, particularly stamp duty as it stands in the way of young people getting on in life”?

Jonathan Reynolds: I commend the hon. and learned Lady for googling that so fast. I do not think that Andy Burnham describes As constituency MPs, we are left requesting our local housing association simply to try to absorb the costs of this Government policy failure. In many cases, the housing association does so, but there is ultimately a cost. The cost is taking away available resources to build further houses, thus getting us into a situation in which the problem is never truly resolved.

I will return to the armed forces accommodation allowance. The Ministry of Defence has a target in the 2015 national security strategy and strategic defence and security review to sell off 30% of its estate by 2040, but the Conservatives have a track record of making poor decisions on selling off service family housing in the name of short-term savings. Annington Homes bought most of the service family accommodation from the Ministry of Defence for £1.6 billion in 1996. A 999-year lease was granted back to the Ministry of Defence at a discount, with the stipulations that the MOD would be responsible for maintenance and that Annington Homes could terminate individual leases and had the right to include five-yearly rental reviews and a break point at 25 years. The National Audit Office has said that the MOD has therefore not benefited from the rise in house prices since the agreement and, in fact, has paid higher rental costs to Annington Homes. In 2016, Annington’s annual statement estimated its property portfolio to be worth £6.7 billion.

Mr Kevan Jones: Having tried to get out of the Annington Homes contract when I was responsible for armed forces housing, may I say that the situation is worse than my hon. Friend describes? The MOD is still paying not only for empty houses, but for houses that have been demolished. It was the worst deal possible for the taxpayer.

Jonathan Reynolds: I am grateful to my hon. Friend for sharing his expertise with the Committee. It truly is an appalling record of failure.

As every Member knows, there are enormous problems in the private rented sector in respect of affordability, quality and security of tenure. By forcing service families into the private rented sector, we risk reducing the quality of their accommodation and their quality of life. It might therefore impact on recruitment and retention rates.

The Government have so far offered little detail on which members of the armed forces will be entitled to the new allowance or what the rate will be and have not said whether the Treasury has done an impact assessment on local housing supply. The proposal ignores the fact that there is not a supply of affordable housing to buy or rent near many military bases.
It seems clear that the Government are attempting to rush the proposal through to make short-term savings, without considering the potential repercussions. Labour is demanding more consultation with armed forces personnel and a full and robust impact assessment of any proposed changes. Clear communication with armed forces families must be a top priority throughout this process and their long-term interest must be considered, as well as the long-term value for money for the taxpayer. Committing to sell this Government-owned housing risks shackling the public purse to ever-rising rents, as well as poor outcomes for armed forces personnel.

Given Labour’s concerns over the lack of detail over the armed forces allowance and any potential safeguards for members of the armed services in the private rental sector, Her Majesty’s Opposition have tabled an amendment that calls on the Government to publish a review of the measure to Parliament before it is enacted.

Overall, the measure forms part of a housing package that barely scratches the surface in addressing the country’s housing crisis. All the measures are too minimal to make a serious difference to the housing pressures that people face and too late to make up for the Government’s lack of action over the past seven years.

Robert Courts: It is a great pleasure to speak in this debate. I only wish to make some very brief comments because I have already spoken this evening and I am conscious of the fact that other Members wish to speak.

I will make a few comments about the armed forces exemption that we have just been discussing, because it has particular relevance to my constituency, where a great amount of the Royal Air Force is based at Brize Norton. We are awaiting the redevelopment of the two REEMA sites, which are particularly important. Already, a great number of Royal Air Force and Army personnel live either on the base or outside it, in particular in Bampton, Witney, Carterton and Brize Norton village.

I am glad that the Government have proposed this welcome measure. It falls into a similar bracket as the Armed Forces (Flexible Working) Bill, which we have discussed in the House over the past few weeks and months. It is important that we understand that expectations are changing. The armed forces offer must be able to stand alongside what can be received in the civilian world. This measure has the potential to provide exactly that.

At the moment, there is the anomaly that if personnel live in Ministry of Defence accommodation, it is essentially provided tax free, but if an armed forces allowance is given, there is taxation on it. That is how the rules work at the moment, so clearly personnel would be disadvantaged. We have to accept that in many cases, armed forces personnel wish to live outside a base, perhaps close to where their spouse works or where their children go to school. I welcome the measure because it moves us a step along the road towards realising that.

Sir Mike Penning (Hemel Hempstead) (Con): The people who serve in our armed forces today—I have some experience of this—are looking for a different model and a different way of life for their families to grow up in. In the old days, they would have been in the garrisons or the ports. My constituency is further from the sea than anywhere else in the country, yet I have Royal Marines bringing their families up in the town. They are penalised for doing that because of the way the scheme works now. The new scheme will help them and they tell me that they are looking forward to it.

10.15 pm

Robert Courts: I am very grateful to my right hon. Friend for making that point. His constituency is very similar to mine in that respect. I welcome this measure and I anticipate that my constituents will as well.

Those brief comments are the only ones I wish to make. I very much welcome this measure because it is in the interests of west Oxfordshire, in particular Brize Norton. It helps to bring forward the offer to which my right hon. Friend refers. We have to accept that there is a change in expectation on the part of many members of the armed forces and this is welcome.

Sandy Martin: I am concerned about the lack of impact that financial incentives for first-time buyers appear to be having on encouraging housebuilding. The recent pay-offs for Persimmon Homes executives are surely good evidence that a substantial proportion, if not all, of the Government’s money is going into exceptional profits for private housebuilders, rather than genuinely making homes more affordable. We need to know that any money or tax incentives that the Government put into housing will genuinely help people to achieve the housing they need.

The cost of housing for residents is not just about the building itself, but the costs of running the building. New houses are still being built which make short-term savings for the builders at the cost of a long-term expense for their owners or tenants, and also at a long-term cost to the environment. Ipswich Borough Council had a substantial plan to install solar PV panels on all suitable roofs on its substantial council housing estate. It was all set to go in 2013 when the Government moved the goalposts and blew a hole in the business case. The Government seem to be willing to promise vast sums as guarantees for new nuclear power stations, but they are not willing to use the extensive potential tax powers at their disposal either to incentivise housebuilders to install photovoltaics in original buildings or to adequately incentivise owners to install them on existing buildings.

Increasing the number of solar panels on the roofs of this country would be one of the most cost-effective ways of generating the electricity we need. It would be more beneficial to the residents of those buildings. It would take effect far sooner than waiting for the construction of nuclear power stations and it would predominantly employ working people and small businesses in this country.

Many of us were hoping that the Government would have found further substantial incentives for solar panels in the Bill. I can only hope that a review of the operation of housing finances and an equality impact assessment of the way the Bill will affect low-paid people might provide tax incentives that the Government put into housing will genuinely help people to achieve the housing they need.

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Many of us were hoping that the Government would have found further substantial incentives for solar panels in the Bill. I can only hope that a review of the operation of housing finances and an equality impact assessment of the way the Bill will affect low-paid people might encourage the Government to look again at how they can make housing less expensive for those who live in it.

Alison McGovern: I want to talk about the cut to stamp duty for first-time buyers, but before I do so I would like to take the opportunity to briefly remind Ministers on the Treasury Bench that in March my constituency suffered a terrible disaster: the gas explosion
in New Ferry. The Department for Communities and Local Government currently has Wirral Council’s plan for the rebuild. I trust that, in the context of discussing new housing, Treasury Ministers will look kindly on the plan should it come before them.

I want to argue against the cut to stamp duty and for the Opposition amendment, which calls for a review of the policy, and a review of the place of first-time buyers in the housing market and the supply of housing. My argument against this specific policy is, first, that it looks set to fail against the targets the Government have set themselves; and secondly, that in the current economic context it is simply the wrong policy priority. Perhaps we might consider this policy if we were experiencing the same growth as other countries in Europe or we had dealt with our budget deficit, but even if it was not set to work against what the Government have tried to achieve, it would still be the wrong policy because it is not the country’s priority.

I imagine this policy coming before Treasury Ministers during the Budget preparations and their thinking to themselves, “Well, this might be attractive on the face of it, but ought we not to ask our bevvy of economists here in the Treasury what the likely impact might be?” The hon. Member for Spelthorne (Kwasi Kwarteng) just rolled his eyes at me, and he did so because he knows as well as I do—we have debated it often enough—that the advice from the OBR was entirely predictable.

It was entirely predictable that anyone looking at the policy in the current economic climate would say that we have clear, credible evidence from previous changes to stamp duty that the value of this tax change will accrue not to first-time buyers but to those who already own properties. That is what the OBR says, and it is what advice from the specialists in the Treasury would have told Ministers. I do not know—I have no evidence of this—but I have confidence in the Government Economic Service and I think they would have told Ministers that.

Furthermore, it is very unlikely that the Treasury does not have the full analysis requested by my right hon. Friend the Member for Warley (John Spellar). All Members across the House know in their own minds whether their constituencies will benefit from this, and all members of the Cabinet know whether constituents in their constituencies—which are largely in the south-east of England—will benefit. Those of us who have watched house prices in our constituencies barely grow at all in England—will benefit. Those of us who have watched house prices in our constituencies barely grow at all in England—will benefit. Those of us who have watched house prices in our constituencies barely grow at all in England—will benefit.

Mrs Main: I am listening carefully to the hon. Lady, because obviously I have a constituency in one of the higher value areas. I am confused. The shadow Minister just said that the stamp duty cut was not appropriate because the right measures were not in place for affordable housing, whereas she seems to be saying that a stamp duty cut is not what she would like to see. Which is it? Does she think that the stamp duty cut should not happen at all? I would like a simple yes or no answer.

Alison McGovern: I thank the hon. Lady for that intervention, but I have already answered her question. I said that in better economic circumstances this might be something that we might want to do, but it is not a priority for now. I answered her question before she even asked it.

Given what the OBR has said, I ask Ministers once again to look at that and at the evidence. The value of this tax cut will not go to first-time buyers. That is absolutely clear. If Ministers think that they can come back to this House after having a review and persuading the OBR that the Treasury is correct and the OBR is wrong, then fine, we can look at it, but I see no reason to think that, and here is why. When we asked the Chancellor about this measure in the Treasury Committee, he gave the same line as the Minister just gave at the Dispatch Box. He said, “Ah, yes, but the OBR assessment—ther model—doesn’t take into account our reforms, which will make a huge difference to the supply of housing.”

Anybody can look at page 28 of the Budget—at the Budget scorecard. This year, the stamp duty land tax cut will cost us £125 million. How much extra will we spend on the housing infrastructure fund? A big fat zero. Next year, 2018-19, the stamp duty land tax cut will cost us a whopping £560 million. How much extra will we spend on the housing infrastructure fund? A big fat zero. In fact, according to the Budget we will not spend anything on extending the housing infrastructure fund until 2019-20, when we will spend £215 million. In the same year, we will spend £585 million on the tax cut. And so it goes on, and on. We are frontloading a tax cut and pushing back spending on housing infrastructure. How can the Chancellor come to this House and say, “Oh no, the OBR has got it all wrong, because we are going to build all these houses and that will sort out the housing market”? Honestly, Mr Owen, I do not know what he is talking about.

Sammy Wilson: Does the hon. Lady not accept that, for a variety of reasons—planning permissions, procurement, or whatever—the capital expenditure cannot be turned on immediately? There is always a delay. It is not a question of “pushing it off”; it is simply a fact of life.

Alison McGovern: The hon. Gentleman seems to be arguing that it takes a little bit of time for capital expenditure to get going. That is an argument for us to increase capital expenditure now, and wait until we have increased supply to make the tax cut. It is the front-loading of the tax cut versus pushing off our investment until sometime in the future.

In proposing the stamp duty land tax cut, the Government have admitted that they have no further ambitions to rebalance our economy between the regions, and no further ambitions to tackle the disgraceful inequality between different parts of the country. In the north-west and the north-east, house prices have grown barely at all, whereas in the south-west, for example, they have shot up and wages have been held disgracefully low. This policy gives money to those who already have assets. It is a charter for inequality, and if it is ever to be implemented, it should not be implemented now.

The number of children in poverty is due to increase by nearly half a million: there will be 400,000 more children in poverty over the period of this Budget. The Government may say, “That is unfortunate, but benefits have to be frozen, and we need to focus on investment so that we can build our way out of these difficult economic circumstances.” This tax cut, however, is not investment. It is just a revenue cut—a tax giveaway—at
a time when we could be ensuring that child poverty does not increase. The two-child policy that the Government have stuck to is an absolute disgrace. It shames our country that we are saying, “If you are the third child in a family, in poverty, the Government have nothing to say and will do nothing to help you.”

If the Tories who are now in power actually believed their rhetoric of compassionate conservatism, they would agree with me that if there were ever a time for this tax cut, it would not be now. Let me leave them with this comment. They may think that they can get on with this, and that they will have decent headlines on the front pages of the newspapers because newspaper editors might like the idea of first-time buyers being able to buy properties that they, perhaps, own. They may think that they will get a fair wind because tax cuts of this kind are popular.

I will tell you what is really unpopular in our country, Mr Owen. As we heard earlier from my hon. Friend the Member for Stalybridge and Hyde (Jonathan Reynolds), what is really unpopular in our country is having to step over rough sleepers while walking home. What is really unpopular in our country is having to watch other parents taking paper into schools because our schools cannot afford the basic necessities. And what is deeply unpopular in our country is watching the number of food banks grow because jobs do not pay enough.

People will remember that while all that was going on, the Tories were busy cutting stamp duty for people who could afford to buy houses. I do not think they will ever forget that.

Mr Kevan Jones: I agree with the hon. Member for Witney (Robert Courts) and the right hon. Member for Hemel Hempstead (Sir Mike Penning) about the armed forces allowance. In my experience, as in theirs, the modern member of the armed forces, whether male or female, wants choice. I have nothing against that, but I think that this is the wrong way of providing it. As we heard from my hon. Friend the Member for Stalybridge and Hyde (Jonathan Reynolds), the problem now is that much of our military housing stock was locked into what was a terrible deal for the taxpayer during the last year of the Major Government, who sold most of the housing stock in England.

John Spellar: May I correct my hon. Friend? In the last few months of the Major Government, Michael Portillo, in a hugely criticised deal at the time, basically gave Nomura the deal of the century. (Sir Mike Penning) did as well. We must not blame Nomura: it made a great deal for itself, but it was a bad deal for the taxpayer.

The right hon. Gentleman and the hon. Member for Witney (Robert Courts) raised an interesting point: the way our armed forces operate these days has changed. Many more people travel long distances at weekends: it is not unusual for servicemen and women who live in the north-east to travel to the south coast at weekends and back again. When Labour was in government, we put a lot more money into single living accommodation; that was the way forward.

We have been promised the new housing model by the MOD, but it has not yet materialised. I was working on that at the time, because I, like the right hon. Gentleman and the hon. Gentleman, recognised that the fit we have at the moment does not work. The Army did not like it, because the Army—or a certain general—held the very traditional view at the time that we needed the regiment around the base.

I cannot understand why this is being done in advance of that new housing model being brought forward. The hon. Member for Witney raised a point in respect of his area that I have also looked at: if we are going to bring in this change, we will have to bring it in over a number of years and provide housing locally, to ensure there is a supply of housing locally for those who want to live locally. We were looking at working with local housing associations and others to provide that.

There is nothing wrong with the model of this housing allowance, therefore, but if it is done in the vacuum in which it is being done, it can lead to situations whereby people take their housing allowance and then find that they are at the mercy of the over-inflated local housing market and around some of our garrison towns and ports.

Sir Mike Penning: The hon. Gentleman—my friend—and I agree on most things, but no one is going to force people into doing this. We must wait for the model to come forward, and I would not vote for something where we forced people into such a scheme, as the Opposition Front Bench claimed. But my friend is wrong to say we will have to address this just around the localities: we will have to do that, but these people often want to find accommodation in their own homes, so they can be around their family structure. That is the way the armed forces are now, rather than just having the garrisons, and the super-garrisons, which are coming.

Mr Jones: I do not disagree with the right hon. Gentleman, but unless we do some work on where we are going to house these people and families, we will be throwing them out to the market. That is why the last Labour Government introduced the early support for members of the armed forces who wish to purchase their own property, a move that was cancelled in the first Budget in 2011. There is a mixture here: some members of the armed forces want to buy, while others will want to rent as they move around.

To do this without any thought about how we are going to provide the housing behind it is a little strange, and I cannot understand why this measure is being brought in now. The right hon. Gentleman said people are not going to be forced, and I agree, but if they think it is attractive and then suddenly realise it is not, will they be able to go back?
Instead of having a piecemeal approach like this one, or putting the cart before horse, we should have waited for the new housing model before this proposal was brought forward. As part of this mix, I would also like people to be able in some cases to opt not for rental allowance, but for support for mortgage payments; we introduced that, but it was cancelled in the first Budget in 2011.

Jim Shannon (Strangford) (DUP): I am doing the armed forces parliamentary scheme, which gives me the opportunity to speak to Army, Royal Navy and Royal Air Force personnel. The issue that comes up all the time is accommodation for families. If we do not get the accommodation right for families, we will not retain the personnel. We need to retain the personnel, so does the hon. Gentleman agree that we need to work on those issues and that the introduction of this policy could provide an opportunity to ensure that Army personnel can be retained and that the accommodation is up to standard?

Mr Jones: I do agree with the hon. Gentleman. Anyone with a close involvement with the armed forces, as he has, will know that we rely on those men and women to go on operations and that a key issue for morale is to ensure that their families are supported during those times.

I am a bit wary about this proposal for another reason. When the Australians introduced this type of rent allowance, they did it gradually, over a 10-year period. There was therefore a transition period with new starts and other people coming in. The proposals in the Bill seem a bit piecemeal, and if they are not done in a thought-out way, we could end up in a situation in which Annington Homes retracts the existing accommodation and people’s options become limited. Again, I think this is the right move forward but it is not being done in the right way. Anything that the Treasury can do to extract the Ministry of Defence from the Annington Homes contract would be universally welcomed—[Interruption.] The right hon. Member for Hemel Hempstead is shaking his head. He has obviously looked the same thing as me. Let us wait and see what the new housing model delivers, but let us hope that it adopts a joined-up approach that will be of benefit to members of our armed forces.

I want to turn now to stamp duty. My right hon. Friend the Member for Warley (John Spellar) asked the Minister which regions would benefit the most from this proposal. The Minister, as usual, sidestepped the answer, but it is in fact quite clear. The average house price in County Durham is £138,000. In London, it is £488,000, so it is quite clear where the money will go. As my hon. Friend the Member for Wirral South (Alison McGovern) said, the Government are completely ignoring the idea of trying to eradicate inequalities throughout the regions. Indeed, they will actually increase them through these moves.

There is a broader point, however. I passionately believe that people who aspire to own their own home should be able to do that, and we should be able to help them to do that. The problem with this Government, however, is that they have one trick in their armoury, which is the idea that the private sector should deliver all this. They believe that the only way to achieve the mythical 300,000 new homes is to allow the private sector to deliver them. Well, I am sorry, but if they are going to rely on the private sector to do that by supplying 300,000 new homes for purchase, that will not deliver the homes that we need in most areas—not just in London but throughout the regions.

John Spellar: Does my hon. Friend agree that the underlying problem is that the private sector supply side is becoming increasingly dysfunctional? Indeed, it is becoming an oligopoly, and many of the companies involved are no longer construction companies but just land banks.

Mr Jones: They are indeed. My hon. Friend the Member for Ipswich (Sandy Martin) mentioned the example of Persimmon earlier. Many of those companies are no longer housebuilders in the traditional sense. They are employment agents who employ contractors to do things. In my constituency, some of the complaints about new builds are pretty horrendous, and I think that that experience is shared across the House.

Gareth Snell: Where private developers are developing houses, they are all too often quick to run to the district valuer to argue that affordable and social housing makes development schemes unaffordable, so fewer affordable social houses are being built through private development.

Mr Jones: My hon. Friend makes a good point. Added to that is the fact that the definition of “affordable” in London is completely out of reach for most people.

The Government have this one idea that we are going to solve our housing problem through the private sector. I accept that it has a part to play, but the social sector, meaning both councils and very good housing associations, could step up to the mark and actually provide houses where we need them. If we look at the amount of money that is going into the subsidy, as mentioned by my hon. Friend the Member for Wirral South, we would not even have to spend money directly on social housing. We could provide new housing by just underwriting the debt of some of the social housing providers. In my area, Derwentside Homes and Cestria have now come together as an organisation called Karbon—I emphasise the k for the Hansard reporters, but I think it is a stupid name—which has been able to do small-scale developments by borrowing against its assets. If it had Government support for that borrowing, it could do a lot more.

Helping local authorities to take a share in things by putting land into deals or by setting up their own corporations of social landlords and councils could lead to the development of the houses that we need. Social housing is not a static model. People think that social houses are just for rent, but Karbon has a good subsidiary called Prince Bishops Homes, which allows people to start by renting and then, as their circumstances change, purchase the house and convert their rental into a mortgage. We need to look at schemes like that. Are they expensive in terms of what my hon. Friend the Member for Wirral South referred to? No, I do not think they are, and they will provide housing where we need it. I accept the particular pressure on housing in London, but there is pressure everywhere, not just from first-time buyers, but people who want to rent for the first time.
If the Government put their ideological baggage away and said, “Are we actually going to do what we say and produce the houses that people need?” they could do things in a different way. The Minister can talk about 300,000, half a million or a million homes—I say the same to my Front-Bench team—and it is fine to pluck figures out of thin air, but delivering them is a different thing altogether. If we look back at the history of housing in this country, we only actually build large numbers of houses when we have direct Government intervention, and we need that direct intervention now. It is easy for the Government to argue that the previous Labour Government failed here, but we did not. We actually transformed a lot of social housing. Two housing associations in my constituency received over £100 million to bring their stock of homes up to a decent standard, which was transformative for residents and tenants. Houses with 40-year-old bathrooms had them changed. There were new rooms, new central heating systems, new kitchens and more energy-efficient measures. I am not going to shy away from talking about what the Labour Government did when we were in power to change the lives of many people in this country.

Turning to land banking, there is evidence that certain companies are using land banks. In some cases, companies submit planning applications and then just sit on the land. I welcome any approach to deal with that, but we need to be a bit more imaginative about allowing local government to be a bit more forceful with their planning powers. When Labour was in government, I was a huge critic of something called the regional spatial strategy, describing it once as Soviet-style five-year planning. It was too blunt an instrument.

We need to allow Country Durham and other areas like mine to expand housing, because we are increasingly becoming commuter belt for Tyneside and Teesside. Somehow restricting the allocation of housing to the urban conurbations fails to understand that, without new houses, a lot of villages and communities in my constituency will struggle to survive. More powers should be given to local authorities not only to form local plans but to implement them, too.

10.45 pm

My final point would, again, be easy to implement. As a few other Governments have, this Government distrust local government, which should be given real powers to issue compulsory purchase orders on empty properties. One property in my constituency has been empty for nearly 10 years without any use, but it is a perfectly good house.

I am not suggesting for one minute that we take houses off people in a draconian way but, where houses are sitting empty on somebody’s books after having been bought in a basket of property—where the houses are not a top priority—we need to give local councils the ability to try to bring them back into use. If it were done in a targeted and effective way, it could increase the housing supply in most areas without building a single extra new house.

**John Spellar:** I start by welcoming the service accommodation proposals. I echo the comments of my hon. Friend the Member for North Durham (Mr Jones) on the short-term gain taken by the Ministry of Defence and the Treasury in a bid to shore up the finances of the Major Government, which did them absolutely no good in the 1997 election. Service personnel and their families have been suffering from the impact of that ever since.

On the basic question of the stamp duty measure, I suppose that it could be welcomed, superficially, as a reversal of the intergenerational transfer of wealth, but in fact, as my hon. Friend the Member for Wirral South (Alison McGovern) said, the reverse is the case, as the main beneficiaries will be the existing owners of housing. In a tight housing market with a large amount of stock and limited flow, the net effect of adding extra liquidity into the system is most likely to be an increase in the price of housing.

The other beneficiaries will be not just individual householders who seek to trade down, or even up, but private sector landlords who have been buying up property and forcing up prices. Many youngsters are not able to get together the sort of deposit that is now required unless they can go to the bank of mum and dad. With the average house price in London at nearly £500,000, they are having to find a deposit of some £50,000. We are targeting a considerable public subsidy towards one small group without actually dealing with the problem.

It was very instructive that the Minister was unable—or probably unwilling—to give the figures I asked for about how much the measure will cost in aggregate and how the costs will break down by region. It is inconceivable that such analysis was not carried out as the policy was drawn up and ground through the mills of the Treasury. To save me from tabling a parliamentary question, I urge the Minister to come up with those figures in his winding-up speech. I think that the figures will show a considerable disparity between regions, which is not uncommon under this Government, much as they seek to hide it. Just recently, a letter from the Secretary of State for Transport told us that we had it all wrong and the average spend on transport was roughly equal between the north and the midlands, and London and the south. The only issue was, as my hon. Friend the Member for North Durham found out, that the Government had omitted to include the £32 billion—I believe that is the figure—for Crossrail from the London figures, because that had somehow been designated as a national scheme.

**Mr Kevan Jones:** I can inform my right hon. Friend that it was actually worse than that, because the Government had also deemed the north as being the north-west, the north-east and Yorkshire.

**John Spellar:** I do not get involved in those arguments.

In essence, we are seeing major transfers of wealth to areas that the Government see as their political homeland. However, let us also look at the big house builders, as they are euphemistically called—really they are land bankers and, as my hon. Friend said, employment agencies. They also indulge in a number of other unsavoury practices. Several of them have now been exposed for their involvement in the racket of escalating leaseholds, which they have now been forced to back down from. They have had to pay considerable sums to buy back those leases from individuals—speculators—who bought them and were then exploiting residents on that basis. Is that not a symptom and a symbol of the dysfunctional nature of our housing market? The Government are not tackling that in any particular way.
Nor are the Government tackling the increasingly oligopolistic nature of the house building industry. There has been a significant decline in medium and small builders, who used to be the backbone of the building industry and of many towns. Building, by its nature, is subject to cycles, and banks have been incredibly reluctant to lend money to small builders, who have steadily either gone out of business, or been absorbed into the big builders. That has flowed into the lack of training that has taken place, because so many of the big house builders are mainly just the name outside a project and are not particularly interested in the small sites—brownfield sites—around our towns. With the breakdown in training, we then have the cry from those same builders that need to bring in more and more builders from abroad because of insufficient supply in this country. That is because over several years, if not decades, they have not been training people.

Nor do the Government have any programme, as far as I can see, that is equivalent to the better homes programme which, as a number of colleagues have said, contributed enormously, not only to bringing many properties back into effective use, but to improving the lives of many of our constituents. Finally, what we see here is figures being plucked out of the air. This is reminiscent of an efficient market, but very much of Soviet planning, with declarations of 300,000 houses but no visible means by which that will actually be achieved.

Lloyd Russell-Moyle: I will try to be brief, because we all want to get to the vote and then move on, but I will say that the measures we are considering are far too little and far too late. Homelessness has doubled in Britain, and in Brighton it has tripled, with 10% of adults now on the housing register. How do these proposals help them? The measures will increase house prices for first-time buyers. I know the Minister says that he has better data than the OBR, but I tend to believe the OBR, which was set up by the Conservative Government to provide independent analysis, over the books that are cooked in the Treasury. Yes, the books that are cooked in the Treasury. What we need are clear supply-side measures. The evidence for cooked books is that the OBR does not believe the Government’s figures. The evidence comes from the independent regulator. Let me get back to what I want to say, otherwise I will be distracted and we will be here for longer.

We clearly have a problem with young people and first-time buyers getting into the property market. In my constituency today, only five studio flats are on the market for less than £200,000. With average earnings in Brighton lower than the average for the rest of Britain, the introduction of a stamp duty waiver will make not one jot of difference, because people cannot afford to raise money for a deposit and to go to banks to ask them to lend. What we really need is decent social and council housing so that people can move into secure tenancies. I asked the Prime Minister whether she would lift the housing revenue account cap. We see in the Bill that there will be a lift to the value of £1 billion, if councils apply, but of course £22 billion would be made available, at no direct cost to the Government, if they just lifted the cap completely. Why will they not? Because they are scared—they are chicken—to allow working people to have decent homes. Clearly they want to keep people subjugated and in poor-quality rented private property. That is the only conclusion I can draw from their miserable set of proposals.

Another thing we need is planning regulation that is stronger, not weaker. Until very recently, I sat on my local council’s planning committee. Time and again we were toothless in enforcing the social and affordable housing requirements. We do not need to give councils less power to enforce those requirements; we need to give them more powers to enforce them. The measures in the Bill to try to deregulate the planning sector go in completely the opposite direction.

I could make other points, but I am not going to talk anymore—let us go home. It is quite clear that I will be voting against the Government’s measures, because they are absolutely useless for dealing with homelessness and house building. In fact, they will make matters worse.

Ruth George (High Peak) (Lab): I echo my hon. Friend the Member for Stalybridge and Hyde (Jonathan Reynolds) in saying that I am proud of Labour’s record on housing. I am proud of how we invested in 2 million more new homes, increased home ownership by 1 million, and made sure that more than 1 million homes were brought up to a decent standard, fit for human habitation, which is what we need to see now.

Since 2010, we have seen home ownership fall by 200,000 as house prices have risen by an average of 32%. Of those homes that have been built, less than 20% have been affordable, as councils’ rights to impose affordable limits have, as my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) said, been taken away, with the rug pulled out from under their feet. What have we had instead? We have had £10 billion invested in the Help to Buy scheme, which even Morgan Stanley said has almost entirely gone towards raising house prices and increasing the share prices of the biggest house builders.

In my constituency, those house builders are not content with all the assistance from Help to Buy. Almost all their new homes are sold on leasehold—or fleecehold, as it has been called—so people do not feel that they actually own the home in which they live, despite having paid an inflated price for it. They still have to pay ground rent; they are still being fleeced with maintenance charges; and they still have to pay fees to a third party. It does not feel like home ownership any more. This is actually private rental as well as home ownership.

11 pm

With the lack of housing supply and the decrease in home ownership, we have seen the number of households in private rented accommodation soar to more than 5 million, and the figure is set to rise to 6 million by 2021. That would not be a problem if private landlords were forced to make their homes fit for human habitation and if, in an era when we are moving nearly 8 million households on to universal credit, we had landlords who had faith in the Government’s universal credit system. Landlords’ right of redress to reclaim rent arrears has been removed under universal credit, so it is no wonder that 73% of them do not feel comfortable that the Department for Work and Pensions will enable them to recoup their arrears.

Stephen Pound (Ealing North) (Lab): I hope my hon. Friend will forgive me for interrupting her flow. She is making a precise and pertinent point. Would she not wish to encourage all people of good heart here present
to support the Bill that has been presented by my hon. Friend the Member for Westminster North (Ms Buck) on this very subject?

**Ruth George:** Absolutely. I hope that Members on both sides of the House will give their encouragement to that Bill so that we can make homes fit for human habitation.

On the subject of universal credit, whether or not homes are fit for human habitation, unfortunately landlords are not prepared to rent. A representative of a lettings agency came to my surgery just last week and showed me the books for its tenants. At the moment, 20 tenants are on universal credit—we still have not seen it rolled out—of whom 18, or 90%, are in huge arrears. Nine of them—45%—have had to be evicted because landlords cannot get any redress for arrears. They cannot afford to see those arrears build up. Now that they no longer claim mortgage interest relief, they know that they will have to pay a big tax bill come the end of January, so they need to ensure that they can make their homes pay.

This Government’s housing policy is simply racking up disaster on disaster. Homelessness is doubling and home ownership is falling, and universal credit is yet to come. We needed big ideas from the Chancellor, as the Secretary of State for Communities and Local Government told him in no uncertain terms. We see nothing in this Bill but tinkering at the edges that will do nothing to help solve the enormous housing crisis in this country.

**Mel Stride:** We have been debating important measures. Clause 8 introduces an income tax allowance for members of the armed forces to help them to meet the cost of accommodation in the private market in the UK. Clause 40 makes sensible legislative adjustments to the additional rate of stamp duty land tax to ensure that people in some specific—often disadvantaged—circumstances are not unduly penalised. Clause 41 announces the Government’s abolition of stamp duty land tax for first-time buyers purchasing properties under £300,000. This key part of the Government’s drive to ease the burden on young first-time buyers will go a significant way towards levelling the playing field in those people’s favour. It is notable, and equally lamentable, that this particular policy, which predominantly assists the young, appears to be something that the Labour party rejects and indeed derides. I commend the clauses and schedule to the Committee.

**Question put** and agreed to.

Clause 40 accordingly ordered to stand part of the Bill.

**SCHEDULE 11 AGREED TO.**

**Division No. 76**

**AYES**

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonya
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Charalambous, Bambos
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Coyle, Neil
Crausby, Sir David
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummings, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David

(3) The Chancellor of the Exchequer must lay a copy of a report of the review under this section before the House of Commons no later than one calendar week prior to the date which he has set for his Autumn 2018 Budget Statement.”—(Jonathan Reynolds.)

This new clause requires a review to be published prior to the Autumn 2018 Budget on the impact of the relief for first-time buyers, including its effects on house prices and on the supply of housing.

**Brought up, and read the First time.**

**Question put.** That the clause be read a Second time.

The Committee divided: Ayes 226, Noes 313.

**New Clause 4**

**REVIEWS OF RELIEF FOR FIRST-TIME BUYERS**

“(1) The Commissioners of Her Majesty’s Revenue and Customs shall undertake a review of the impact of the relief for first-time buyers introduced in Schedule 6ZA to FA 2003.

(2) The review shall consider, in particular, the effects of the relief on—

(a) the public revenue;
(b) house prices, and
(c) the supply of housing.
Tellers for the Ayes: Vicky Foxcroft and Colleen Fletcher

NOES

Afzal, Gail
Aiton, Alistair
Aldous, Sarah
Allan, David
Allen, Mike
Amess, Daniel
Andrew, Ruth
Argar,cation
Atkins, Victoria
Bacon, richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriet
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bridgen, Andrew
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Double, Steve
Dowden, Oliver
Doylprce, Jackie
Dra, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evans, rh David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, Lucy
Freeman, George
Fysh, Mr Marcus
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, rh Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Hern, rh Nick
Hermon, Lady
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollonboat, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddi
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, rh Mr Marcus
Kaczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Tellers for the Noes:  Rebecca Harris and Mike Freer

Question accordingly negatived.

To report progress and ask leave to sit again.—(Graham Stuart.)

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

COMMITTEES

Madam Deputy Speaker (Mrs Eleanor Laing): With the leave of the House, we will take motions 2 and 3 together.

Ordered,

HUMAN RIGHTS (JOINT COMMITTEE)

That Mark Pritchard be discharged from the Joint Committee on Human Rights and Alex Burghart be added.

REGULATORY REFORM

That Mark Menzies be discharged from the Regulatory Reform Committee and Mr Simon Clarke be added.—(Bill Wiggin, on behalf of the Selection Committee.)
RBS Rural Branch Closures

Motion made, and Question proposed, That this House do now adjourn.—(Graham Stuart.)

11.19 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I begin by declaring an interest as a customer of the Royal Bank of Scotland. I hold an account in one of the branches that has been slated for closure.

The Proclaimers might put it this way: Bannockburn no more. Beauty no more. Biggar no more. Carnwath no more. Castlebay no more. Comrie no more. Douglas no more. Gretna no more. Inveraray no more. Kilwinning no more. Melrose no more. Stepps no more. Tongue no more. Those are 13 locations that RBS is clearing out of in Scotland—abandoning its customers and leaving those places with no local bank. We do not accept that those and the other branches of which the closure has been announced should be shutting their doors, and we demand that RBS reverse its plans.

In those 13 communities in which RBS has announced closures, it is the last bank in town. RBS made a commitment that it would not close the last branch in any location, but here it is, isolating 13 communities that will be left with no branch banking facilities. RBS now says that the commitment not to close the last bank in town no longer applies. The pronouncement that RBS would not close the last bank in town was right when it was made in 2010, and it remains the right thing to do in 2017.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): In addition to the towns and villages that my right hon. Friend has just mentioned, branches in Grantown, Aviemore and Nairn in my constituency—are they vital to the tourism industry—are also scheduled for closure. One fifth of the highlands economy is made up of tourism, and it is mostly cash-based. Does he agree that it is not good enough for the UK Government to stand by while what the Federation of Small Businesses calls a “hammer blow” is delivered to small businesses in the highlands?

Ian Blackford: I absolutely agree with my hon. Friend. Of course, it is not just about those 13 branches. There is justified anger in many communities surrounding the 62 branches signalled for closure in Scotland and the 259 in the United Kingdom. RBS is turning its back on communities throughout the United Kingdom, and it will find that those communities call on it to think again.

RBS is a bank that we all have a stake in. We collectively own just short of 73% of the company. We rightly bailed the bank out in 2008, at a cost of £45 billion. We own RBS. We saved RBS in order that it could rightly bail the bank out in 2008, at a cost of £45 billion. I will find that those communities call on it to think again.

Several hon. Members rose—

Ian Blackford: I know that many people want to intervene, but I will try to make some progress because of the time. I will take some interventions later.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Just before my right hon. Friend makes some progress, will he give way?

Ian Blackford: Nice try. Having a bank on the high street that collects and issues cash and provides other banking services is instrumental to the economic wellbeing of all our communities. Individuals and businesses rely on the access in person to banking services. Why did we save RBS, if there is no recognition that there is a liability on the bank to serve its customers and communities? Customers who have been loyal to RBS for generations find branches being closed on them. That is happening to people such as Cyril French, who lives in Plockton and is a customer of RBS at the Kyle branch. Cyril is 87 and has Alzheimer’s. The staff at the RBS branch are of enormous assistance to him when he goes on his weekly visit to the branch. What is Cyril to do if the bank closes? The next nearest RBS branch would be in Portree on the Isle of Skye, more than 40 miles away. On highland roads, this would take more than an hour, and he would have to be taken there either by family members or by his carer. Is that what Cyril should have to endure to visit a local bank?

Let us think about the local businesses that rely on the bank for depositing and collecting cash. Where are they to go? Let us take businesses such as the thriving Eilean Donan Castle in Lochalsh, which uses the Kyle branch. It is 43 miles from the next nearest RBS branch in Portree. Eilean Donan Castle is a thriving tourist destination, with over 540,000 visitors a year. It deposits millions of pounds of cash a year at the Kyle branch. Its insurance policy demands that it has as many as three staff members to take the cash to the bank. The impact on it of their having to drive to Portree rather than Kyle would be considerable in terms of time and staff resource.

When customers visit their local branch, they will often do other shopping, go for a coffee and such like. The closure of the last branch in Beauty in my constituency will drive valuable business away from the town. Personal customers and businesses will go to Dingwall or Inverness and will more than likely take their other business with them to these places. Closing the last bank in town has a similar effect to the removal of services such as local schools, and it undermines the sustainability of our communities.

Brendan O’Hara (Argyll and Bute) (SNP): As my right hon. Friend knows, there are three Royal Bank of Scotland branches in my Argyll and Bute constituency—in Campbeltown, Inveraray and Rothesay—which are earmarked for closure. Is he aware of the profound anger and the sense of betrayal that is felt by rural communities across Scotland at these brutal closures? The bank closures are completely undermining the great work, being done by so many, of saying to the rest of the UK and the rest of Europe that rural Scotland is open for business. These bank closures must stop.
I agree with my hon. Friend. That is why I say to the Royal Bank of Scotland that it should please listen to the justifiable anger that there is throughout the country. RBS has been a much-loved institution, and one that has been cherished by our communities. We are appealing to RBS to think again, to stop and to reverse these closures.

Jim Shannon (Strangford) (DUP): I congratulate the right hon. Gentleman on bringing this matter to the House for consideration. I have had five banks close in my constituency: three Ulster Bank branches, one Trust Bank branch and one Bank of Ireland branch. Does he agree—many in the House will suspect this to be the case—that people, especially elderly people, will not use banking services, but will keep their money in their house? Is there not a fear that that will lead to more robberies, more violence and more unrest?

Ian Blackford: I hope that that is not the case, but the hon. Gentleman raises a justifiable concern about the safety of our elderly citizens in their community, and it is another good reason why RBS should think again.

Caroline Flint (Don Valley) (Lab): I think all of us want to make sure that small branches in our rural and semi-rural areas are kept open. Does the right hon. Gentleman agree not only that, when these branches close, funds for small businesses shut down, but that, when the last bank in a community closes, as in Bawtry in my constituency, it is a major blow to the community the bank serves?

Ian Blackford: The right hon. Lady is absolutely correct. The bank manager, in particular, is a valued member of the community. He understands the community he works in and he understands the businesses, and that link is a vital one to retain.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Will the right hon. Gentleman give way?

Ian Paisley (North Antrim) (DUP): Will the right hon. Gentleman give way?

Ian Blackford: I must make some progress, but I will try to take interventions later.

The scale of the closure announcement is breathtaking, and RBS needs to think again. It simply goes too far. I say to RBS tonight: let us work together and put these closures on hold. Let us work with RBS to sustain its ability to do business in its branches in the rural communities. Let us understand the challenges that it faces and rally community support to enable RBS to remain an integral part of our communities.

RBS is trying to create a picture of these branches as a relic of the past, saying that demand for branch banking has declined and that customers are not utilising the branches. Let me tell the House about the reality for the branches in my constituency that are earmarked for closure.

Almost 7,000 of my constituents in Ross, Skye and Lochaber rely on RBS providing branch banking services in branches that are earmarked for closure.
There has been no public consultation on the closure plans. Why not? Yesterday in the Sunday Mail, RBS stated: “We are not required to consult with communities in advance.”

It went on to say:

“We find that many customers wished they had used other ways to bank earlier when they get comfortable.”

The sheer arrogance of those statements is breathtaking. Let me say clearly to RBS: customers want to use branch banking; stop spinning and treat customers with respect.

I thank the Unite union, which has been in touch with me over the past few days. I state publicly that I will work with Unite and the workforce to seek to limit job losses. Here again, RBS has to come clean. I am indebted to an RBS whistleblower who has contacted me in the light of public statements that RBS has made. It is claimed by RBS that the full-time equivalent job losses in Scotland are 165. I am informed that the actual number of workers being cut is 321. I am told UK-wide the figure is 1,446 jobs against the 685 on a full-time equivalent basis that has been published. The expected redundancies across the UK in a worst-case scenario are 971, including 97% of the 216 customer service officers in the branches affected; 86% of the 246 associate personal bankers; 84% of the 126 customer service managers; and 49% of the personal bankers. It is clear that the chances of redeployment within the RBS network will be slim for a lot of staff members.

Those figures are in a paper forwarded to me in a document about restructuring the branch network. I have told RBS I have been given details of the figures contained within the report. RBS is not only turning its backs on its customers—it is turning its back on its staff members. We are talking about valuable jobs in the rural economy. We are talking about a loss of opportunities for young people in rural economies. The leaked report goes on to say:

“Our personal banking strategy is to give our customers choice and offer outstanding service that is effortless every day and brilliant when it matters.”

I do wonder who could write such meaningless management-speak. When branches are closed, there is a withdrawal of service. Spinning to say outstanding service is being delivered is simply unacceptable. RBS has even had the gall to say customers would get a better service. How? One suggestion from RBS is to use post offices. In Munlochy on the Black Isle, RBS shut its branch. “Not to worry,” it said, “you can use the post office.” The only problem was that the post office shut six months later. Somewhere along the line, RBS has to take responsibility for its own customers and not pass the right of service on to a third party. They are RBS customers.

The intended closure of the branch in Castlebay in Barra would be funny if it was not so serious. There will be no bank on the island of Barra. It reminds me of the line from “Whisky Galore”, the Ealing comedy: “There is no whisky.” The cruelty in this case is that there will be no bank. The journalist Rita Campbell of the Press and Journal made a trip last week from Barra to the nearest bank in Lochboisdale, a journey of 62 miles, including a six-mile ferry crossing. It took seven hours and 10 minutes to reach Lochboisdale and return to Barra. How can RBS treat its customers in such a shameful way? RBS must reverse the closure of the branch in Barra and elsewhere.

We must also press the UK Government to accept their responsibilities. Collectively, we own RBS. Above all else, RBS was saved to provide banking services to our communities. We paid a heavy price to bail out RBS. There are taxpayers in every community that is threatened with the ending of banking services. Can I ask the Minister what notice the Government were given, as the majority shareholder, of the closure plans? What discussions have the Government had with RBS? Will the Government summon Ross McEwan, the chief executive officer, to the Treasury and tell RBS that in the interests of all our communities the closure plan must be stopped? It will not wash.

The Government have to accept their responsibilities as the majority shareholder. I say to the Minister: do not rise to your feet and tell us it cannot be done, it is a commercial decision and the Government cannot intervene. The Government have intervened before. When it was announced that Stephen Hester, the previous CEO, was leaving RBS, the then Chancellor George Osborne was interviewed on the “Today” programme and said the following:

“Let’s be clear, it was a decision of Stephen Hester and the board but, of course, as the person who represents the taxpayer interest, we have got a huge stake in the Royal Bank of Scotland because the previous government put a huge amount of taxpayers’ money into it, of course my consent and approval was sought.”

Just dwell on the words:

“my consent and approval was sought.”

It was right for the Government to give their approval on a member of the management team and it is right for the Government to give their approval or not on decisions that would remove access to branch banking from many of our citizens. It is clear that the Government can act. The Government must act. A failure to halt is a failure to act in the national interest and the interest of our citizens. It would, Minister, be an abrogation of responsibility.

Yesterday, the Secretary of State for Scotland—I can see him sitting on the Front Bench, and I welcome him to the debate—was quoted in the Sunday Mail. He said:

“Branches are a lifeline for many people, especially in rural areas. RBS needs to remember its responsibilities to customers and reconsider these harmful moves.”

On this occasion, I agree with the Secretary of State, and I hope that he will join me in asking the Government to take their responsibilities seriously. If the office of Secretary of State for Scotland has any authority, this call from the Secretary of State must result in a halt being called to the plans. Does the Secretary of State for Scotland have any authority with the Treasury? Will the Minister act tonight? Call in the RBS management and put a stop to these closures.

Tonight, the Minister has it in his gift to listen to these calls and act. Stand up and be counted or, like RBS, the UK Government will be turning their back on our constituents.

11.41 pm

The Economic Secretary to the Treasury (Stephen Barclay): I commend the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) for securing the debate. The strength of feeling generated on both sides of the House by this announcement from RBS is evident from the high attendance at a relatively late hour.
Ian Paisley: I appreciate the fact that the Minister has given way, and he is absolutely right to focus on the interest across the House. The leader of the Scots Nats has tonight managed to unite this House—Unionist, nationalist, Conservative and Labour—on an issue that affects all our constituents, from the highlands and islands to the west of Ulster. Many banks are closing. Ulster Bank, which is of course a sister company of the Royal Bank of Scotland, is closing many branches. Is it not time for the Government to put in place a special measure to have a national review of where banks that they own—and that the taxpayer owns—are situated?

Stephen Barclay: The hon. Gentleman is right; this is an issue on which many Members of the House from all parties have strong feelings. Indeed, I have been lobbied extensively by many of my colleagues who are in the Chamber this night, including in particular my hon. Friends the Members for Berwickshire, Roxburgh and Selkirk (John Lamont) and for Ochil and South Perthshire (Luke Graham), who have been vociferous in speaking up for their constituents on this issue.

Luke Graham (Ochil and South Perthshire) (Con): As my hon. Friend knows from our representations, we do not believe that the Royal Bank of Scotland is serving our constituents or its customers appropriately. Furthermore, the mitigating factors it is proposing, such as offering digital online services and post office services, do not work in our communities where the broadband is poor and the post offices are too small or insufficient for our local population.

Stephen Barclay: As a rural constituency MP, I recognise the importance of bank branches in our communities and, specifically, many of the challenges of travel in rural communities. Of course, RBS will have noted the comments about the staff impact made by the right hon. Member for Ross, Skye and Lochaber, and he will be well aware that RBS has a duty to consult its staff. I expect that it will be keen to respond to him on the specific allegation he made in the House this evening.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I am alarmed this evening to hear the number of staff who might be made redundant, but I am also concerned about the staff in the remaining branches. There have been six bank closures in my constituency and businesses are contacting me to say that in the local branches they are now going to they are waiting more than 30 minutes to get to the counter. Obviously, there is now a massive impact on the staff in those branches. Does the Minister share my concerns?

Stephen Barclay: The reality is that the picture will be more nuanced, because RBS is investing more than £8 million in its branch network this year. It is investing more than £11 million next year. Indeed, it is relevant to point out in response to the concerns raised that customers will often vote with their feet. The right hon. Member for Ross, Skye and Lochaber mentioned Kyle twice. I understand that there is a branch of Lloyds 0.05 miles from the bank that is closing there, and another branch within walking distance of the one that is closing in Aviemore, which he also mentioned.

Douglas Ross (Moray) (Con): We heard earlier that the right hon. Member for Ross, Skye and Lochaber had united the House, and he has, but it would have been nice if he had taken some interventions from Conservative Members, because I think that they might have been helpful. The Minister mentioned customers voting with their feet. Does he agree that it was deplorable of RBS, when it was closing the Forres branch, to tell my constituents to go to Nairn, only for the Nairn branch to be closed by RBS a few weeks later? Surely, that is deplorable behaviour, which no one can accept.

Stephen Barclay: As my hon. Friend will know, the decision made by RBS was an operational decision, independent of the Government. It is the RBS board that makes the strategic and management decisions, including decisions in respect of its network. That framework has been endorsed by the Labour, Liberal Democrat and Conservative parties.

Several hon. Members rose—

Stephen Barclay: I am going to make some progress. The right hon. Member for Ross, Skye and Lochaber has left me only three more minutes in which to do so.

On 4 December, I had a conversation with the Scottish Government Minister for Business, Innovation and Energy, in which he recognised that the branch network decision had been a commercial decision. In its manifesto, written only this summer, the SNP said that RBS should be returned to the private sector and should deliver as much value as possible to the taxpayer.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): Will the Minister give way?

Stephen Barclay: I will give way one last time.

Simon Hart: I shall be very brief. A number of Members of Parliament find it very difficult to engage with RBS and NatWest about closures when they tell us that it is all about footfall—about the number of people who go into their branches. Employees tell us one thing and the banks tell us another. Perhaps the Government would have more influence than us in establishing what the true figures are. Let them mislead Ministers publicly rather than us privately: that would be helpful to all Members.

Stephen Barclay: My hon. Friend refers to the true figures. The banking market is changing. As he will know, the use of cash has fallen by a fifth in the past decade. The number of branch visits has fallen by a third since 2011. More than a third of UK adults regularly use banking apps. Three fifths of customers are interacting with their current accounts via mobile apps, and more than 600,000 customers over 80 are registered with internet banking. The House must address the reality that the way people bank is changing, and that trend will accelerate as Open Banking comes on stream in January and FinTech progresses. I know from my recent
visit to Edinburgh that a number of additional FinTech jobs will be created. The issue is not whether it is possible to prevent changes in the banking market, but how the impact on RBS customers can be mitigated.

As for the representations made by Members, RBS has given six months’ notice—more than the three months required by the access to banking standard—to hold discussions, in which I urge Members in all parts of the House to engage, about how facilities such as mobile banking can be used to mitigate some of the impacts. One of the key sources of mitigation is the post office network, in which the Government have invested significantly: 7,000 more branches have been modernised in the past three years alone. There are more post office branches than there are branches in the entire network of all the banks combined, and 99% of retail customers and 95% of commercial customers now have access to banking services at post offices. One form of mitigation will be for customers to vote with their feet—[Interruption.]

Stephen Barclay: I was left a bare eight minutes in which to respond, Madam Deputy Speaker, and I have been generous in taking interventions. I have very little time in which to make some final progress.

At the time of the autumn Budget, recognising the importance of this issue and the concerns expressed by Members on both sides of the House, I wrote both to the Post Office and to UK Finance, which represents banks, to further raise public awareness of the banking services offered by the Post Office and, indeed, to ensure that we receive value for money from the £2 billion that the Government will have invested in the post office network between 2011 and 2018. The Government also introduced the access to banking standard, to ensure that customers are properly notified of the alternatives that are available. It is important for us to use the time that we now have in the six months between this announcement and branch closures to ensure that customers can use other services or use post offices as an alternative.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. Members must stop shouting. The Minister is just finishing his speech.

11.50 pm

House adjourned without Question put (Standing Order No. 9(7)).
Organ Donation

1. Glyn Davies (Montgomeryshire) (Con): What is the evidential basis for his Department’s proposals on presumed consent for organ donation?

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): An impact assessment has been published as part of the Government’s public consultation, and it suggests that moving towards an opt-out system for organ donation, as part of a wider communication and logistical package, can be associated with higher donation rates. The Government have invited submissions of further evidence, which we will consider carefully before responding. We have already received in excess of 2,000 responses since the consultation last week.

Glyn Davies: As someone who has a long-standing passion to increase the number of organs available for donation, I am encouraged by the Minister’s response. Does she think that the shift from the current voluntary system to one where the state makes decisions based on presumed consent had an impact on the reduction in the number of live donors over the past three years?

Jackie Doyle-Price: I part with my hon. Friend on his point about the state taking control through presumed consent. We are talking about a register from which people could physically opt out, rather than opt in. The issues about end-of-life consent will continue to be the same, and the next of kin will be a full consultee. As for live donation, the issues are complex, but one reason why we are seeing a decline is that the waiting lists for organs are coming down, which is reducing the need for live donors. We should keep a watching brief on that.

Dan Jarvis (Barnsley Central) (Lab): Part of the evidence base relates to the fact that hundreds of people die each year because we do not have enough organ donors, so I thank the Minister for her work in bringing forward this consultation. What more can be done to widen public participation?

Jackie Doyle-Price: I thank the hon. Gentleman for his support and for his hard work in this space. Through him, I can perhaps thank the Daily Mirror for its public displays of education through the Max’s law campaign, but we all need to make an effort. There is no doubt that the public are hugely in favour of donation and want to be able to support it as best they can, but the matter has rather fallen from public consciousness. Everyone in the House has an opportunity to raise public awareness, get involved in the consultation and have a real debate, because we need to ensure that people are willing to donate their organs so that we can save more lives.

James Gray (North Wiltshire) (Con): There are already 24 million people on the voluntary organ donation register, which is a significant proportion of Great Britain’s population. None the less, three people a day die because appropriate organs are not available for transplant, and it is vital to do something about that. Is my hon. Friend aware of a particular difficulty with members of black and minority ethnic populations being more reluctant to join the register than others? Is there a way to encourage them to take part in the voluntary scheme?

Jackie Doyle-Price: My hon. Friend highlights one of the biggest challenges we face. There is no doubt that the rate of organ donation is much lower among black and minority ethnic populations, and yet they are more likely to suffer from diseases that require a donated organ, so we are keen to work on that. Only this week, I met organisations connected with the black and Asian community to discuss how we can communicate, getting the right messages through the right messengers, to encourage people to join the register.

Jim Shannon (Strangford) (DUP): I fully support the organ donation opt-out, because it will increase the pool of organ donors. Will the Minister comment on whether the recent statistics from the Welsh Health Department show an increase in the provision of organs due to presumed consent? In other words, has it been a success so far?

Jackie Doyle-Price: I thank the hon. Gentleman for his support. The figures from Wales come at an early stage, but the system that we are looking to introduce has much in common with that in Spain. The issue is not so much about the register moving towards an opt-out system, but the wraparound care that goes with it, such as the specialist nurses who speak with relatives when they are going through the trauma of losing a loved one, and the public debate that raises awareness. Taken together, they are what will lead to more organs becoming available.

Group B Streptococcus

2. Melanie Onn (Great Grimsby) (Lab): What steps he is taking to ensure that information on group B streptococcus is available to NHS patients.

The Parliamentary Under-Secretary of State for Health (Steve Brine): As the Secretary of State has set out, our ambition is for the NHS to be the safest place in the world to give birth. Information on prevention and the implications of a group B streptococcus infection is available on the NHS Choices website. Just today, the Royal College of Obstetricians and Gynaecologists published a new patient information leaflet that, from the new year, will be given to all pregnant women for the first time. Because it is Christmas, I have a copy here for the hon. Lady. [Interruption.] I see she has one, too.
Melanie Onn: I thank the Minister—he has anticipated my question. I reassert that, on average, two babies die each month from complications relating to group B strep. Awareness of the effects of that infection is incredibly low. Will the Minister meet me and Group B Strep Support to discuss how we can get this leaflet to mums-to-be at the earliest possible stage?

Steve Brine: I know this is a subject about which the hon. Lady cares greatly. I would be very happy to meet her and to bring together the people I work with from Public Health England to see how we can make the best of this new leaflet and ensure it is the best and most important Christmas present.

Mims Davies (Eastleigh) (Con): I welcome the Government’s focus on reducing stillbirths, and I welcome the maternity safety strategy. I particularly welcome this focus on group B strep. Will the Minister outline how he is working locally with hospitals such as Southampton to make sure they are aware of this new focus?

Steve Brine: I thank my parliamentary neighbour for that question. Public Health England is one of the most effective arm’s length bodies with which we work in government, and it will be working with commissioners and trusts across our country to make sure that this new information is out there with pregnant mums and the most at-risk groups. Members of Parliament have an important role to play with local commissioners and trusts, and I know my hon. Friend will play her part in that.

GP Services

3. Sir Greg Knight (East Yorkshire) (Con): What steps is he taking to increase the capacity and availability of GP services.

The Secretary of State for Health (Mr Jeremy Hunt): General practice remains under sustained pressure, which is why we remain committed to increasing the number of doctors working in general practice by 5,000, however challenging that might be.

Sir Greg Knight: Does my right hon. Friend not think it is unfortunate that, at a time when GP services are being sustained, local hospital services in some areas are being reduced? Does he share my concern that some NHS trust managers and clinical commissioning groups seem hellbent on removing valued local services from our smaller hospitals, such as at Driffield and at Bridlington in my constituency?

Mr Hunt: My right hon. Friend has talked to me extensively about this in private, and I fully understand his concerns. The Government are increasing funding to the NHS, which involves extra money going both to out-of-hospital services, such as general practice, and to hospital services. We expect all areas of the country to find sensible ways for those two sectors to work together.

Dr Paul Williams (Stockton South) (Lab): I refer Members to my entry in the Register of Members’ Financial Interests.

Has the Secretary of State seen the recent report of the Royal College of General Practitioners, “Destination GP,” on how to inspire medical students to pursue a career in general practice? Will he consider the report’s recommendations to help to better support medical student placements in general practice?

Mr Hunt: I will absolutely consider the sensible recommendations of that report. People on both sides of the House, such as the hon. Gentleman, who were GPs before being elected do a fantastic job of flying the flag for general practice. We are making some progress. Some 3,157 medical school students have gone into general practice as a specialty—the most ever—but there is lots more work to do.

Mrs Maria Miller (Basingstoke) (Con): I very much welcome the additional funding this Government have put into the NHS, but constituents tell me that they can better manage chronic conditions and illnesses if they have consistent care from general practitioners, which is something they find difficult to access in some surgeries in my constituency because of problems with recruitment and retention. What is the Secretary of State doing with his team to make sure we can lessen that problem in future?

Mr Hunt: I totally agree with my right hon. Friend. One of the best things about the NHS is that people have a GP who knows them and their family. There is a lot of evidence that that is the best way to manage people with long-term conditions, as she rightly says. The truth is that, for a very long time, successive Governments have not invested as much as they should in general practice. We are trying to put that right, and part of that is flying the flag for what an exciting career general practice is. It is the one part of medicine where doctors have an ongoing relationship with patients and their families over their whole lives, which is very motivating.

Thangam Debbonaire (Bristol West) (Lab): The capacity and availability of at least one GP surgery in my constituency are both profoundly affected by the relationship with NHS Property Services—incomplete maintenance jobs and vastly increased rent are problems. Will the Secretary of State meet me and the practice manager of that GP surgery to discuss this?

Mr Hunt: I understand the concerns that the hon. Lady raises; they have been raised by a number of Members. There are historical issues on the levels of rent charged by NHS Property Services, which frankly are not fair given the variation in charges to different GP practices across the country. I will be happy to look carefully into the issues she raises.

Julie Cooper (Burnley) (Lab): The NHS has lost 1,300 full-time GP equivalents in the past two years and 200 GP partners during the same period. Given that 20% of the GP workforce is aged over 60, there is clearly a retirement time-bomb looming. What steps does the Secretary of State intend to take to address the growing workforce crisis in general practice? His efforts so far have failed and patients are waiting longer than ever for a surgery appointment.

Mr Hunt: I would respectfully say that the figures the hon. Lady has pointed out do not take account of locum doctors. None the less, there is a big problem and she is right to draw it to the attention of the House.
What are we doing? I think there are two things. First, we need to encourage more medical school graduates to go into general practice as a specialty, and our objective is that half of all medical school graduates should choose general practice as their specialty. We are making good progress on that. [Interruption.] As she is saying to me, rightly, retention is also extremely important. That is why we are putting in place a number of programmes that will make it easier for GPs who want to work for a limited period of time to work flexibly, and potentially for people who have family responsibilities to work from home. We hope that those programmes will also make a difference.

NHS Funding Trends

4. Peter Grant (Glenrothes) (SNP): What recent discussions he has had with the Chancellor of the Exchequer on trends in the level of funding for the NHS.

The Secretary of State for Health (Mr Jeremy Hunt): We had productive discussions with the Chancellor of the Exchequer ahead of the Budget, which led to a £2.8 billion increase in NHS revenue funding and a £3.5 billion increase in NHS capital funding.

Peter Grant: Given that NHS trusts in England are facing a cumulative budget shortfall of more than £1 billion and yet one in six patients who attend accident and emergency in England will still wait for more than four hours to be treated, what will the Secretary of State be telling health service managers to prioritise this winter? Have they to concentrate on cutting the deficit or cutting the waiting times?

Mr Hunt: I am slightly bemused to hear that question from the hon. Gentleman, given that over the past four years NHS funding in England has increased by 10%, whereas in Scotland it has increased by only 5%. Indeed, Scotland now has the longest waiting times on record for elective surgery. What are we saying to NHS managers? We are saying, “We understand how tough it is. You and your teams are doing a brilliant job, and we want to do everything we can to support you through what will be a challenging winter.”

Sir Oliver Heald (North East Hertfordshire) (Con): As it is Christmas time, may I congratulate my right hon. Friend on securing the right level of funding, but has the Secretary of State recognised that his failure similarly to value NHS staff in England is one reason why England’s nursing vacancy rate is more than double that of Scotland?

Mr Hunt: What I recognise is that life expectancy in Scotland now waiting more than a year, in pain, for vital surgery—well beyond the 18-week maximum guaranteed in the NHS constitution—can the Secretary of State explain the contradictory statements of the Chancellor, who said at the time of the Budget that he expected significant “inroads” to be made into growing waiting time lists, and the NHS England board, which met the following week and said that NHS waiting time standards “will not be fully funded and met next year”?

Mr Hunt: I have been waiting for the right hon. Gentleman to issue the press release welcoming the £1.4 million of extra funding that the Royal Devon and Exeter got in the Chancellor’s Budget, but for some extraordinary reason it has not been forthcoming. Let me tell him that, as many people have commented, the NHS got a lot more money than it was expecting in the winter announcement—

Mr Bradshaw: Answer the question.

Mr Hunt: This is money that will, to answer the right hon. Gentleman’s question, make a big difference in helping the NHS get back to meeting its constitutional waiting time targets.

John Stevenson (Carlisle) (Con): I very much welcome the £2 million winter allocation for the hospitals in my area. Funding is clearly important, but given the improvements in the hospitals in my area that are down to the leadership of the chief executives, the leadership team and the staff, does the Secretary of State agree that leadership is as important as funding?

Mr Hunt: My hon. Friend is absolutely right. Of course, both things matter, and hospitals do need the right level of funding, but one of the highlights of the year for me was visiting my hon. Friend’s local trust in Carlisle and seeing the total transformation in leadership there. It was one of the most troubled trusts in the NHS but, thanks to the incredible dedication of the doctors, nurses and everyone working in the trust, it has really turned things around.

Martyn Day (Linlithgow and East Falkirk) (SNP): The Scottish Government already pay nurses and care assistants the highest rate in the UK, have maintained the nursing bursary, and have now committed to a 3% pay rise for those earning £30,000 or less. Does the Secretary of State recognise that his failure similarly to value NHS staff in England is one reason why England’s nursing vacancy rate is more than double that of Scotland?

Mr Hunt: What I recognise is that life expectancy continues to rise in England but has ground to a halt in Scotland. One reason why is that the Scottish National party has consistently not taken the extra resources it could take and put them into the NHS, but has instead chosen other priorities.

Martyn Day: At the previous Health questions, the Secretary of State said that funding from the Chancellor to remove the pay cap would be based on productivity improvements. Will he elaborate on what productivity improvements are expected and when NHS England staff will get the pay rise that they deserve?

Mr Hunt: We are having fruitful and productive discussions about productivity with the “Agenda for Change” unions, including the Royal College of Nursing.
We are looking at all sorts of things, including how the increments system works. I am hopeful that we will have a system in: a modern contract that is fit for the future for “Agenda for Change” staff and that also allows us to go beyond the 1% cap, as the Chancellor has authorised me to do.

Huw Merriman (Bexhill and Battle) (Con): Of course, this is not just about funding. The Secretary of State recently wrote to East Sussex Healthcare NHS Trust to recognise the fact that its A&E department was the most improved in the past six months. When I spoke to the chief executive, he said that the management focus on targets and delivery against them was the reason why that turnaround has occurred.

Mr Hunt: I met the chief executive in person last week and was able to congratulate him on several important changes that are happening. He will be pleased that we were able to find £1.9 million more for East Sussex in the Budget. My hon. Friend is absolutely right that it is not just about money. The difference between the Government and the Opposition is that they say it is all about money whereas we know that quality of leadership makes a critical difference in turning around our hospitals to make them the best in the world.

Justin Madders (Ellesmere Port and Neston) (Lab): In the past few weeks, Simon Stevens, Sir Bob Kerslake, Sir Bruce Keogh, Jim Mackey, Chris Hopson and a number of other senior public servants have all told the Government that the NHS does not have the funding that it needs. It is patently obvious that, with most performance targets being missed, treatments being rationed and hard-working staff completely demoralised after seven years of pay restraint, funding levels are not sufficient. Arguing with celebrities on Twitter is not going to change that. Even though the Secretary of State has a new-found enthusiasm for 280-character statements, all I ask from him today is one word. Is the NHS getting the funding it says it needs—yes or no?

Mr Hunt: What I want to ask the hon. Gentleman requires a one-word answer. Is he happy—

Mr Speaker: Order. We must observe the terms of debate. It is not for the Secretary of State to ask questions. He has been in the House long enough to know that. Please do not play games with the traditional and established procedures of the House, Secretary of State. You can do better than that.

Mr Hunt: Yes, I am delighted that the local hospital of the hon. Member for Ellesmere Port and Neston (Justin Madders) got £2.8 million in the Budget, but I am disappointed that he did not feel able to issue a press release to his local press. I have much enjoyed debating with the hon. Gentleman over the years, but the difference between me and him is that although we both want to find extra money for the NHS, he would do so by hiking corporation tax, which would destroy jobs, whereas Government Members want to get money into the NHS by creating jobs, which is what we are doing.

Social Care

5. Dan Carden (Liverpool, Walton) (Lab): What recent assessment he has made of the adequacy of funding for social care.

7. Nick Smith (Blaenau Gwent) (Lab): What recent assessment he has made of the adequacy of funding for social care.

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): Councils in England will receive an additional £2 billion for social care over the next three years, as announced in March 2017. The Government have given councils access to up to £9.25 billion more dedicated funding for social care over the next three years as a result of measures introduced since 2015. This means that, overall, councils are able to increase spending on adult social care in real terms in each of the next three years.

Dan Carden: Last week’s Health Survey for England revealed that older people in more deprived areas, such as my own constituency of Liverpool, Walton, are twice as likely to have unmet social care needs and our NHS is left picking up the pieces. When will this Government stop passing the buck and bring forward concrete plans on proper investment and reform to end the national scandal that is our care system?

Jackie Doyle-Price: The entititlement to care is completely enshrined in the Care Act 2014, so if needs are not being met, there is a statutory obligation that can be enforced. On the long-term solutions, obviously, we have put in additional money to sort out the short-term funding pressures, but we need to have a long-term and more sustainable deal with which to meet our obligations for social care, which is why we are bringing forward a Green Paper next year. I hope that the hon. Gentleman will participate in that debate.

Nick Smith: Following Four Seasons’ temporary reprieve from administration, what plans are in place to help councils to deliver their statutory care duties in the event of the failure of this major provider?

Jackie Doyle-Price: I am grateful to the hon. Gentleman for raising this with me today, because I hope to reassure the House, and anxious people with loved ones in care with Four Seasons, that there is no immediate threat to continuity of care. I and my officials are keeping a very close eye on the situation, so that, with the Care Quality Commission, we ensure that there is a stable transition and that the commercial issues are dealt with in an appropriate way. That is leading to some very challenging conversations, but I can assure him that I and my officials are on it.

Maggie Throup (Erewash) (Con): Given that health and social care are intrinsically linked, even more so now as sustainability and transformation plans are rolled out, does the Minister agree that now is the time to put health and social care under one roof in a combined department?

Jackie Doyle-Price: I have always thought that a silo culture was the enemy of good public policy, which means that integrating policy making across Government will tend to lead to better outcomes. I can assure my hon. Friend that I have regular conversations with the Department for Communities and Local Government and, as we approach the long-term funding pressures, we will be very much working in tandem.
Barbara Keeley (Worsley and Eccles South) (Lab): The recent Health Survey showed not only that unmet needs were most concentrated among people who are the most deprived, as we have just heard, but that 2.3 million older people, aged 65 and over, now have unmet care needs—2.3 million. Neither the care Minister in her recent statement nor the Chancellor in his Budget said anything about closing the funding gap for social care. Given that the Green Paper is only scheduled for next summer, what is the Health Secretary doing about the crisis in funding social care and meeting staggering levels of unmet needs?

Jackie Doyle-Price: The hon. Lady will be aware that, immediately following these questions, we will be having a statement on funding from the Secretary of State for Communities and Local Government. I remind her again that we have made an additional £9.25 billion available for social care over three years, but she is right that the long-term sustainability will be addressed by reform, which is why we are bringing forward the Green Paper. As to the figures on unmet needs, I simply do not recognise them. The entitlement to care is enshrined in the Care Act, and those rights are protected.

NHS Funding (Autumn Budget)

6. David Morris (Morecambe and Lunesdale) (Con): What his priorities are for the additional funding allocated to the NHS in autumn Budget 2017.

Mr Dunne: My hon. Friend has worked tirelessly with his neighbouring colleagues in Essex to secure not only the £41 million to which he refers. In fact, that figure is a component of the £118 million capital allocation made to the Mid and South Essex Sustainability and Transformation Partnership area in the Budget. This will provide significant investment not only in his local hospital in Southend, as he mentioned, but in Basildon and in Broomfield Hospital in Chelmsford. I am sure that he and his colleagues in Essex welcome that.

Ruth George (High Peak) (Lab): My local clinical commissioning group in north Derbyshire has been placed in special measures by NHS England. It has been forced to cut £16 million over just six months and to bring forward the closure of the Spencer ward in Buxton before any proper alternative is in place due to a lack of funding. Does the Minister not agree that the Budget funding is too little, too late?

Mr Dunne: The hon. Lady will be aware that the special measures regime was introduced to help trusts that are having difficulty in meeting quality performance standards to improve their quality. They receive support from NHS Improvement in order to do that. If she would like to write to me with the specific details of her trust’s situation, I would be happy to take up the case. But as far as I am concerned, her trust is on an improvement journey.

Sir Vince Cable (Twickenham) (LD): Given that about a quarter of the additional funding goes to patients with neurological conditions—from strokes to Parkinson’s—what steps is the Minister taking to reduce the often appalling delays between the onset of disease and access to occupational and physical therapy? Will he agree to meet a charity from my constituency of Twickenham called Integrated Neurological Services, which is saving lives and money by drastically reducing that timeline?

Mr Dunne: The right hon. Gentleman will be aware that centralising cardiac services in particular into acute cardiac hospitals is having a significant impact on improving access to treatment by reducing the time it takes to get diagnostic tests and initial treatment, and is therefore saving lives. Specialisation is working in London and in other parts of the country where it is being applied. I am sure that he would welcome the recent allocation to Kingston Hospital of up to £1.3 million to help with winter pressures.

Mr Philip Hollobone (Kettering) (Con): The Minister visited Kettering General Hospital earlier this year and saw for himself that a record number of patients are being treated with increasingly world-class treatments. Will he confirm that the hospital will get £2.6 million to cope with winter pressures this year?

Mr Dunne: My hon. Friend never fails to highlight the success of Kettering General Hospital. I am delighted to confirm that £2.6 million will be available for that hospital this winter. We are working hard with the hospital management, through the special measures regime, to improve performance in that trust.

John Cryer (Leyton and Wanstead) (Lab): Bed occupancy rates across London last winter were running very near to 100%, including at Whips Cross University Hospital
in my constituency. With the much-vaunted extra funding, what will the bed occupancy rate have been by the end of this winter?

Mr Dunne: Bed occupancy rates are high at this time, not least following the recent cold snap, which has put additional pressure on hospital trusts. We have used some of the funding provided in the March Budget to increase the rates of delayed transfers of care to improve patient flow throughout all hospitals, and that has led to a slight reduction in bed occupancy in the run-up to winter.

Mental Health Workforce

8. Iain Stewart (Milton Keynes South) (Con): What steps he is taking to increase the size of the mental health workforce.

The Secretary of State for Health (Mr Jeremy Hunt): In order to increase the number of mental health patients we treat by 1 million every year by 2020-21, we are increasing the number of mental health posts in the NHS by 21,000.

Iain Stewart: I certainly welcome that increase, but does my right hon. Friend agree that there is a particular need to address mental health issues in schools? Could he set out what plans he has to give extra support there?

Mr Hunt: My hon. Friend is absolutely right, for the simple reason that prevention is better than cure, and about half of all mental health conditions become established before the age of 14. That is why it was so significant that, following the Budget, we announced the allocation of an extra £300 million through the mental health Green Paper, precisely to improve the service we offer students in schools.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The Secretary of State has, on numerous occasions, to both the media and this House, referred to an increase of 4,300 staff working in mental health trusts since 2010. In response to my written parliamentary question, he was unable to clarify whether this 4,300 figure includes the 1,478 people who were rebadged as mental health trust staff following a trust merger in Manchester last year. Nor would he confirm whether this figure includes the 858 people NHS Digital says were already working in the sector, who transferred from primary care trusts to mental health trusts when primary care trusts closed back in 2013. Would the Secretary of State offer the House some festive cheer and take this opportunity to set the record straight?

Mr Hunt: I am very happy to offer the hon. Lady on those matters, because she has huge professional experience. I do not think we do well enough for families with autism, and we are looking at what we can do better, but I have a lot of sympathy for the case the hon. Lady is making.

Malnutrition: Hospital Admissions

9. Ms Marie Rimmer (St Helens South and Whiston) (Lab): What steps his Department is taking to reduce the number of hospital admissions for malnutrition.

The Parliamentary Under-Secretary of State for Health (Steve Brine): Ensuring all our constituents—particularly the vulnerable and the elderly—are getting an adequate diet is critically important. That is why, for instance, we have given half a million pounds in funding to a special Age UK taskforce to reduce malnutrition among older people, and we will continue to train NHS staff so that early action can be taken.

Ms Rimmer: A merry Christmas to you, Mr Speaker, and to the Ministers on the Front Bench—maybe they will answer my letter soon.

In the world’s sixth largest economy, it is damning that, under this Government, we have seen a 122% increase in the overall numbers admitted to hospital with malnutrition. It is clear that more action is needed to ensure that we eradicate malnutrition in our society. The Department for Work and Pensions and the Health Department must work together so that, rather than introducing measures such as universal credit eligibility criteria, which will see at least 1 million children lose free school meals, we commit as a country to tackling this issue head on. Will the Minister use his power and influence to ensure that this issue is addressed immediately and that we see an end to this failure to axe malnutrition in the 21st century?

Steve Brine: Happy Christmas to St Helens as well. I agree that we need to work together. The Healthy Start programme, for which I am responsible, provides a nutritional safety net to hundreds of thousands of pregnant women and families with children under four. There is a slight increase in cases being reported in
recent years. In part, that is due to much better diagnosis and detection. Some 1.1 million children get free school meals in England, and the Government are investing £26 million in breakfast clubs. Only last week, Kellogg’s was here with its breakfast club awards—an excellent innovation.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): That being said, it is disgraceful that under this Government’s watch we have seen a 54% increase in children admitted to hospital with malnutrition. Instead of seeing malnutrition rising, we really should be eradicating it. As the festive period is upon us and it is the season for good will and giving, will the Minister give this House an assurance that he will seriously address this matter to ensure that no child in this country ever experiences malnutrition?

Steve Brine: Of course we want no child in our country to experience malnutrition. I mentioned the Healthy Start scheme and the breakfast clubs. Healthy Start is an excellent programme run by Public Health England that encourages a healthy diet among hundreds of thousands of families with children under four. It is exactly that which is helping us to tackle this issue.

Life Sciences

10. Andrew Bowie (West Aberdeenshire and Kincardine) (Con): What steps he is taking to support investment in life sciences for the development of new medical treatments.

The Parliamentary Under-Secretary of State for Health (Steve Brine): The recently announced life sciences sector deal draws significant investment into the sector from across the world, ensuring that the next wave of breakthrough treatments, innovative medical research and technologies—and highly skilled jobs, of course—are created right here in Great Britain.

Andrew Bowie: In Scotland today there are over 600 life sciences organisations employing more than 30,000 people, making Scotland one of the largest life sciences clusters in Europe, so they too will welcome the announcement the Minister mentions. Will he give the House some more detail on the sector deal and industry investments that could give even more strength to this world-leading industry across the United Kingdom?

Steve Brine: The sector’s commercial activity is very broadly spread across the whole of the UK—my hon. Friend’s concern. There are a number of strong emerging life sciences clusters. The deal highlights successes around the UK in Manchester, Leeds, Sheffield, Glasgow, south Wales, and the south-east, so it is a very broad spread.

Daniel Zeichner (Cambridge) (Lab): Medical research charities play a key role in developing new medical treatments, yet the Charity Research Support Fund, which enables universities to unlock investment from the sector, has been frozen since 2010. Will the Minister heed the call from the Association of Medical Research Charities to enhance CRSF in real terms, in line with inflation and with charity investment?

Steve Brine: I can come back to the hon. Gentleman in more detail on that. As part of the life sciences sector deal, there is just over £210 million of industrial strategy challenge funding for early diagnosis. This includes funding to build on the UK’s leadership in genomics, where we are very strong, and to establish programmes in digital diagnostics and artificial intelligence in healthcare.

Mental Health Workforce

11. Jeff Smith (Manchester, Withington) (Lab): How many mental health staff the NHS employed in (a) 2010 and (b) 2017.

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): Although we cannot meaningfully compare between 2010 and today, I can advise that the number of NHS staff working in mental health and learning disability trusts was 162,611 in July 2013 and 166,905 in July 2017—an increase of 4,334.

Jeff Smith: That did not actually answer my question. Earlier, my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) read out a long list of concerned professionals, so let me add one more—Professor Wendy Burn, the president of the Royal College of Psychiatry, who said after the Budget:

“There is a real and imminent danger that the promises made to improve mental health services for the millions of people who need them are about to be betrayed.”

Is she wrong? Is it not true that without proper funding for more staff, the Prime Minister’s pledge to transform mental health services will not be met?

Jackie Doyle-Price: As the hon. Gentleman knows, we have published a workforce strategy to deliver exactly on the commitments that the Prime Minister has made. I can report that we have had a significant increase in the workforce. For example, in IAPT—improving access to psychological therapies—the number is up by 2,728 since 2012, a 47% increase. The number of psychiatry consultants is up from 4,026 in 2010 to 4,292. The number of community psychology nurses is up from 15,500 in 2010 to 16,658 in August 2017. We are delivering the workforce to implement the Prime Minister’s commitments. The most important thing is that rather than trade numbers, we should look at outcomes for patients and improving patient care.

Sir Desmond Swayne (New Forest West) (Con): Only a quarter of GPs have training in mental health, and it is usually in psychiatric conditions that they are unlikely to encounter routinely. How can we make better use of GPs in mental health?

Jackie Doyle-Price: As my right hon. Friend identifies, training is key, and another central point is GPs’ ability to signpost people to appropriate treatments and therapies, which is exactly why we are investing in specialist care.

23. Stella Creasy (Walthamstow) (Lab/Co-op): If we are talking about concerned professionals and outcomes, can we add headteachers and teachers into the mix? One from my area has written to me about a child whom she referred to CAMHS last summer term only to be told that they were 63rd on the list and faced a 14-month wait for help. That is much longer than the
month-long waiting time target that the Government have set. With a shortage of child psychologists, just how are the Government going to keep kids in my constituency safe?

**Jackie Doyle-Price**: The hon. Lady raises exactly the point that we are trying to address through the Green Paper. We are committed to delivering on the four-week waiting time by 2020, which will make sure that we treat over 70,000 more children with mental health issues that need to be addressed. I will be quite honest: this is not where I want us to be, but that is exactly why the Government have made it a priority and we will deliver by 2020.

**A&E Departments**

12. **Tom Pursglove** (Corby) (Con): What steps his Department is taking to relieve pressure on A&E departments.

**The Secretary of State for Health** (Mr Jeremy Hunt): The Budget announced an extra £337 million to help NHS trusts to deal with the pressures of winter.

**Tom Pursglove**: I am grateful to the Secretary of State for that answer, and I welcome the additional £2.6 million for Kettering General Hospital. As he knows, the Corby urgent care centre is a vital service that helps to relieve pressure on Kettering’s A&E all year round. What role does he see such facilities playing in relieving pressures, particularly during the winter period?

**Mr Hunt**: I thank my hon. Friend for his campaigning, and I am delighted that the Budget allocated an extra £2.4 million to help Kettering General Hospital. He is absolutely right that urgent care centres play a vital role in keeping people away from busy A&E departments. We need to be better at signposting the public so that they know when to go to a GP surgery, when to go to an urgent care centre and when to go to a hospital.

**Mike Gapes** (Ilford South) (Lab/Co-op): One of the causes of pressure in my part of London is the continuing threat of impending closure to King George Hospital’s A&E. Will the Secretary of State today confirm that the consultation that is now being engaged in will result in the A&E at King George Hospital being saved?

**Mr Hunt**: I thank my hon. Friend for sharing that very moving case. We have no evidence at this stage that those drinks cause such outcomes, but we know that all stimulants, whether alcohol or caffeine, have consequences that can affect people’s mental health. That is something that bears examination.

**Several hon. Members rose**—

**Mr Speaker**: Order. I want to take one last grouping. We are out of time, but I want to accommodate the Questions on mental health services—brief questions, brief answers.

**Mental Health Services: Children and Young People**

15. **Mr Steve Reed** (Croydon North) (Lab/Co-op): What assessment he has made of the adequacy of access to mental health services for children and young people.

17. **Trudy Harrison** (Copeland) (Con): What steps he is taking to improve the provision of mental health services for children and young people.

21. **Christopher Pincher** (Tamworth) (Con): What steps he is taking to improve mental health provision for children and young people.

**The Parliamentary Under-Secretary of State for Health** (Jackie Doyle-Price): We have assessed children and young people’s mental health as part of our ongoing work to improve services, and the results of our assessments have led to £1.4 billion of extra funding to support locally led transformation plans. The recent Green Paper aims to improve the provision of services in schools, bolster links between schools and the NHS, and pilot a four-week waiting time target.
Mr Reed: Many young people with mental ill health report that crisis care is not good enough. Of course, the pressures on them can get even worse over Christmas, so will the Government back the call by the charity YoungMinds to set up a crisis hotline for children and young people that would be available through the existing 111 service?

Jackie Doyle-Price: We are approaching Christmas, and the hon. Gentleman is quite right to highlight the fact that it can often be the moment of greatest crisis for people with mental health issues. I was with the Samaritans yesterday to commend it for all its work—it is obviously a good pathway to help—but, absolutely, we will speak with YoungMinds.

Trudy Harrison: “Jesse Evans—Autism Adventures” highlights the daily challenges faced by families living with autism, who are supported by self-sustaining groups such as Autism around the Combe. Will the Minister explain how the recent announcement of a multimillion pound development at West Cumberland Hospital will help those families?

Jackie Doyle-Price: My hon. Friend highlights the great synergy between those health services that the Government can provide, on which people obviously rely, and self-help, which is very important, as well as the help that people can give each other when they share their experiences. I commend the work of Jesse Evans and his “Autism Adventures” blog, which is extremely positive and educational.

Christopher Pincher: My clinical commissioning group delivers better-than-average waiting times for mental health talking therapies and follows up 99% of all vulnerable people within a week of their first appointment. It does all that and more on significantly less than the average budget nationally, so will my hon. Friend look at south-east Staffordshire as a case study for delivering a very good service with value for money?

Jackie Doyle-Price: How can I say no to such a proposition? My hon. Friend illustrates the importance of good leadership in all local communities. Where good leaders make something a priority, they will deliver good outcomes at reasonable value for money.

Topical Questions

T1. [903038] Mr John Whittingdale (Maldon) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Mr Jeremy Hunt): Next week, many NHS and social care staff will give up their family Christmas to keep NHS patients safe. I know that the whole House would like to thank them for their dedication and commitment over the festive period.

Mr Whittingdale: Is my right hon. Friend aware that, due to the difficulties in recruiting general practitioners, neither of the two GP surgeries in Maldon are taking on any new patients, despite the significant development taking place in the town? May I therefore welcome the 1,500 extra medical training places that the Government have funded, and ask for his support for some of those to go to the excellent Anglia Ruskin medical school in Chelmsford?

Mr Hunt: I have a great deal of sympathy with what my right hon. Friend says, and he is right that the recruitment and retention of GPs is a big issue. I have a constituency interest, in that I have a university that is also very keen to host more medical school places, so I am recusing myself from the decision. However, I wish all universities good luck, because this is a historic expansion of medical school places for the NHS.

Jonathan Ashworth (Leicester South) (Lab/Co-op)rose—

Mr Speaker: Order. I am sure that the shadow Secretary of State will be brief, in recognition of the enormous demand from Members wishing to contribute in this session.

Jonathan Ashworth: May I join the Secretary of State in wishing all our NHS and social care staff a very merry Christmas, and in thanking them for their commitment this winter?

Virgin Care recently won a £100 million contract for children’s health services in Lancashire, but in the Secretary of State’s own backyard of Surrey, Virgin Care recently took legal action against the NHS, forcing it to settle out of court. This money should be going to patient care, not the coffers of Virgin Care, so why will he not step in and fix this scandal so that his Surrey constituents and the NHS do not lose out?

Mr Hunt: I, too, am very disappointed about the action taken by Virgin Care, but I gently point out to the hon. Gentleman that, contrary to the narrative that he and his colleagues put out, the reason why it took action was that the NHS stripped it of its contract and gave that back to the traditional NHS sector—hardly the mass privatisation that he is always talking about.

Jonathan Ashworth: The Secretary of State’s Surrey constituents will have heard that he will not be taking action against Virgin Care.

Our research has revealed that there are vacancies for 100,000 staff across the NHS, and there is a “national crisis in workforce”—not my words, but those of the Royal Surrey County Hospital NHS Foundation Trust in the Secretary of State’s constituency. With bed occupancy at the Royal Surrey hitting a peak of 98.7% this winter already, and 94.5% across the NHS on average, can he tell us how he expects the NHS to cope this winter when it is understaffed, overstretched and underfunded?

Mr Hunt: If we decide that we want more nurses following Mid Staffs, that creates vacancies. If we want to transform mental health provision, that creates vacancies. That is why we announced a workforce plan, which I notice the Welsh Government have not had time to do yet. But I will finish by wishing the hon. Gentleman a merry Christmas. If he wants to take a bit longer off and stay away for January, we are happy to hold the fort.

T2. [903039] Craig Tracey (North Warwickshire) (Con): Research shows that breast density is a strong predictor of developing breast cancer, yet many women remain
unaware of the risk. Will the Minister confirm what steps are being taken to educate women with this potentially life-saving information?

The Parliamentary Under-Secretary of State for Health (Steve Brine): My hon. Friend asks an important question. We have just commissioned Warwick University to investigate the links between breast density and breast cancer. If the findings suggest that there should be any changes to the national breast screening programme, the UK national screening committee will of course consider that, as it does with any new evidence that helps it to target screening appropriately and make women aware of any increased risk of breast cancer. I will be watching this like a hawk.

T.3. Mr Jim Cunningham (Coventry South) (Lab): What assessment has the Secretary of State made of NHS funding for the 2018-19 financial year? Will it be sufficient to deliver the standards set out in the NHS constitution?

Mr Hunt: The NHS mandate is very clear that we expect the NHS to move towards hitting those constitution standards which we consider to be vital for patients.

T.5. Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): The Secretary of State will be aware of the decision by my Northumberland CCG to close in-patient beds at Rothbury Community Hospital last year. It was done on the premise of underuse, but local sources continue to indicate that it was due to a shortage of nurses at our excellent Northumbria A&E hospital.

Following a passionate campaign led by Katie Scott and the Save Rothbury Community Hospital supporters, Northumberland County Council has referred the decision to the Secretary of State for review. I would be grateful if he could update the House on the timescale for a decision.

The Minister of State, Department of Health (Mr Philip Dunne): I can confirm that the health and wellbeing overview and scrutiny committee has submitted a request for a review by the Independent Reconfiguration Panel. I understand that officials have reverted to the committee to clarify the terms of the referral. Once that has come through to the Department, I am sure that the review will take place.

T.4. Neil Gray (Airdrie and Shotts) (SNP): Last week the Brexit Secretary stated that UK membership of EU agencies is unlikely to continue beyond March 2019, so what provision has the Secretary of State for Health made to replace the European Chemicals Agency, which regulates the raw chemicals required by the pharmaceutical industry to produce drugs in the UK?

Mr Hunt: That area will obviously be very important in the negotiations, but we have made our preference clear: a deep and special partnership with the EU in which the benefits of co-operation that we currently have can continue.

T.6. Mark Pawsey (Rugby) (Con): Public Health England has stated that e-cigarettes are at least 95% safer than tobacco products and are now the most popular way to stop smoking. What is being done to encourage smokers to quit using this method, and what steps are being taken to ensure that e-cigarette users are not forced to share their space with people who continue to smoke?

Steve Brine: The truth is that we do not yet know enough about e-cigarettes. I welcome the Science and Technology Committee’s investigation into them. We have asked Public Health England to include messages about the relative safety of e-cigarettes in its Quit Smoking campaign next month, but it is for local organisations and businesses to implement their own policies on e-cigarette use in the workplace.

T.8. Kate Green (Stretford and Urmston) (Lab): Seriously unwell individuals continue to be placed in immigration detention, despite the “adults at risk” policy, which states that that should not happen. Will the Secretary of State update the House on what discussions are taking place with Home Office colleagues to ensure that assessment, treatment and screening processes, and the application of rule 35, are properly followed so that vulnerable individuals are not held in detention in that way?

Mr Hunt: I always listen to what the hon. Lady says on these issues. I have had discussions with the Immigration Minister, but if she would like to write to me in detail I am happy to take the matter up further.

T.7. Mary Robinson (Cheadle) (Con): Progress on cancer survival overall is hugely welcome, but what more can be done to improve outcomes for oral cancers? The main causes of oral cancer are smoking, drinking and the human papilloma virus, and men are twice as likely as women to suffer from it. Will the Minister inform the House what steps the Government are taking to address this issue?

Steve Brine: As the House knows, cancer is a huge priority for me and for the Government. Survival rates are at a record high, but we know there is much more work to do. Early diagnosis is key, and that is never more true than with oral cancers. We are supporting dentists to play a vital role in spotting mouth cancers early. I was discussing this very point just last week with the British Dental Association, which shares our passion on this issue.

T.9. Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): One of my local hospitals, Sandwell, has a problem with the high number of nurses leaving the profession. But this problem is not confined to Sandwell; it goes across the NHS. What analysis has the Minister done of the reasons for nurses leaving and what will he do to address them?

Mr Hunt: We have not been very good at making it easy for people to work flexibility in the NHS. Contracts are too rigid and we are looking to change them. We recognise that for many nurses their commitment to the NHS runs very deep, but that they have to juggle that commitment with family responsibilities. We want to do better.

Mr Marcus Fysh (Yeovil) (Con): There are many very committed individuals working in health and social care services in Somerset, but one challenge is getting
enough registered nurses into the system to allow them to integrate. What can the Minister do to help to get more registered nurses?

Mr Dunne: My hon. Friend will be aware that last week we published the workforce strategy. One major focus was on meeting the Secretary of State’s commitment to increase the number of registered nurses by 25% and to broaden the routes into nursing. There is a commitment to expand the nursing associate role, which is helping to provide opportunities, through an alternative route, for healthcare support workers to become registered nurses.

Steve Brine: There is huge interest in this subject in the House. Over the past three years, there has been extensive work to communicate advice on the risks of valproate in pregnancy, through a huge number of channels, to help professionals and patients. It is evident from monitoring activities that providing health professionals with information, even when repeated constantly through multiple sources, is not changing prescribing behaviour sufficiently to minimise harm to children exposed to valproate in pregnancy. The expert working group of the Commission on Human Medicines is informing the UK position in European negotiations and advising on the national action required within the UK health system.

Mr Speaker: Forgive me. I did not mean to be unkind to the Minister who was attending closely to his answer. It is just that we want the whole House to get the benefit of it.

Nigel Huddleston: Possibly as many as 20,000 babies have been born with birth defects as a consequence of their mothers having used sodium valproate during pregnancy. When will mandatory warnings be given to pregnant women about the risks associated with valproate, and when will we see independent analysis of how we got to this dreadful situation?

Steve Brine: There is huge interest in this subject in the House. Over the past three years, there has been extensive work to communicate advice on the risks of valproate in pregnancy, through a huge number of channels, to help professionals and patients. It is evident from monitoring activities that providing health professionals with information, even when repeated constantly through multiple sources, is not changing prescribing behaviour sufficiently to minimise harm to children exposed to valproate in pregnancy. The expert working group of the Commission on Human Medicines is informing the UK position in European negotiations and advising on the national action required within the UK health system.

Mr Speaker: Forgive me. I did not mean to be unkind to the Minister who was attending closely to his answer. It is just that we want the whole House to get the benefit of it.

Nigel Huddleston: Will the Minister provide an update on efforts to move Worcestershire Acute Hospitals NHS Trust out of special measures, and on the status of the promised £29 million for much needed capital improvement programmes?

Mr Dunne: As my hon. Friend is aware, I visited all three hospitals in the trust. I am pleased to be able to announce to him today that the Department of Health has concluded its analysis of the outline business case for the £29 million allocated in July and that it has been approved.

Ms Angela Eagle: On admissions to hospital for malnutrition, will the Minister tell me what has been happening at Wirral University Teaching Hospital? Admissions for malnutrition went up from 21 in 2009-10 to 707 in 2014-15. They went up again to 728 and this year currently stand at 586. That seems very, very high. Can anyone tell me what is going on? If not, will Ministers write to me to explain these huge figures?

Steve Brine: There is £2.8 million in extra winter funding, but I will write to the hon. Lady with the details she asks for.

Dame Caroline Spelman: I would like to thank the Minister for listening very sensitively to the victims of Paterson, the rogue surgeon, many of whom are constituents of mine. Does he agree that the evidence from the Hillsborough inquiry is that a bishop-led inquiry can indeed get justice and closure for victims? Will he join me in wishing the Bishop of Norwich great success in getting a good outcome from this inquiry?

Mr Dunne: I pay tribute to my right hon. Friend for her role in helping to support the victims, many of whom, as she said, are constituents of hers. We are pleased that Bishop James has agreed to take on this inquiry. Bishops provide the ability to empathise with victims and their families, which might not always be the case with judge-led inquiries. As she rightly points out, the Hillsborough inquiry was led by a bishop, but so too is the current Gosport inquiry, while the Morecombe Bay inquiry was led by Bill Kirkup, rather than a judge.

Jessica Morden: Those with erythropoietic protoporphyria cannot be exposed to sunlight or even some artificial light without extremely painful and violent skin reactions. Trials of the drug Sceness have proved life-changing for constituents such as James Rawnsley, who, for the first time, can now take his kids to school and go on holiday. The decision to make it available on the NHS will be taken soon. Please will the Minister look at it?

Steve Brine: EPP has a devastating impact on a person’s health and quality of life, and is something that the hon. Lady has discussed with me before. We will of course take the matter seriously, and I am very happy to talk to her more about it.

Dr Matthew Offord: Given that my own brother’s funeral will be held later today, may I ask the Secretary of State what help and support he is giving to the families of drug and alcohol abusers?

Mr Hunt: The whole House will want to express its condolences to my hon. Friend on what is happening this afternoon. He, alongside many people on both sides of the House, including the shadow Health Secretary, has raised this issue, and we are looking closely at what more support we can give to children in one of the most vulnerable situations imaginable. I thank him for raising the issue.

Rachael Maskell: The NHS patient declaration form for free dental care and prescriptions requires patients to determine the difference between contribution and income-related employment and support allowance. Getting it wrong attracts really hefty fines. Will the Minister ensure that patients first get the opportunity to make the right choice before fines are applied?

Steve Brine: Yes, of course. The NHS Business Services Authority issues the penalty charge notices for incorrect claims for exemption from NHS dental care and prescription charges. We have recently increased the number of checks, however, because ultimately this is taxpayers’ money, and we need to ensure that it is spent properly and legally.
Andrew Selous (South West Bedfordshire) (Con): I warmly welcome the extra £1.1 billion to help with winter pressures at Luton and Dunstable Hospital, and I can tell the ministerial team that the merger with Bedford Hospital is proceeding well, but it needs £150 million of capital. May I ask that favourable consideration be given to that in the allocation of the £3.5 billion announced in the Budget?

Mr Dunne: My hon. Friend will be aware that the Chancellor provided a package of £10 billion in the Budget last month to be invested in the NHS, of which £3.9 billion will come from the Treasury. All bids for capital are being assessed through the STP prism. The proposal that his area will be making will be assessed against others. As far as I am aware, no such proposal has yet been made to NHS England, but it will obviously be looked at in due course.

Mr Speaker: The challenge is of single-sentence questions and answers.

Louise Haigh (Sheffield, Heeley) (Lab): You may recall, Mr Speaker, that I raised earlier in the year the issue of a private mental health hospital in my constituency where a young woman had MRSA and was infecting staff and patients. Since then, there have been numerous inspections in relation to children having access to ligatures and medicines in order to overdose. Will the Secretary of State commit to a policy to ensure that no child or young person is placed in a mental health facility that is deemed unsafe?

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): I commend the hon. Lady for raising this issue, which she and I have met to discuss before. She is right to highlight the ongoing inspections and issues, and I have written to her to offer to discuss the matter with her again. It is absolutely unacceptable that anybody is placed in a facility that is deemed unsafe.

Paul Masterton (East Renfrewshire) (Con): May I thank the ministerial team on behalf of my constituent Susan Bradley for finally laying the remedial order for single-parent surrogates, and can they assure me that they will do everything they can to get it through Parliament as quickly as possible?

Mr Dunne: An all-party parliamentary group has been established this week, I believe, to take this issue forward, and I look forward to speaking to that group, if invited, next month. The remedial order will follow due parliamentary process, which involves its being laid for 60 days and then, after an interval, for a further 60 days.

Steve McCabe (Birmingham, Selly Oak) (Lab): There have been 15,000 violent assaults on mental health workers in the west midlands over the last five years. What is the Government’s response to the Care Quality Commission’s opposition to routine searches of all mental health service users for weapons on admission or return to acute in-patient units?

Mr Hunt: I have a great deal of sympathy with what the hon. Gentleman has said. We are putting a lot of effort into patient safety and staff safety in mental health trusts, and we are discovering that there is a wide variation between practices. The hon. Gentleman has made an important point, and, if I may, I will write to him to inform him of our progress.

Martin Vickers (Cleethorpes) (Con): The patient transport service in northern Lincolnshire is contracted to Thames Ambulance Service Ltd, which is failing miserably to perform to an adequate standard. Will the Minister meet me, along with my hon. Friend the Member for Brigg and Goole (Andrew Percy) and other neighbouring Members, to discuss what influence the Department can bring to bear?

Mr Dunne: I should be happy to do so.

Several hon. Members rose—

Mr Speaker: Order. I appreciate the commitment of colleagues. The session has overrun, but I feel that colleagues will go home for Christmas content only if they have asked their questions and they have been answered. I am extremely grateful to the Front-Bench teams on both sides of the House.

Mr Dennis Skinner (Bolsover) (Lab): Is the Secretary of State aware that in the course of this hour there have been more questions about hospital closures than about almost anything else, covering East Yorkshire, Berwick on his own side, Warwickshire on our side, and High Peak in Derbyshire, including Bolsover and Bakewell Hospitals? There is a growing suspicion that what this Secretary of State is up to is leaving those hospitals and losing all the beds in them forever so that the private sector can move in and take the lot. That is what is going to happen.

Mr Hunt: I thank the hon. Gentleman for his Christmas cheer. Let me just say to him that if that were the Government’s intention, we would not have found an extra £2.8 billion for the NHS in the Budget, including £1.95 million for Chesterfield Hospital, which will benefit his own constituents.

Mims Davies (Eastleigh) (Con): Some 50% of young people do not use a condom with a new partner and one in 10 young adults never uses one, which means the chance of an unwanted pregnancy or, indeed, a sexually transmitted disease. Please will the Department do something to ensure that people are aware of the benefits of condoms?

Steve Brine: Men may not be very good at wrapping at this time of year, but they need to get this one right. I welcome Public Health England’s “protect against STIs” campaign, which was launched last week and aims to reduce rates among 16 to 24-year-olds, and I encourage young people having fun this Christmas to do so sensibly.

Alison Thewliss (Glasgow Central) (SNP): There is an increasing trend for women to share breast milk over the internet with no recourse to the milk banking guidelines from the National Institute for Health and Care Excellence. Will the Minister meet me, and other members of the all-party parliamentary group on infant feeding and inequalities, to discuss the matter further and to ensure that breast milk can be used safely?

Jackie Doyle-Price: As the hon. Lady says, it is important for us to ensure that anything that happens in this space is safe, and I should be very pleased to meet her and other members of the all-party group.
Several hon. Members rose—

Mr Speaker: Order. Members can ask questions consisting of no more than one sentence each.

Liz McInnes (Heywood and Middleton) (Lab): What funds are being made available to our mental health services to meet the additional demands placed on them by changes in the Mental Health Act 1983, which came into force on 11 December this year?

Mr Hunt: I can reassure the hon. Lady that we are putting a lot of extra funding into mental health—£575 million last year alone—to meet those and other obligations.

Karin Smyth (Bristol South) (Lab): NHS Property Services exists on a merry-go-round of taxpayers’ money. Will the Secretary of State give us all a Christmas present by closing it down and returning the control of property to local health communities?

Mr Hunt: I understand why the hon. Lady has asked that question. I think it fair to say that NHS Property Services has been on a journey and needs to do even better, but we also want to ensure that NHS land is made available for housing for NHS staff.

James Frith (Bury North) (Lab): Will the Secretary of State consider the NHS as a funder of last resort for hospices such as Bury hospice, so that they can operate at full capacity and play their part in the delivery of social care?

Mr Hunt: We often are a funder of last resort for the hospice movement—and perhaps thanking hospices for the extraordinary work that they will be doing over the festive period and beyond is the right note on which to end today.
Local Government Finance Settlement

12.44 pm

The Secretary of State for Communities and Local Government (Sajid Javid): With permission, Mr Speaker, I would like to make a statement on funding for local authorities in England next year.

From 2015 to 2020, councils in England have access to over £200 billion to deliver the high-quality services their local communities need. They deserve no less; local government is on the frontline of the country’s democracy, with councillors and officers working at the heart of the communities that they serve. But to make the most of that local knowledge, councils need greater control of the money they raise: they need greater freedom to tackle challenges in their areas, and they need the certainty and stability that will allow them to plan ahead.

This Government are committed to delivering that, and today I am publishing a draft local government finance settlement that marks an important milestone in the journey to doing so. It comes in the third year of a four-year deal that was accepted by 97% of councils in return for publishing efficiency plans. We will continue to work with the sector to help councils to increase transparency and share best practice, supporting greater progress in delivering increased efficiency over the coming year. I expect this to have a tangible impact on the steps that councils take to promote efficiency from 2019-20.

Local government operates in a society that is constantly changing, and the system of financing local government needs to reflect that. The current formula of budget allocations has served local councils and communities well over the years, but to meet the challenges of the future we need an updated and more responsive distribution methodology that gives councils the confidence to face the challenges and opportunities of the future. So I am today publishing a formal consultation on a review of relative needs and resources. I aim to implement a new system based on its findings in 2020-21.

Alongside the new methodology, in 2020-21 we will also be implementing the latest phase of our business rates retention programme, a scheme that gives local councils the levers and incentives they need to grow their local economies. The aim is for local authorities to retain 75% of business rates from 2020-21. That will be done through incorporating existing grants into business rates retention, including the revenue support grant and the public health grant. Local authorities will be able to keep that same share of growth on their baseline levels from 2020-21, when the system is reset. So from 2020-21 business rates will be redistributed according to the outcome of the new needs assessment, subject to suitable transitional measures.

A number of 100% retention pilots have already been announced and they will continue. A further pilot will begin in London in 2018-19, and we had intended that a further five pilots would begin that same year. However, interest in the scheme was such that we will now be taking forward twice as many as planned. I am pleased to announce today that the new pilots will take place in Berkshire, Derbyshire, Devon, Gloucestershire, Kent and Medway, Leeds, Lincolnshire, Solent, Suffolk, and Surrey.

The first batch of pilots is taking place largely in urban authorities; the second wave will mainly cover counties. This ensures that councils right across the country will benefit, that the scheme can be tested in a wide range of environments, and that the benefits of growth are broadly comparable between London, existing pilots and new pilots. We received so many applications to take part that we will continue the pilot business rates retention programme in 2019-20, and further details will be published in due course.

Over the past year, my Ministers and officials have been listening to councils of all shapes and sizes, understanding their concerns and working together to develop ways of tackling them. The result of those conversations is reflected in this draft settlement. For example, rural councils have expressed concern about the fairness of the current system, with the rural services delivery grant due to be reduced next year. So today I can confirm that I will increase the rural services delivery grant by £15 million in 2018-19, meaning that the total figure will remain at £65 million for the remainder of the current four-year settlement.

We have also heard concerns about the proposed changes to the new homes bonus. To date, we have made almost £7 billion of new homes bonus payments to reward the building of 1.4 million homes. Over £946 million in new homes bonus payments will be allocated in 2018-19, rewarding local authorities for their work on fixing our broken housing market. I have consulted on proposals to link new homes bonus payments to the number of successful planning appeals, and considered raising the NHB baseline. Following conversations with the sector, I have been persuaded of the importance of continuity and certainty in this area. So today I can confirm that in the year ahead no new changes will be made to the way in which the new homes bonus works, and that the NHB baseline will be maintained at 0.4%.

As I set out in the housing White Paper, local authorities will be able to increase planning fees by 20% when they commit to investing the additional income in their planning services. This is a significant step towards addressing widespread concerns about under-resourcing in local planning authorities. Following discussions with the sector, I am also announcing a continuation of the capital receipts flexibility programme for a further three years. This scheme gives local authorities the continued freedom to use capital receipts from the sale of their own assets. This will help to fund the costs of transformation and release savings.

One particular issue causing concern for some councils is so-called negative revenue support grant. This is where changes in revenue support grant have led to a downward adjustment of some local authorities’ business rates top-up or tariff for 2019-20. I recognise the strength of feeling in local government on this issue, and I can confirm that my Department will be looking at fair and affordable options for dealing with negative RSG. We will formally consult on proposals in the spring, so that the findings will be in advance of next year’s settlement.

Of course, anyone who has spoken to anyone in local government will be aware of concerns about funding for adult and children’s social care. That is why, over the past 12 months, we have put billions of pounds of extra funding into the sector, and why the Department for Education is spending more than £200 million on innovation and improvement in children’s social care. In the spring
Budget, an additional £2 billion was announced for adult social care over the next three years. Along with the freedom to raise more money more quickly through the use of the social care precept that I announced this time last year, we have given councils access to £9.25 billion of dedicated funding for adult social care over the next three years. However, we also need to find a long-term solution to challenges that are not going away. That is why we have already announced that a Green Paper on future challenges within adult social care will be published in the summer of 2018.

Finally, I am conscious of calls for further flexibility in the setting of council tax. We all want to ease growing pressure on local government services, but I am sure that none of us wants to see hard-working taxpayers saddled with ever-higher bills. This settlement needs to strike a balance between those two aims, giving councils the ability to increase their core council tax requirement by an additional 1% without a local referendum, bringing the core principle in line with inflation. We have abolished Whitehall capping. Under the Localism Act 2011, local government can increase council tax as it wishes, but excessive rises need to be approved by local residents in a referendum. This provides an important check and balance against the excessive increases that were seen under the last Labour Government, when council taxes more than doubled.

This change, combined with the additional flexibility on the adult social care precept that I confirmed last year, gives local authorities the independence they need to help to relieve pressure on local services such as adults’ and children’s services, while recognising that many households face their own pressures. In addition, directly elected mayors will decide the required level of precept by agreement with their combined authorities. I am sure that voters will be watching closely, as I will, to ensure that that freedom is not abused.

I can also confirm that the Government intend to defer the setting of referendum principles for town and parish councils for three years. This is subject to the sector taking all available steps to mitigate the need for council tax increases, and the Government seeing clear evidence of restraint in the increases set by the sector as a whole. I have also agreed measures with the Home Secretary to make it easier for police and crime commissioners to meet local demand pressures by allowing a £12 council tax flexibility for police services, raising an additional £139 million next year.

This settlement recognises the need to keep spending under control while also tackling many of the issues that have been raised by local government over the past year. Two years of real-terms increases in resources being made available to local government will give local authorities the funding and freedom they need to make decisions in the best interests of the communities they serve. It is a settlement that offers councils the resources they need, the stability they have requested and the fairness they deserve, and I commend it to the House.

Andrew Gwynne (Denton and Reddish) (Lab): I thank the Secretary of State for giving me a copy of his statement. I have had the briefest possible time in which to adequately consider its contents, but it was nevertheless given to me in advance.

I pay tribute to councillors and officers across the country who are on the frontline of this Government’s austerity agenda yet continue to serve our communities as well as they can. Many of them will have been looking to today’s settlement for assurances that the Government understand the challenges facing local government. Councils have already experienced unprecedented funding cuts since 2010, and since the general election, they have been left in the dark about the Government’s sustainable long-term funding plans.

The Secretary of State says that he is listening to councils “of all shapes and sizes”, but why must he exacerbate the rural-urban split? He has listened to Surrey—that much is clear—but in doing so, he has ignored the needs of Stockton, Salford and Sheffield. Before the general election, we had been promised a full legislative package to fund local government beyond the revenue support grant. Now, however, we have been promised not legislation but a consultation. Councils are desperate for additional funding, and they might well appreciate some of the piecemeal solutions offered by the Secretary of State today, but we are still without a sustainable plan or a vision for how the sector will be funded in the future. The Secretary of State knows that the aim is for authorities to retain 75% of business rates by 2020, and I look forward to hearing more details of how that will function, recognising that not every area has the ability to raise the income locally.

Many will have looked to today’s announcements to offer solutions to the crisis in children’s services, after the Chancellor failed to mention them in his Budget. Demand for children’s services is placing unbearable pressures on local authorities. Central Government funding to support children and their families has been cut by 55% over the past seven years—a total cut of £1.7 billion—forcing less money to be invested in intervention to cover the cost of emergency care. The result of these cuts has been appallingly clear—[Interruption]—if the Secretary of State chooses to listen. Cuts to early years intervention have meant a record number of children—some 72,000 last year—being taken into care. The number of serious child protection cases has doubled in the last seven years, with 500 new cases launched every day. More than 170,000 children were subject to child protection plans last year, which is double the number seven years ago.

The Secretary of State recognises the crisis facing children services, but he just brushes it aside. I suggest that he listens to Lord Gary Porter, who warned recently that both adult social care and children’s services were “at the very top” of the Local Government Association’s “worry list”, saying:

“If we don’t look after our older and younger people, it’s bad for our residents, bad for our communities and bad for our services more widely.”

It was important that today’s statement provided much-needed certainty to our communities. Instead, it acts merely as a sticking plaster and pushes the problems down the road for another Secretary of State to fix.

Our key tests for today’s announcement are whether it addresses the cuts to everyday services and properly funds councils to deliver those services in future, whether it assists the funding crisis in children’s services, and whether it fully pays towards local government staff getting a decent wage. It is interesting that the council-tax-raising flexibilities will not even cover the pay rise, which will itself place further pressure on the cutting
of services. On the day that Labour’s shadow Health team announced that 2.3 million older people have been left with unmet needs, which is up from 1.2 million, another test is whether the announcement ensures that our aged and vulnerable people are supported and protected. In addition, does it ensure fair funding in the truest sense of the word “fair”? Does it address the uncertainty around RSG, recognising that areas with greatest social and health inequality are also the least able to fill the funding gap by other means?

The statement fails on all those counts. While today’s announcement offers some additional support, it merely pays lip service to many of the problems facing our local councils. The Secretary of State has today presented himself as Santa, but the details of the announcement really show him to be the Grinch.

Sajid Javid: I thank the hon. Gentleman for his Christmas spirit. Time and again, he stands at the Dispatch Box and says just one thing: he wants more spending. He wants more spending on police, fire services, children’s services, adult social care, sprinklers, pay and pensions—spending, spending, spending. It is the only thing he knows. However, not once has he appeared at the Dispatch Box or anywhere else to tell the country how he intends to pay for all that spending. The truth is that it is the same old Labour, and Labour is all about higher spending, higher taxes, higher debt—all the same polices that will take our economy down to its knees and crash it. It is the only thing that Labour knows.

I want to remind the House about what happened the last time Labour was in office. We had the deepest recession in almost 100 years, which destroyed the lives of so many millions of people in this country. Unemployment was 500,000 higher when the Labour Government left office than when they first came into office, ensuring that they delivered on the one promise of every Labour Government: they will always leave unemployment higher than they found it. Under the 13 years of Labour Government, council tax bills went up by almost 110% and their measures contributed to the deepest budget deficit of modern times. We will take no lectures at all from the hon. Gentleman.

I of course recognise the pressure on councils, and we have done something about that in the settlement by increasing real-terms spending power for the next two years while ensuring that we maintain a balance between the need for councils to provide services and taxpayers themselves. The hon. Gentleman mentioned negative RSG, but perhaps he was not listening carefully because I said that I will be consulting early in the new year on options to deal with that challenge, which will be welcomed by the sector even if it is not welcomed by him. He referred to the business rates retention pilots, suggesting that there was some political dimension to how they were chosen. He said that Sheffield and Stockton did not get a pilot, but it would have helped if they had actually applied for one. Councils need to apply for something before they can get it. He then mentioned Salford, but perhaps he does not know that Salford is part of a business rates retention pilot as part of the Greater Manchester region, which received a pilot earlier this year. It would really help if the hon. Gentleman did his homework before he appears at the Dispatch Box and starts making things up.

As for social care, the hon. Gentleman does not recognise that we have acknowledged the pressures, particularly the short-term pressures, which was why the spring Budget allocated an additional £2 billion. Together with the extra flexibility through the precept, that will lead to a real-terms spending increase in each of the next three years.

Finally, the hon. Gentleman talked about his tests, which included seeing whether local authorities are properly and fairly funded. The one thing he should know is that, in order to fund any public services fairly, including those provided by our excellent local authorities, we need a successful economy, which Labour will never deliver.

Several hon. Members rose—

Mr Speaker: Order. As per usual on a matter of this kind, there is extensive interest in participating in the exchanges on the statement, so I will just make two points. First, people who arrive late obviously should not stand or expect to be called. Secondly, because of the pressure on time and the fact that there is another statement to follow, there is a premium upon brevity, which must be exhibited—even by a lawyer. I call Robert Neill.

Robert Neill (Bromley and Chislehurst) (Con): I welcome the Secretary of State’s statement. Will he confirm that it is particularly important for councils with a long history of efficient financing and a low cost base, such as the London Borough of Bromley, that the review of relative costs and needs ensures that financial efficiency is properly incentivised within the local government finance system?

Sajid Javid: My hon. Friend speaks with experience as a former Minister in this Department, and I thank him for his comment. I can confirm that. This is all about efficiency and ensuring that local authorities have the right incentives, which is why our business rates retention plan, for example, will help to deliver just that.

Alison Thewliss (Glasgow Central) (SNP): I thank the Secretary of State for advance sight of his statement. On the distribution methodology, I am glad to see quite a long lead-in time for that and a consultation in advance of something being done. Will he tell us more about how closely monitored the business rates retention scheme will be to ensure that there is no gap between business rates and the revenue support grant? If a big business goes to the wall, a gap could suddenly appear in a local authority’s budget, so how does he intend to cushion the loss of a high-tariff business rates company in a council area?

How does the Secretary of State intend for local authorities that have already disposed of a lot of their assets to gain capital receipts, which are clearly a declining resource for some local authorities? What advice would he give to councils that have essentially sold off everything they can?

The Communities and Local Government Committee, of which I was a member in the previous Parliament, published a fair and reasonable report on adult social care, but the Government unfortunately did not accept all its recommendations. When the Secretary of State brings the Green Paper to Parliament, will he look again at some of those recommendations? Will he provide
some more detail on why summer 2018 has been chosen? It is quite far away, and this Government have broad definitions of what seasons are in this place. Is there really a need to wait for at least another six months?

Sajid Javid: The hon. Lady raises several points, but I will try to answer them all quickly. It is important that we take our time to get the fair funding review right, and I think she would agree with that. Part of the process involves ensuring that issues are properly consulted on, which is why we launched the 12-week consultation today. On capital flexibility, it is important to give local authorities more freedom to raise funds, including capital funds. If they want—it is their decision alone—to sell capital assets and to use that funding more efficiently for local people, that option should be open to them, so guaranteeing that flexibility for another three years is important.

On adult social care, I welcomed the Communities and Local Government Committee’s report. It made a number of recommendations, including one about more short-term support, which is why the funding that we provided in the Budget, for example, earlier this year is important. As for the Green Paper, it is very important that we take the time to get things right, consult widely, try to work across different parties and listen to people as well as care users. By taking that time, we can come up with a more sustainable long-term system.

Bob Blackman (Harrow East) (Con): My right hon. Friend has mentioned that 97% of councils are in the third year of a four-year settlement. Will he therefore confirm the position for the small group of councils that refused to publish an efficiency plan? Will they be rewarded for their failure, or will they be penalised in the funding they receive under this settlement?

Sajid Javid: The reward for accepting the four-year settlement is actually for the local people those local councils represent. The councils that did not accept the four-year settlement—it was around 10 councils, so it was a very small number—should reflect on what that means for local people, because local people want to see certainty on the delivery of services. Those councils should certainly take a close look at that.

Several hon. Members rose—

Mr Speaker: Order. I gently reiterate that those who arrived late should not stand. I have already made the point once, and it should not be necessary for me to make it again, but regrettably it has proved to be so.

Mr Clive Betts (Sheffield South East) (Lab): I welcome some aspects of the statement, such as the increase in money from planning fees. On the flexibility on council tax increases, will the Secretary of State confirm the figures given to me by the Local Government Association that show that, even if the flexibility were fully used, it would raise just £250 million next year? That compares with the LGAs’ estimate of the shortfall in funding for social care of more than £2 billion, even after the measures previously announced by the Government are taken into account. Will he also confirm that councils will raise very different amounts of money from such flexibility, depending on the size of their council tax base?

Sajid Javid: I always listen carefully to the hon. Gentleman, and I know he looks at these issues carefully. The extra flexibility on council tax means that the total core spending power this financial year of £44.3 billion will rise to £45.6 billion by 2019-20. That is an increase in real terms, so there will be real growth in core spending power in each of the next two years.

Mary Robinson (Cheddle) (Con): I welcome the Secretary of State’s confirmation of the continuation of the 100% business rates retention pilots in areas such as Greater Manchester. Does he agree that the success of business rates retention is key to continued growth in Greater Manchester and the success of the northern powerhouse?

Sajid Javid: Yes, I very much agree with my hon. Friend. We have already seen that the early pilots encouraged local authorities to think much more carefully about how they can attract local business, and we will see much more of that in the new pilots we announced today.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Thirty per cent. of Liverpool’s children are now in poverty, and the council is set to lose 68% of its budget by 2020. What is the Secretary of State going to do about the looming crisis in children’s social care? It did not even get a mention in his statement.

Sajid Javid: I gently say to the hon. Lady that I did talk about social care and children’s social care in my statement, and I certainly highlighted the additional funding that is being provided over the short term, including the £2 billion in the spring Budget. She mentions Liverpool. Based on what I have shared today, and if Parliament votes through the draft settlement, there will be an £8.7 million increase in her local authority’s core spending power, which it can decide to use as it wishes.

Mr Christopher Chope (Christchurch) (Con): My right hon. Friend will know that, last Thursday, there was a local referendum in Christchurch in which more than 17,600 people voted against the abolition of Christchurch Borough Council. He has given the council only until 8 January to make an alternative submission. In the light of the financial implications of his announcement today, will he extend the period so that the implications of these important changes, which particularly affect rural Dorset, can be taken into account in making that alternative proposal?

Sajid Javid: We are not looking to extend that period. However, we will listen carefully to what Christchurch Borough Council has to say following the referendum. As I have said right from the start, at this point it is a “minded to” decision. There is no final decision, and it is important that we listen carefully to everyone, including of course Christchurch Borough Council.

Jack Dromey (Birmingham, Erdington) (Lab): What planet does the Secretary of State live on? How can it be right that Birmingham loses £700 million, the biggest cut in local government history, and that every household in Birmingham loses more than £2,000, yet the leafy
Tory shires of Surrey and Sussex and the Prime Minister’s constituency of Maidenhead gain at the expense of Britain’s second city?

Sajid Javid: What the hon. Gentleman fails to mention, and it is not surprising, is that Birmingham has one of the country’s highest core spending powers per dwelling. If it were a better-run local authority, it would be able to do a lot more with that money.

Henry Smith (Crawley) (Con): Seven of the business rates retention areas mentioned by the Secretary of State are counties, so I was disappointed that West Sussex was not named as one of those areas, despite the strong bid by the district and county councils. With education pressure in the county, can I have early consideration of West Sussex being allowed business rates retention in the near future?

Sajid Javid: There were, I believe, 27 bids for the new pilots. As I mentioned, we intended to have five pilots, which we managed to increase to 10. I know the decision will still disappoint some colleagues, which is why I also announced today that we will be taking many pilots forward into the following year and announcing further pilots early in the new year.

Mike Amesbury (Weaver Vale) (Lab): Given that Halton Borough Council have had its budget cut by £61 million by 2020 and that Cheshire West and Chester Council faces a further £57 million-worth of cuts, how does the Secretary of State propose that they provide vital services to the most vulnerable residents and constituents in Weaver Vale?

Sajid Javid: I know that the hon. Gentleman will never want to be my friend and share a beer with me, but he should be pleased that, under the draft settlement, the Halton unitary authority will see a £1.7 million increase in spending power, which I know will be welcome.

Mr Speaker: I have just noticed that two Government Whips are wearing identical ties, which takes the concept of party discipline to a new level. I am not sure whether to be encouraged or appalled. I leave it to colleagues to make their own judgment, political and aesthetic.

Mr Philip Hollobone (Kettering) (Con): I declare my interest as a member of Kettering Borough Council.

Northamptonshire County Council might be the local highways authority, but it has run out of road. The council will set a legal budget for 2018-19, but it has made it clear that it will not be able to finance its statutory functions in 2019-20 unless something changes. Part of the solution is obvious to many local councillors: local government needs to be restructured in the county. Will the Secretary of State encourage the presentation of such proposals for his consideration?

Sajid Javid: The proposals in today’s statement will lead to almost £13 million of additional funding for Northamptonshire County Council, which I know will be welcome. My hon. Friend makes a wider point about longer-term sustainability, and he will know I am ready to consider any proposals on restructuring from Northamptonshire County Council or other local councils in the area. I will take such proposals seriously if they come forward.

Derek Twigg (Halton) (Lab): Halton Borough Council has had a 60% cut since 2010, and it is struggling to ensure it has enough money to fulfil its statutory responsibilities. If the funding situation continues as it is now, the council will have a real problem in future years. What is the Secretary of State doing to consider smaller unitary authorities such as Halton that have a very good record on efficiency but are struggling with the current financial settlement? He did not set out today any sustainable financial help for local authorities such as Halton, or any financial funding solution for local government in general.

Sajid Javid: The hon. Gentleman will know that other council areas have come forward with restructuring proposals, and we are looking at having a bottom-up approach. If a local authority area has an idea and it wants to restructure, it should approach us. The Dorset region was mentioned earlier. We are looking at a proposal on that region, which includes some smaller unitary authorities as well. We want a bottom-up approach where these ideas are put to us and we will give them active consideration.

Andrew Percy (Brigg and Goole) (Con): On children’s services, may I urge my right hon. Friend not to take lectures from the Labour party but to look at what is going on in Conservative-run North Lincolnshire Council, where we have turned children’s services around to such an extent that they are one of only three to be rated as outstanding? There is a particular emphasis on the social enterprise PHASE, which is helping young people on a ladder into permanent accommodation and tenancies when they leave. May I urge him to visit North Lincolnshire to see the incredible work that has been done to help young care leavers in our county?

Sajid Javid: I would be happy to visit North Lincolnshire. The council is doing an excellent job. I am sure that it will be pleased at today’s announcement that it will be part of the Lincolnshire business rates retention pilot.

Ms Karen Buck (Westminster North) (Lab): Having had one of the deepest cuts in Government support in the entire country, leading to the closure of the entire youth service and cuts of more than a third in children’s services, Westminster City Council has announced plans for a voluntary levy on properties worth more than £10 million. What assessment has the Secretary of State made of making contributions to local taxation from the super-rich, in effect, a matter of personal choice?

Sajid Javid: First, the hon. Lady will know that, because of the disastrous state the economy was left in by the Government she supported, all local authorities, not just Westminster, have had to learn to spend money more wisely. With this settlement, Westminster, like other local authorities, will see an increase in spending power. If Westminster wishes to come forward with a voluntary plan that it wants us to consider, it should submit it to us.
Peter Aldous (Waveney) (Con): The business rates retention pilot for Suffolk is very welcome news, but residents in county areas such as Suffolk are facing significantly higher council tax burdens. Will the Secretary of State assure me that the fair funding review is going to be progressed with real urgency?

Sajid Javid: I can absolutely give my hon. Friend the assurance that we are looking seriously at fair funding issues, which is why today’s launch of the consultation is an important step. Over the next 12 weeks, we will look at the cost drivers, which will have a direct input into the outcome of that review, making sure that all local authorities are funded on the basis of their actual needs.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Surely the Secretary of State will agree that any funds available should be allocated on the basis of need and evidence. He is surely not going to look at what he did previously, when he used the transitional grant scheme and a large lump of money mysteriously found its way to wealthier areas, bypassing the Midlands, the north and cities such as Nottingham. The National Audit Office criticised the opacity and political allocation of that. He is not going to use that discredited ruse again this year, is he?

Sajid Javid: There would have been less of a need for a fair funding review to make sure that funding is allocated based properly on needs if the last time it was done, in 2007, it had been done properly and had actually been based on needs. I agree with the hon. Gentleman’s central point, which is that we need to look again at how funds are allocated to make sure that that is done on the basis of need. That is why I think he will welcome today’s consultation.

Jeremy Lefroy (Stafford) (Con): I thank my right hon. Friend for his statement on flexibility on the police precept, but may I ask him to consider some flexibility on the county council precept for care, as counties such as Staffordshire, which have kept their costs to a minimum over the years, are at a disadvantage with the percentage-based increase, as opposed to a flat-rate increase?

Sajid Javid: I assure my hon. Friend that care, be it children’s social care or adult social care, is at the forefront of our mind when looking at this settlement and making sure that the resources that are needed are in place. That is why we have the increase announced at the spring Budget, with half of that £2 billion coming this financial year. As for Staffordshire, it has that extra flexibility, like other councils, but this settlement will also lead to an additional £10.6 million, which I am sure will be welcome.

Wera Hobhouse (Bath) (LD): Has today’s announcement actually reversed anything in the long-term tendency to punish more deprived areas in this country?

Sajid Javid: What today’s announcement has done is make sure that local authorities have the resources they need to look after their local communities.

Mark Pawsey (Rugby) (Con): I welcome the fact that progressive councils such as Rugby Borough Council will continue to receive incentives to provide much-needed new housing through the retention of the new homes bonus. Will the Secretary of State also confirm that they will be rewarded for doing the right thing by continuing to make available adequate land for commercial development?

Sajid Javid: Yes, my hon. Friend raises an important point. We had a number of representations from local authorities for us to provide some continuity and certainty on the new homes bonus, which is exactly what I have proposed today. I hope that continues to lead councils such as Rugby, and others, to plan for the homes and commercial property that local communities need, so that they can have stronger local business and enterprise.

Alison McGovern (Wirral South) (Lab): Cash-strapped Wirral Council has found more than £300,000 to deal with the consequences of the New Ferry explosion. So far the Government have not done enough. Will the Secretary of State update me as to their response to Wirral Council’s rebuild plan for New Ferry?

Sajid Javid: I am determined to try to help with that disaster and help the council deal with it. The council would have helped itself by presenting its business case a lot earlier, and not taking months and months to put it together. The council should show better efficiency with the public money it has. For example, it could stop spending 240,000 a year on a local newspaper publication. Things like that would help build local confidence.

Huw Merriman (Bexhill and Battle) (Con): May I invite the hon. Member for Birmingham, Erdington (Jack Dromey) down to East Sussex, as I am not sure I recognise the picture he was painting? East Sussex County Council has made £110 million in savings, it has allocated its reserves, it does not have a great business rate yield and many constituents of Members in this House will retire in East Sussex. Is it time to look at having the social care model along the lines of the NHS and consider centralised funding?

Sajid Javid: First, I join my hon. Friend in congratulating East Sussex on its approach to the challenges it faces, including on social care. It is a great place to retire, which leads to changing demographics. That is one of the things that will be looked at by the Green Paper we will publish next summer.

Mr Kevan Jones (North Durham) (Lab): On the formula for transitional funding, what consideration is given to the percentage of core spending a council derives from revenue support grant? In Durham’s case it is 14.3%, whereas in Surrey’s it is 3.5%. That meant that last year core spending in Durham fell by 1.2%, whereas in Surrey the figure was 0.1%.

Sajid Javid: The hon. Gentleman will know that for various reasons, over a number of years, councils have had a different proportion of central grant versus funds that are raised locally, for example through business rates. It is important to take that into account for all councils. What really matters is their core spending power: all the sources of spending power they have. He will be pleased to know that with today’s proposal there will be an increase for Durham of £5.6 million, which is 1.4%.
Tom Pursglove (Corby) (Con): I certainly welcome a fundamental review of local government finance and, in particular, the fairer funding commitment, but is there anything to help councils that are particularly affected by the issue of unaccompanied asylum seeking children, which places a cost pressure on those local authorities, such as Northamptonshire County Council?

Sajid Javid: I am pleased that my hon. Friend has raised this issue. I recognise the good work that so many councils do to look after unaccompanied asylum seeking children, who are some of the most vulnerable people in our society. One thing I am doing today is making an additional £19 million available for next year to help the local authorities most affected to help some of the most vulnerable people.

Richard Burden (Birmingham, Northfield) (Lab): The modification of the 2016-17 allocation formula to take account of councils’ ability to raise council tax was at least the start of an acknowledgement that councils with the highest levels of deprivation should not face the biggest cuts. Nevertheless, will the Secretary of State take it from me that the failure to address that issue in the previous two years has meant that Birmingham is now being short-changed to the tune of £100 million? What is there in his statement to address that and avoid even more swinging cuts hitting children’s services and adult social care in my city?

Sajid Javid: The hon. Gentleman’s central point is that there has to be a recognition that different councils have a different council tax base, and so are affected in different ways when they make a percentage change to that council tax. In the case of Birmingham and many other local authorities in which the council tax base might be relatively low, that is recognised so that with respect to, for example, adult social care, when new funding is allocated, including the additional £2 billion announced earlier this year, the improved better care fund makes sure that the fundraising powers that exist locally are taken into account.

Matt Warman (Boston and Skegness) (Con): Deprivation is by no means limited to urban areas, and I know that that is why the Secretary of State has listened to the powerful fair funding case made by Lincolnshire County Council. I welcome the fact that the business rates pilot is coming to the county, but will my right hon. Friend tell us how else such big, sparsely populated counties will be helped by the settlement? What more money is coming to Lincolnshire?

Sajid Javid: The business rates pilot will certainly help Lincolnshire and give it more incentives to attract more local business. Today’s announcement of an additional £15 million for the rural services delivery grant will help Lincolnshire and many other local authorities. If we exclude any extra income from the business rates pilot, today’s announcement will mean £11.5 million of additional spending power for Lincolnshire, which I know will be welcomed.

Lilian Greenwood (Nottingham South) (Lab): Whether it is the community protection officers who keep our neighbourhoods safe, the social workers who protect vulnerable children or the workers in libraries, museums, schools and day centres, local government staff are working harder than ever and deserve a pay rise. What resources will the Secretary of State provide to ensure that councils can afford to give them one without making even deeper cuts to services?

Sajid Javid: I can mention a few changes that will help local councils to deliver services: the increase in the police precept, on which there will be a further statement after this one; the adult social care funding that was provided in the Budget; and today’s announcement of additional flexibility in council tax.

Tim Loughton (East Worthing and Shoreham) (Con): I share the disappointment of my hon. Friend the Member for Crawley (Henry Smith) that West Sussex is not included in the business rate retention pilots. I welcome the consultation, but will my right hon. Friend make sure that it recognises the hidden deprivation in many coastal communities, such as mine in Sussex? We have a much larger elderly population with a dependence on social services and the health service, lower-skilled jobs and higher-needs children, and those things often get overlooked.

Sajid Javid: My hon. Friend is absolutely right to make that point, which is precisely one of the reasons why we need to conduct a fair funding review and why I have launched the consultation today. I encourage West Sussex council to input into the consultation and provide more data on the increased deprivation that sometimes happens in coastal communities so that we can get the formula right and help places such as West Sussex.

Tony Lloyd (Rochdale) (Lab): The Secretary of State’s birthplace, Rochdale, has lost £176 million from local government spending, which has had a real impact on children’s services and adult social services. The reality is that, with local people already hard pressed, Rochdale’s capacity to raise new money by increasing council tax is not anything like as significant as it is in places such as Surrey. Will the Secretary of State tell the House whether, under his fair funding review, the Rochdales will end up in the same advantageous positions as the Surreys?

Sajid Javid: The hon. Gentleman will understand that the purpose of the review is that it is based on evidence, and I am not going to pre-empt that. We will take our time to get it right. If Rochdale has a case to make, it should certainly respond to the consultation I launched today. Rochdale is part of the business rates retention pilot, and I know it welcomes that. When we allocate new funding for things such as adult social care, other fundraising powers are taken into account.

John Stevenson (Carlisle) (Con) rose—

Martin Vickers (Cleethorpes) (Con) rose—

Justin Tomlinson (North Swindon) (Con) rose—

Mr Speaker: Ah yes, the three musketeers. I call Mr Justin Tomlinson.

Justin Tomlinson: With local authorities being given greater resources, powers and flexibility, what are the Government doing to share best practice to make sure that taxpayers’ money is spent wisely?
Sajid Javid: We do a number of things to try to encourage efficiency. The four-year settlement essentially requires each of the 97% of authorities that accepted it an efficiency deal with the Government, through which we want to be convinced that those authorities are doing all they can to spend taxpayers’ money more wisely. We also work with the Local Government Association to share practice, which I know much of the sector welcomes.

Steve McCabe (Birmingham, Selly Oak) (Lab): Social care in Birmingham is in crisis now, and it is facing an £800 million black hole. How is a Green Paper in the summer next year going to help people who need care now?

Sajid Javid: The hon. Gentleman will know that the extra funding that we have announced for social care this year and the extra flexibility in the adult social care precept is helping up and down the country, including in Birmingham. The Green Paper is essential to ensure that we have a longer-term, sustainable model that deals with the increased demand that we see and is something on which we can all rely.

Martin Vickers: The Secretary of State mentioned Lincolnshire among the places where there will be new business rate pilots; will he clarify whether that includes the two unitary authorities of North Lincolnshire and North East Lincolnshire as well as the county council? With respect to the devolution deal for Lincolnshire that failed earlier this year, will he confirm that he would be prepared to look again at another proposal that would provide additional funds for coastal communities such as Cleethorpes and, indeed, Skegness?

Sajid Javid: I can confirm to my hon. Friend that the Lincolnshire pilot includes North East Lincolnshire and North Lincolnshire. I can also confirm that when we are looking into the fair funding review, starting with the consultation announced today, we will certainly consider the special needs of coastal communities.

Vicky Foxcroft (Lewisham, Deptford) (Lab): If the Secretary of State cannot persuade the Treasury to fund local government adequately, will he let me know which services he would personally advise councils to stop providing?

Sajid Javid: I want local authorities to decide for themselves how best to deliver local services and respond to the needs of the local community. It is my job to make sure that they are properly resourced and, with the measures we have taken this year, including the proposals I have announced today, that is exactly what they have: the resources that they need.

Mr Speaker: Let us hear about Cumbria. I call Mr John Stevenson.

John Stevenson: In certain circumstances, councils can still make substantial savings. In Cumbria, the Labour leadership on the council has failed to reach a devolution deal, which was an opportunity to review local structures that could have saved millions of pounds for local services. Does the Secretary of State agree that fewer councillors and councils in Cumbria would benefit local services enormously?

Sajid Javid: My hon. Friend raises the issue of restructuring. Whether it is about changing council borders or the number of councillors, we will look at the proposals that are put to us. They must be bottom-up proposals, but we would look actively at any such proposals.

Rachael Maskell (York Central) (Lab/Co-op): On 8 March, the Chancellor announced a complete review of business rates, not just a redistribution. In places such as York, the valuation rates are so high that it is pushing businesses out of business. How will the Secretary of State’s process interface with the Chancellor’s?

Sajid Javid: I remind the hon. Lady that when the revaluation happened, it came with £3.6 billion of transitional funding, which will help throughout the country. She is right to ask about some of the longer-term issues relating to the structure of business rates. It is for the Treasury to respond on that and certainly on the timing of any future review. The pilots announced today are part of a plan to make sure that, whatever their future structure, if business rates can be retained more locally, that will give local councils the right incentives.

Alex Norris (Nottingham North) (Lab/Co-op): The Secretary of State did not decisively address the question of my constituency neighbour, my hon. Friend the Member for Nottingham East (Mr Leslie), about the transition grant. Perhaps I will have more luck. If the transition grant is to remain, will the Department for Communities and Local Government—after two years of repeated requests from Nottingham—publish both the formula and the assumptions that sit behind it?

Sajid Javid: This year is the final year of the transition grant.

Kate Green (Stretford and Urmston) (Lab): The Care Quality Commission’s local system review of adult social care in Trafford, which I received this week, says that investment in social care was not as much as it should be, while, at the same time, the council was trying to transform social care. Delayed transfers of care are very high in the borough. Will the Secretary of State say whether Trafford Council has been adequately funded both to maintain social care as required now and for transformation in the future?

Sajid Javid: Trafford is a very well run council, which can set examples for many others in that area, but, like many, it is having to deal with added pressures, including on social care. I know that it has certainly welcomed the additional funding that we announced earlier this year, and the flexibility that I announced this time last year.

Chris Williamson (Derby North) (Lab): In his statement, the Secretary of State said that local government is on the frontline of the country’s democracy, yet he is systematically dismantling council services. The spending power of my own local authority of Derby has been reduced by £161 per head since 2010. The latest iteration
of that is that it is giving its libraries to the voluntary sector to run. Is the Secretary of State trying to finish the job that was started in the 1980s by his predecessor, Nick Ridley, who said that his idea of a good council was one that met once a year to dish out the contracts to the private sector?

Sajid Javid: Derby, like many local authorities, will be welcoming—I hope—the part of the settlement where we have announced additional funding. In the case of the hon. Gentleman’s local authority, Derby will be getting an additional 1.5% increase in its core spending power, which will lead to £2.7 million of additional spending, and it can use that on libraries as it wishes to look after local people’s needs.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): Further to the very serious concerns raised by a number of my hon. Friends about cuts to children’s services—more pronounced in many areas because of the cuts by this Government and the fact that the weighting for deprivation was taken out of the local funding formula—Liverpool has seen a 9% increase in the number of looked-after children. Despite significant investment, we are facing a black hole to the tune of millions of pounds. How will the Secretary of State ensure that children in my constituency and across the country will be kept safe?

Sajid Javid: Liverpool, like many local authorities, is dealing with many pressures. That is why there is a lot there to help it. It already has one of the highest core spending powers per dwelling in the country and, from this set of proposals today, it will see an £8.7 million increase. On top of that, it is also part of the business rates retention pilot.

Dr David Drew (Stroud) (Lab/Co-op): I welcome the inclusion of Gloucestershire in the pilots, but will the Secretary of State ensure that the country’s MPs have the opportunity to look at the operation of the pilots as part of discussions with the Department for Communities and Local Government, and will he say that these pilots do not preclude local government reorganisation if and when that comes to Gloucestershire?

Sajid Javid: No pilots preclude any kind of reorganisation. It is up to that local area to decide whether that is something it wants and to put a proposal to me. I know that the business rates pilot is very welcome in the Gloucestershire region; it will give more incentives to help local businesses. On top of that, today’s announcements will lead to an increase of £9.2 million of additional spending power for the local authority, which I know will be welcome.

1.43 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): With permission, Mr Speaker, I will make a statement on police funding.

Today, I have placed in the House the provisional police funding settlement, detailing how much money each police force in England and Wales will receive in 2018-19. This amounts to a year-on-year increase of up to £450 million across police forces for 2018-19. Taken together with the continued scope to improve police efficiency and the existence of £1.6 billion of police reserves, this represents a comprehensive settlement that makes sure that the police have the resources they need.

Before taking decisions on the settlement, I have spoken to every police force in England and Wales. I have listened to police and crime commissioners, chief constables and frontline officers, asking them to be completely upfront with me about the challenges that they face, and they were. I have been on patrol with officers on the streets of our city centres and I have visited firearms teams and projects to support the most vulnerable in society.

What is very clear to me is that demands on police forces are changing. Crimes traditionally measured by the independent Crime Survey for England and Wales have fallen by well over a third since 2010—I hope the House will welcome that—but, at the same time, it is clear that there is a shifting pattern of demand on the police. There are more victims of high-harm, “hidden” crimes such as domestic abuse, modern slavery and child sexual exploitation, as well as more victims of cyber-crime coming forward. That willingness to come forward is to be welcomed, but it does put pressure on policing, to which we must be sensitive. Alongside this, terrorist attacks in London and Manchester have served as a reminder of the very real and changing threat that we face from terrorism. As a Government, we are acutely aware that the demands facing our police forces are considerable and changing. That is why this Government made the decision to protect police funding in the 2015 spending review and it is why, today, we are proposing a settlement for our police that will increase funding for police forces by a further £450 million in 2018-19.

Let me break this down. We propose that police forces get the same cash grant from the centre as in 2017-18. On top of that, we want to respond positively to requests from PCCs for more flexibility around the levels of police precept, so we propose empowering them to raise council tax contributions for local policing by £1 a month per household—£12 a year. If they all use this flexibility, that will result in a £270 million increase in the money that we invest as a society in our policing system.

Five attacks in London and Manchester darkened our spring and early summer. Thirty-six people died, 10 of whom were children. The first responsibility of Government is to keep our country and its citizens safe. It is also to protect our way of life and the values that we hold dear. We are clear that we must ensure that counter-terrorism police have the resources they need to deal with the fast-changing and increasingly challenging
threat from terrorism. That is why we are also increasing the counter-terrorism policing budget by £50 million in 2018-19. That will mean that the counter-terrorism policing budget will go up by 7%, to at least £757 million next year.

We are also providing an extra £130 million for national priorities such as investment in digital technology and special grants to help forces with exceptional costs. I hope that the House will agree that it is right that the Government continue to provide crucial investment in police technology to make sure that the police have the modern digital infrastructure they need to protect the public, and it is right, surely, that we increase funding for the police special grant so that we can support the police with exceptional and unexpected costs such as the responses to this year’s terrorist attacks. However, to fully meet public expectations, the police cannot simply rely on this additional investment; that is just one part of the equation. Her Majesty’s inspectorate of constabulary and fire and rescue services is clear that there are more opportunities to increase productivity and efficiency, and so are we.

 Forces have already achieved significant savings from better procurement since 2015, but there is a lot more to do. I want to see forces unlocking more than £100 million-worth of opportunities for commercial savings that we have helped them to identify. Forces must work together to increase their buying power by procuring goods together, rather than buying them in 43 different ways.

 We want modern police forces to make the most of the opportunities that digital technology brings—better information and decisions, faster processes and more productive police officers. Striking research indicates that if all forces took advantage of mobile working as the best forces do, that would mean that an average officer could spend an extra hour a day on the frontline. Extrapolating from that, in theory this has the potential to free up the equivalent of 11,000 extra officers across England and Wales. The Government are committed to meeting the challenges of embracing digital technology and improving productivity, and we want policing to do the same.

 The police still hold more than £1.6 billion in financial reserves, compared with £1.4 billion in 2011. The figure has gone up. Current reserves held represent 15% of annual police funding to police and crime commissioners. There are wide variations between forces with Gwent, for example, holding 42% and Northumbria holding 6%. We propose to improve transparency around reserves so that the public are clear whether they are being held for good reasons. That is why we will toughen the guidance on the information that police and crime commissioners must publish, and we will provide comparable national data on police and crime commissioner financial reserves. If the police make substantial progress on efficiency and productivity in 2018, I should signal that the Government intend to provide police and crime commissioners with a broadly similar settlement in 2019-20.

 To support this process of reform, police forces will benefit from the £175 million police transformation fund in 2018-19. Since its inception in 2016, the fund has already invested £220 million in policing projects, including £8.5 million for forces to better tackle modern slavery and £40 million to help the police to improve their response to serious and organised crime. It is clear that the fund, led by police, is delivering real results and enabling forces to invest in transformation and digitisation for the future.

 I end by recognising the exceptional attitude and hard work of our brave police forces around the country. We have listened to their concerns, and we have now proposed a funding settlement that will strengthen the police’s ability to fight crime and keep us all safe. Whether it is local forces or counter-terrorism capabilities, this is a comprehensive settlement to strengthen the police now and make forces fit for the future. We will now consult on the police grant report and I look forward to hearing views from across the House. I commend this statement to the House.

1.53 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The test of the Government’s police funding proposals is the impact they will have on policing and counter-terrorism activity on the ground. The Minister can spin a convincing story here in the Chamber, but will what he is announcing really enable police forces to meet the challenge and reality of modern policing?

 The Minister says that he has been listening to chief constables and police and crime commissioners. The Opposition would contend that he has not been listening hard enough. Is the Minister aware that we have seen the highest annual rise in police recorded crime for more than a decade? That includes an 18% rise in violent crime, a 26% rise in the murder rate, and a rise in knife and gun crime that is of particular concern to our major cities. Is he aware that the public are increasingly conscious that austerity is as damaging to policing as it is to other public services, because we cannot keep people safe on the cheap? Is he further aware that although the Government’s announcement that they are lifting the police pay cap is welcome, they have not funded it, so it must therefore put even more pressure on police budgets?

 Is the Minister aware that police leaders all over the country are expressing their concern about the funding gap? He spoke about the scope for increasing police efficiency. Many forces including my force, the Metropolitan police, have done a great deal on police efficiency. He spoke about embracing digital technology. I recently met the chief constable of Greater Manchester police, who briefed me on the great work it is doing with digital technology. The Minister also mentioned reserves. I must say that it defeats many police leaders to understand why the Government think that they can meet recurrent expenditure out of reserves.

 All in all, the Opposition doubt whether this package—even including the Government’s proposals on the precept—will really meet the policing challenges of the 21st century. This is why the chief constable of Merseyside is warning that he does not have the resources to fight gun crime and the chief constable of Norfolk is warning of the reduction in the numbers of neighbourhood police officers. The chief constable of Lancashire has stated that people are “less safe” because of the money and people “taken out of policing”, and Northumbria’s chief constable has said:

“If the day of not being able to provide a professional service was here, I would say: It is not here, but it is getting very, very close.”
Is the Minister confident that his funding settlement will allow forces to remain at current staff levels? And can he give an undertaking that there will be no more cuts to police numbers?

**Mr Hurd**: I know that the right hon. Lady has been on a bit of a personal journey in her relationship with the police, having previously called for the police to be dismantled and replaced with our own machinery of class rule. We welcome her journey.

The right hon. Lady accuses me of not listening to the police, even though I have spoken to every single police force in England and Wales to fully understand the pressures they face. Before criticising the proposed settlement without investigating the details, I suggest that she speak to the PCCs, who have welcomed it. If she had done her homework, she would also be aware that our demand review was worked out in co-operation with the police-led review. That asked for a similar amount of new investment in 2018. This Government have listened to the police, and we are talking about an increase in investment of £450 million.

The right hon. Lady referred to us doing policing on the cheap. That will come as a bit of a surprise to the British taxpayer, given that as a society, we will be investing £13 billion in our police system next year. That is up from £11.9 billion in 2015-16. She chides me on reserves. Let us remind ourselves that reserves are public money sitting there, and the public we serve have the right to better information about how the police intend to spend that money for the public good.

The right hon. Lady talked about what the proposed settlement means for police officer numbers. She knows that the position of the Government is that our responsibility is to ensure—in close consultation with the police—that the police have the resources that they need. It is for local police and crime commissioners and local chiefs to determine how those resources are to be allocated. That feels like the right approach.

**Theresa Villiers** (Chipping Barnet) (Con): In deploying the substantial new resources for counter-terrorism, does the Minister agree that the police should include a strong focus on cyber-crime because of the harm and disruption that terrorists could do with this form of activity?

**Mr Hurd**: I thank my right hon. Friend for his reply. It is fair to say that there are mixed views across Scotland about the benefits of merging all the forces into one, and time will tell. However, in the spirit of today’s statement, will the Minister commit to requesting that the Chancellor also reimburse the £125 million already taken from frontline police services in Scotland so that it can be used for future reinvestment in Scottish policing?

**Stephen Hammond** (Wimbledon) (Con): As a London MP, may I start by paying tribute to the officers who do an extraordinary job of keeping us safe in London.

The Minister will know that, since 2015, the Met has received £2.5 billion of direct funding. There is more funding for London in today’s settlement, there is the opportunity to raise £43 million and there is an extra £50 million going into counter-terrorism. Does the Minister agree that it is time the Mayor started playing his part by protecting frontline numbers at police stations?
Mr Hurd: I thank my hon. Friend. As a fellow London MP, I join him, as I am sure will all London Members, in congratulating Met police officers on the work they do. He singled out the implications of this settlement for the London Met, which is rightly the best-resourced police force in the country in terms of numbers of police officers and funding per head.

My hon. Friend is right about his fundamental point, and it is one that the Labour party refuses to embrace. We operate a system in which accountability for police forces is devolved and rests with the police and crime commissioner or the Mayor. In London, that means the Mayor, and I would gently suggest to the Mayor that the combination of this increased investment, the reserves and the opportunities for greater efficiency means that what we need to see from him is action rather than more letters calling for more money.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I would just ask the Police Minister to confirm that a flat-cash grant to local police forces in fact means a real cut, given the level of inflation; that the money from central Government to police forces will be cut in real terms; and that while the counter-terror funding is welcome, the police chief Sara Thornton has warned: “Fewer officers and police community support officers will cut off the intelligence that is so crucial to preventing attacks.”

I gently say to him that I am sure he must know in his heart of hearts that this is really not enough funding for police forces across the country, given the immense pressures they face. He and the Home Secretary really need to make a much better case to the Chancellor; otherwise, they will be threatening the good work of police forces right across the country.

Mr Hurd: I hesitate to correct our very distinguished Chairman of the Select Committee—for whom I have great respect—and I welcome the welcome she has given to increased investment in counter-terrorism policing, but I do need to correct what she said. Once she has time to get into the details of the settlement, she will see that, in effect, we propose to move from flat cash at local police force area level to flat real, on Treasury assumptions. That is a significant shift. When she gets into the detail of it, she will see—[Interruption.] No, I am afraid that the cries from Opposition Front-Bench Members reflect the fact that they have not had time to read the statement or to understand the dynamics of the police funding settlement.

The right hon. Lady will know, or should know, that, in the context of the 2015 police funding settlement, there are two components to flat cash at local police level: one is the grant from the centre, and the other is the precept. In the context of increased precept, the cash from the centre would have fallen. It is not going to fall; it is going to be held flat. That means that, in terms of what police and crime commissioners would have expected for 2018-19, there is a £60 million uplift from keeping the grant from the centre flat, rather than reducing it, which is what would have happened under the 2015 settlement. It is complicated, but the right hon. Lady will see from the—[Interruption.] That is not being disingenuous; these are the facts.

Mrs Maria Miller (Basingstoke) (Con): Hampshire’s constabulary, under the excellent leadership of Olivia Pinkney, does a fantastic job in meeting the changing policing needs of my hon. Friend talked about. However, what has not changed is the need for frontline policing. What can he do to make sure that more of the money he has talked about today gets to the frontline to increase the frontline policing our constituents so badly want to see?

Mr Hurd: I wholly endorse my right hon. Friend’s praise for the work of Olivia Pinkney, as the chief of Hampshire. The short answer to her question is that it is the local police and crime commissioner who is accountable for how resource is allocated. If it is the local view that more resources need to go into frontline police officers, that is something the police and crime commissioner has to respond to. Our duty is to make sure that police forces have the resources we think they need to do the job. How those resources are allocated at a local level is the responsibility of the democratically accountable police and crime commissioner.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): What an extraordinary exercise in spin. The statement says very clearly: “We propose that police forces get the same cash from the centre as in 2017-18”, so that is a real-terms cut from the centre. Will the Minister explain, given the additional pressures on South Wales police politically—with Cardiff being a capital city, and the pressures that that places on police in Cardiff and the Vale of Glamorgan—whether we will be getting any additional support?

Mr Hurd: I hesitate to correct the hon. Gentleman, but I am afraid that, once those on the Labour Benches take a bit more time to understand how the police settlement actually works, they will know that the flat-cash settlement is a combination of precept and the grant from the centre. Taking those in combination, local police forces are going to move from a situation of flat cash to flat real. That is a significant change. If the hon. Gentleman bothers to go and talk to his local PCC, which I am sure he will, the PCC will explain it to him.

Giles Watling (Clacton) (Con): I thank my hon. Friend for this very encouraging statement, particularly around flexibility in the police precept—an issue he knows I have been campaigning on for some time. However, will he confirm that the settlement will dramatically improve policing across Essex and particularly on my much overlooked sunshine coast at Clacton-on-Sea?

Mr Hurd: I thank my hon. Friend and other Essex colleagues who were very forceful and constructive in coming to me with clear endorsements from police and crime commissioners across the system for the proposals on increased flexibility on precepts so that democratically accountable police and crime commissioners have the freedom to increase local taxes for local priorities. Roger Hirst, an excellent police and crime commissioner, has surveyed several thousand people in Essex. The results of that survey show that what we are proposing today will be extremely acceptable to the people of Essex because they want to see more investment in their policing, and that is what this settlement will deliver.

Tony Lloyd (Rochdale) (Lab): Were I still a police and crime commissioner, I could not maintain the same level of policing on this budget, and the Minister must know that. The reality is that with inflationary pressures in general terms and the need to fund a legitimate police
Mr Hurd: I can certainly agree that it is a national priority because of its increased prevalence in public life. It is something that matters a great deal. The Minister for Security, who is sitting alongside me, and I continue to make sure that the NCA is properly resourced to do that work.

Stella Creasy (Walthamstow) (Lab/Co-op): Residents in Walthamstow are deeply perturbed following a rise in violent gang and drug-related crime, and the evidence from the Met commissioner herself that London is losing 3,000 police officers in the coming years. No mobile app is going to address that. It is individuals, not iPads, that people want to see on their streets. Can the Minister confirm that he will make available to the Met the money needed to keep those 3,000 police officers, or is “flat real” a crime against the English language?

Mr Hurd: No. I am a fellow London MP and I have spoken to the commissioner. Any PCCs or police chiefs making projections about losses of officer numbers in future are doing so on the basis that they do not know what the police funding settlement is. I expect and hope that when they look at what we are proposing today in terms of new investment—and it is new investment, given the continued scope for efficiencies and the level of reserves—they will see that there is no reason why any police force should be reducing officer numbers. However, it is ultimately a local decision.

Oliver Dowden (Hertsmere) (Con): Community-based policing is the cornerstone of policing in Hertsmere and has a much valued role. I welcome the flexibility that the Minister has shown over the precept. However, what reassurance can he give me that community-based policing will be properly funded in small towns such as Potters Bar that might be disadvantaged relative to larger urban areas?

Mr Hurd: I thank my hon. Friend for welcoming an increase of £450 million in our policing system next year. That feeds down into an additional £6.2 million for Hertfordshire. I absolutely take his point about reassurance. Can the Minister talk to his PCC, who will explain why a flat-cash grant from the centre is actually an improvement on what he or she was expecting. I will leave them to explain that. The right hon. Gentleman talks about making efficiencies?

[Mr Hurd]

Mr Hurd: I certainly join my hon. and learned Friend in introducing 50 new recruits at the same time as making efficiencies?

Mr Hurd: I would suggest that the former Policing Minister talks to his PCC, who will explain why a flat-cash grant from the centre is actually an improvement on what he or she was expecting. I will leave them to explain that. The right hon. Gentleman talks about making efficiencies?
Funding, but I would be failing in my duty if I did not ask my question, Mr Speaker, I wonder whether you have noticed that although the Minister handed out his statement to us, he did not hand out the table containing details of the settlement? Of course, he was hoping that we would not get it so that we would not notice that in Durham, for example, the change in cash is less than inflation and less than the pay rise. Therefore, there will be more cuts on top of our previous loss of 350 police officers.

Mr Hurd: The table to which the hon. Lady refers is attached to the written ministerial statement. [Interruption.] If that is not the case, I will investigate. I think Opposition Members are failing to distinguish between the oral statement and the laying of the grant formula, which has happened in parallel. They can find that table.

The hon. Lady is lucky to represent a constituency that is served by an outstanding police force. She will find that as a result of this settlement, if the PCC maximises precept flexibility, the cash increase for the force will be around £2.4 million. When Opposition Members get into the detail, they will see that the Government’s intention is to make sure that if local police and crime commissioners maximise their precept flexibility, forces will move from flat cash to flat real. Hon. Members will see that in the written statement.

Mr Speaker: Further to the observation with which the hon. Member for Bishop Auckland (Helen Goodman) prefaced her question, I think the correct position is that the table to which reference has been made, and which some Members have been ostentatiously brandishing, is electronically accessible but I am advised that it was not delivered either to the Library or to the Vote Office. I think it would help in these matters, particularly where complex formulae are involved, if the material could be made available at the time of the commencement of the statement. I do not wish to dwell on the matter further. The Minister has said what he has said, and I thank him for saying it.

I call Mr Richard Grosvenor Plunkett-Ernle-Erle-Drax.

Richard Drax (South Dorset) (Con): Thank you, Mr Speaker. I think I shall demand an urgent question if this continues.

I thank my hon. Friend for the increase in police funding, but I would be failing in my duty if I did not speak up for the funding of Dorset police, which has been underfunded for years. Does my hon. Friend agree that although things such as cyber-crime are taking police officers off the streets—the police are doing a wonderful job—we need to keep a uniformed presence on the ground, because that is where the deterrent is most effective and the intelligence is gathered?

Mr Hurd: Mr Speaker, may I place on record the fact that I note your earlier remarks?

I thank my hon. Friend for recognising the changes that have occurred in society. I know for sure that my constituents are much more vulnerable to crime online than they are when they walk up and down Ruislip high street, and our policing needs to respond to that. I also understand the importance that our constituents attach to seeing the police on our streets. Getting the balance right around capabilities is the job that we have given to...
Police chiefs and democratically accountable local police and crime commissioners. I thank him for welcoming the increase in investment, and I am sure that he will make representations to his police and crime commissioner about the allocation of the additional resources.

Steve McCabe (Birmingham, Selly Oak) (Lab): Given the huge number of A and B council tax band properties in Birmingham, is not the reality of the proposals that the poorest people in Birmingham are going to pay the most for a declining police service, in what is becoming the worst-funded police force in the country?

Mr Hurd: The hon. Gentleman and I, along with other west midlands MPs, had a constructive conversation about the challenges of policing in the region. I simply do not see how local people will be worse off, as he is trying to suggest, from an increase of £450 million in investment in our police system next year, including an additional £9.5 million for the West Midlands police. I do not see how he can, with any real integrity, present that as downgrading the police force.

John Howell (Henley) (Con): I am sure the Minister will join me in congratulating Thames Valley police on its outstanding ranking in the police effectiveness, efficiency and legitimacy review. Will he also tell us how the funding settlement takes into account the needs of rural policing?

Mr Hurd: My hon. Friend makes an extremely important point, and I join him in congratulating Thames Valley police on its outstanding rating, which I know it takes great pride in. Rural policing is extremely important to many constituents. I come back to the central point, which is that we have devolved accountability and responsibility in the police system. The allocation of new resources and new investment in our policing is a conversation to be had with the local democratically elected police and crime commissioner. I know from personal conversation that they take the matter extremely seriously.

Matt Western (Warwick and Leamington) (Lab): Will the Minister clarify that we are talking about a real-terms fixed amount for police and crime commissioners’ budgets, and that in reality we are taxing the most vulnerable more to pay for those services? The PCC is saying to me that the top-slicing will lead to a reduction in policing on our streets.

Mr Hurd: I encourage the hon. Gentleman to go back and talk to his PCC and police chief. The reality of our proposal is that we will increase investment in our police system by £450 million next year, and that we will work towards broadly the same kind of settlement in 2019-2020. That is a reflection of our recognition that demand on the police has changed and become more complex. We have to respond to that and invest accordingly. The basic rule is that public investment comes from two sources: extra borrowing and taxation. That is the choice in the real world in which we live.

Mrs Kemi Badenoch (Saffron Walden) (Con): I and several other Essex MPs requested more flexibility in the application of the precept, and we welcome the Minister’s statement. Does he agree that it is a good example of the Government devolving power to local communities and giving them more control over their own policing?

Mr Hurd: I do, and I will go further than that. The statement is an exercise in demonstrating that the Government have listened closely to the police. We have challenged the police, but we have listened to them, and our proposals are very similar to what they asked for. That fact has been ignored by Labour Members. We have listened to police and crime commissioners, who have said, “We would like to increase investment and be empowered to increase local investment in local priorities, and we would like more flexibility around the precept because we think that we can present that to our people.” They have tested that idea in surveys and encountered a very positive reaction from the public.

Paula Sherriff (Dewsbury) (Lab): The legacy of the Government’s cuts means that there are fewer officers per head than at any time on record. Can the Minister explain how that is making communities in my constituency safer?

Mr Hurd: Let me say two things to the hon. Lady. Let us attack the fake news that cuts are being made to police funding. The amount of public investment that we make, as a society, in our police system will have grown from £11.9 billion in 2015-16 to £13 billion next year if these proposals are accepted. I do not see how that can possibly be presented as a cut. When she has digested the news, I hope she will also welcome the increased investment for her area, and that she will discuss with her local police and crime commissioner how these additional resources can best be allocated for the benefit of her communities.

James Cartlidge (South Suffolk) (Con): Of course, the money to pay for more police has to come from somewhere. I am happy to accept the principle that communities choosing to have more resource should pay more towards it, but the proviso must clearly be that they definitively see more warranted officers. Does my hon. Friend accept that in counties such as Suffolk, communities are clear that they want such officers to have a more visible presence in our villages and rural areas, as well as in our towns?

Mr Hurd: I thank my hon. Friend for his question, and I completely understand his point. He has made it very strongly to me, and I know he will make it very strongly, as he has done, to the Suffolk police and crime commissioner and the chief constable if that is what he thinks his constituents need.

On my hon. Friend’s point about local taxation, I should say that no decision about increasing council tax precepts is taken lightly. This Government take a lot of pride in what we have done over many years in trying to keep council tax as low as possible, which is in stark contrast to the approach of Labour Members because

Mrs Badenoch indicated assent.

Mr Speaker: That is good enough for me—she will be heard.

Mrs Badenoch: I and several other Essex MPs requested more flexibility in the application of the precept, and we welcome the Minister’s statement. Does he agree that it is a good example of the Government devolving power to local communities and giving them more control over their own policing?

Mr Hurd: I do, and I will go further than that. The statement is an exercise in demonstrating that the Government have listened closely to the police. We have challenged the police, but we have listened to them, and our proposals are very similar to what they asked for. That fact has been ignored by Labour Members. We have listened to police and crime commissioners, who have said, “We would like to increase investment and be empowered to increase local investment in local priorities, and we would like more flexibility around the precept because we think that we can present that to our people.” They have tested that idea in surveys and encountered a very positive reaction from the public.
it doubled under their watch. Even in these difficult times, we feel the proposal of an additional £1 a month to get more investment in local policing is acceptable to the public, not least because PCCs have tested it.

Graham P. Jones (Hindburn) (Lab): I do not believe the Minister’s argument is well served when there is an absence of facts in the discussion in this Chamber, and perhaps the information in the tables should have been provided. In Lancashire, we have rising crime and falling budgets. Nationally, we have lost 21,000 police officers. This is a simple question: in 2018-19, will there be more officers on the beat or fewer officers on the beat under this Government?

Mr Hurd: Again, the hon. Gentleman has not been listening. He will know that he needs to ask the police and crime commissioner that question. He can ask the Lancashire police and crime commissioner what he is going to do with the additional £6.1 million of investment proposed as a result of this settlement and, by the way, what he is doing with his reserves—currently worth 18% of net revenue, which is above the national average. I suggest the hon. Gentleman has such a conversation with his local police and crime commissioner.

Vicky Ford (Chelmsford) (Con): Essex police officers do an excellent job—we are already delivering mobile working and joint working with the fire service—and it is certainly not sitting on a hidden stash of reserves, but we are one of the lowest funded forces in the country. Being able to raise the precept will deliver an extra £8.8 million, which is a helpful start. Next year, will the Minister look at fairer funding models, so that lean and efficient forces such as Essex police are not put at a disadvantage?

Mr Hurd: I thank my hon. Friend, and I again place on the record that she has been tireless in her advocacy on behalf of her constituents and in challenging me about police resources. I hope that she will welcome the additional investment in her police force, if the police and crime commissioner maximises the precept flexibility, and she will be looking forward to holding the PCC to account on how those resources are allocated.

Wes Streeting (Ilford North) (Lab): Londoners are absolutely sick and tired of the spectacle of Tory MPs crying crocodile tears in their local papers about police station closures, and then coming to the House to cheerlead the cuts that make them necessary, but perhaps that is why London Tory MPs are an endangered species. Is not what the Minister has announced today the worst of all worlds? He is asking people to pay more in taxes, he is cutting support from central Government and he is still not giving the police the funding they need to tackle the crime that is blighting our communities.

Mr Hurd: Now the hon. Gentleman has got that entirely artificial rant out of his system, let us examine the facts. The proposals to close police stations are controversial in London, but they are the decisions not of the Government but of the democratically elected—as it happens, Labour—Mayor, and he is accountable for that. The Mayor has got most such decisions wrong, but I see he is changing many of them—he certainly is in my area—and I congratulate him on doing so. The fact of the matter is that the Metropolitan police, and I speak as a London MP, is relatively well resourced compared with the rest of the system.

Wes Streeting: Get real!

Mr Hurd: The hon. Gentleman tells me to get real, but the reality is that if we look at the performance of the London Met now as compared with 2008, there are—on the latest figures I have seen—100,000 fewer crime incidents and broadly the same number of police officers, and it is £700 million a year cheaper for it to run the policing system. In his world, those are cuts; in my world, they are efficiencies. The Met does a great job.
and is on a journey to becoming even more efficient, and this funding settlement, with the increased investment for it, will help it to do so.

Mr Philip Hollobone (Kettering) (Con): Will the Policing Minister confirm that his settlement gives an extra £3.5 million to Northamptonshire police, which is an increase of 2.9% against a national average of 2.4%, and therefore represents further good news for a police force that is rated good for efficiency and has been busy recruiting new police officers?

Mr Hurd: I thank my hon. Friend for that, but his is not the only force that is recruiting more police officers. His force also stands out as one of the most effective in maximising the benefits of collaboration with other blue light services. I thank him for welcoming the additional £3.5 million of investment in the local policing system, if the PCC maximises his precept flexibility.

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): Despite the dedicated work of officers in Gwent police and South Wales police—my constituency covers parts of both forces—the pressure on frontline policing is greater than it has been for many years. Under the heading “Additional Rule 1” in the documents published today, South Wales police will face a reduction of £13,416,000 and Gwent police, which is one of the smallest forces, will face a reduction of £917,247. That is a cut—a reduction. It is less money whichever way the Minister tries to dress it up. With the Office for National Statistics saying that visible policing is lower than it has been in many a year, how can the Minister justify the Government’s position that they are keeping this country safe?

Mr Hurd: Again, I refer the hon. Gentleman to table 1 on the “Provisional change in total direct resource funding compared to 2017/18”—I apologise to Labour Members if they do not have it to hand—which tells me that, if the proposals are accepted, and they are out for consultation, South Wales will see an additional £6.7 million cash increase in investment; and Gwent, which we should note is sitting on reserves worth 42% of its income, will receive a cash increase of £3 million. Again, I do not see how that can be a cut in anyone’s language.

Matt Warman (Boston and Skegness) (Con): Lincolnshire’s police and crime commissioner tells me that he considers the precept changes to be very good news, so I welcome the Minister’s statement. Can he confirm that the unique challenges faced by large, rural and sparsely populated counties, such as Lincolnshire, will be addressed by additional money for digital transformation?

Mr Hurd: Lincolnshire police are a good example of a force that feels under a great deal of pressure at the moment, so I am glad that the PCC has welcomed the settlement, as most have. I am sure that Labour MPs, when they talk to their PCCs and chiefs, will recognise that this settlement is better than many of them expected. My hon. Friend’s point about digital transformation is absolutely fundamental, and Lincolnshire police is a leader in that regard. I remember sitting around a table in the police headquarters listening to a young officer talking about how mobile working and the platform that has been developed there has transformed the force’s efficiency and productivity. I repeat my previous statement about the amount of police officers’ time that can be saved by embracing the full digital potential. The Government are determined to support the police in achieving that.

Mr Kevan Jones (North Durham) (Lab): The Minister has visited Durham’s outstanding police force. He has said that he is listening to chiefs and to police and crime commissioners. Both Ron Hogg, the Labour PCC, and Mike Barton, the chief constable, have raised with him a particular problem that Durham has, which is that 50% of our properties are in band A, so relying on precept to cover the hole that has developed as a result of cuts to central funding is not a long-term solution for Durham. With pay increases and inflation, it will mean a cut in policing in Durham. Before he tells me that they have to become more efficient and work better, let me tell him that they have done all that and been rewarded for it. Can he suggest what the long-term solution is for forces, such as Durham’s, that have that problem?

Peter Aldous (Waveney) (Con): I look forward to studying the Minister’s proposals in detail. Suffolk constabulary is an efficient force, but it is historically underfunded and faces a whole variety of modern-day pressures, such as responding so quickly to the incident at RAF Mildenhall yesterday. Can the Minister confirm that he will continue to work with the PCC, Tim Passmore, and Suffolk MPs to put the funding of Suffolk police on a sustainable, long-term footing?

Mr Hurd: Yes, I can give that undertaking, and I am more than happy to maintain that conversation with the hon. Member for North Durham (Mr Jones) as well. I have visited Suffolk police, as I have visited Durham police, and had conversations with Suffolk MPs. I know that the settlement is a step on a journey, which is why we are keen to signal the direction of travel for 2019-20 in the written statement, but the facts of the matter remain: this represents an increase of £450 million in investment in our policing system in England and Wales. I hope that colleagues across the House, once they have digested that, will welcome it.

Dan Carden (Liverpool, Walton) (Lab): The stark reality in Merseyside is that we have lost 1,000 police officers and £100 million from our budget, and we have rising crime—violent crime and gun crime. Merseyside MPs have lobbied Ministers time and again to deal with the financial problems in our police force. Our chief constable, Andy Cooke, has described the force as being “stretched to the limits” in a way he has never seen before. Are the Government really proud of their record on protecting British citizens on our streets?
Mr Hurd: We are proud that crime has fallen by a third on our watch. I recognise—because I have visited the force and spoken to Andy personally—that Merseyside police, like many police forces across the country, clearly feel very stretched at the moment. That is why, having done this review, we have gone back, looked at the settlement, listened to the police and the PCCs, and come forward with proposals that will increase investment in the policing system by £450 million, including an additional £5.2 million for Merseyside next year, if the PCC maximises his flexibility.

Paul Scully (Sutton and Cheam) (Con): The Mayor of London took the decision to cut the policing budget by £38 million this year, while stockpiling reserves that are equivalent to 10% of funding and overseeing an increase in serious crime. I welcome the statement, which will allow the Mayor to reverse that decision and allow the increase for Metropolitan police funding by up to £43 million. Does the Minister agree that this shows that with the Conservatives people get good results and sound management, and that with Labour they get neither?

Mr Hurd: I agree. Labour MPs are chuntering about tax increases, but when they call for more investment, where do they think it will come from? I was accused earlier of passing the buck. The reality—I know that the Labour party does not like it—is that we have changed the model so that the public can see clearer lines of responsibility and accountability for the performance of their police service, and in London that means the Mayor. Instead of sitting in his bunker writing letters asking for more money, the Mayor should get out there and tell us what he is doing to implement his crime plan.

Jack Dromey (Birmingham, Erdington) (Lab): Two thousand West Midlands police officers have gone. Crime is up by 15%. There have been nine stabbings and shootings in Erdington in recent months. Pensioners are afraid to go out at night. Shopkeepers are saying that people are increasingly afraid to come out and shop at night. They all had hoped that their voice would be heard by the Government. A flat-cash settlement delivering £9.5 million will come nowhere near the £22 million that West Midlands police needs in order to deliver £9.5 million will come nowhere near the £22 million that West Midlands police needs in order to deliver £9.5 million will come nowhere near the £22 million that West Midlands police needs in order to deliver £9.5 million will come nowhere near the £22 million that West Midlands police needs in order to deliver £9.5 million will come nowhere near the £22 million that West Midlands police needs.

Mr Hurd: I am not sure whether the hon. Gentleman is welcoming the additional £9.5 million of investment or not. We had a very sensible and constructive conversation with the rest of the west midlands MPs, and I think that he knows in his heart of hearts that when he goes back to speak with his chief and his police and crime commissioner, they will tell him that it is a better settlement than they expected.

Tom Pursglove (Corby) (Con): I welcome the Minister’s statement, his engagement with police and crime commissioners across the country and the policing innovation we are seeing in Northamptonshire. Is he, like me, pleased that this Government did not adopt the approach of cutting the policing budget by 10%, which Opposition Members were arguing for not that long ago?

Mr Hurd: That certainly was recommended by a previous shadow Home Secretary—he was more moderate than the current shadow Home Secretary—by saying that she wanted to dismantle the police. I thank my hon. Friend for welcoming the settlement, and I am sure that he will have constructive conversations with his PCC about how the additional £3.5 million will be spent next year in the best interests of his constituents.

Lilian Greenwood (Nottingham South) (Lab): My constituents have seen what this Government have meant for local policing: fewer officers on their streets and crime on the rise. Will the Minister confirm that even though he must know that council tax is highly regressive, he is asking those same constituents, many of whom are low paid or on fixed incomes, to pay more while he will not provide a penny more and central Government grant is falling in real terms?

Mr Hurd: I hesitate to challenge a local MP, but the fact of the matter is that Nottinghamshire police is one of a number of forces that intend to increase officer numbers next year. The hon. Lady talks about tax, and of course this is a hugely sensitive issue, but we should not lose sight of the fact—I have not said this before—that it is not mandatory for PCCs to impose this increase if they feel that it is not the right thing to do; it is about flexibility. In reality, because many of them have tested it—she will have her own view in Nottingham as to whether an additional £1 a month for investment in local policing is an acceptable proposition—each area will have a different view on that.

Clive Efford (Eltham) (Lab): I have never heard so many Tories come into the Chamber and welcome a council tax increase. The look on the Minister’s face while he has been standing at the Dispatch Box—if he walked down the street, he would be stopped and searched. He has one hand in the pocket of every single citizen in this country, and he is telling them that they will see an increase in funding for their police, but they have to pay more tax for it. That is exactly what he is doing, and he is making the poorest in our communities pay for it. The Metropolitan police has been cut by £1 billion since 2010, under the Tories and the Liberal Democrats. Is he suggesting that we put a precept on council tax to backfill that hole? Crime is increasing and police numbers are down to the lowest they have been in 20 years. What is he going to do about that?

Mr Hurd: The hon. Gentleman simply articulates the problem with the Labour party: year after year and decade after decade, the answer is always more and more money with no understanding of where it comes from. There is no such thing as Government money—it is taxpayers’ money. The only way to increase investment in policing, which is what we all want to do, is to either increase borrowing or increase taxation. As he will see, this settlement increases investment from the centre by £1 billion since 2010, under the Tories and the Liberal Democrats. Is he suggesting that we put a precept on council tax to backfill that hole? Crime is increasing and police numbers are down to the lowest they have been in 20 years. What is he going to do about that?

Holly Lynch (Halifax) (Lab): Further to my hon. Friend’s point, the Minister will be well aware of the really significant variation in the money that can be
[Holly Lynch]

raised through the precept, which often means that some of the forces with the greatest need are able to raise the least. What is the Minister planning to do to help to reconcile some of those imbalances so that we can meet demand?

Mr Hurd: I welcome the hon. Lady’s contribution. She is extremely thoughtful on police matters and has done great work over the years on the “Protect the protectors” agenda. I hope she welcomes the additional £8.9 million that her force should see next year. She raises a thoughtful point. It is a complex system. There are some forces whose ability to raise precept is low, or whose historical precept levels are low. That often reflects historical political decisions, which I cannot do anything about at the moment. She will notice that this has been structured in terms of an additional £12 rather than percentages, which has been the historical route. There is a reason for that: it advantages slightly those forces that have low precepts.

Gavin Robinson (Belfast East) (DUP): The Minister was kind enough to acknowledge the bravery and hard work of police officers right throughout this country, but far from looking at the financial settlement for next year, serving police officers in the Police Service of Northern Ireland have yet to learn of their pay award this year. Given the political difficulties in Northern Ireland, will the Minister at least engage with the Secretary of State for Northern Ireland and stand up for policemen right across this country?

Mr Hurd: I am certainly happy to speak to the Secretary of State about that.

Vernon Coaker (Gedling) (Lab): On a point of order, Mr Speaker. I wonder whether you can help the House. We have just had a statement on the police grant assessment and the figures for individual forces are now available. On the local government financial settlement, however, I have just been to the Vote Office and there are no figures for individual authorities. No doubt Members will be contacted and asked about these matters. In the past, the figures have always been available at the same time as the settlement. Mr Speaker, could you ask those on the Treasury Bench whether there is any way they can speed this up so that we can at least get them before Christmas? I do not want to have a situation where all of us are being asked about this but we have no idea what it means for our individual authorities.

Mr Speaker: I am very grateful to the hon. Gentleman for raising that point of order. In respect of the local government finance settlement and the statement thereon, the Secretary of State did not refer to any laid documents. I appreciate that hon. Members may customarily expect documents on these matters—that has tended to be the case—but this is a matter for decision by Ministers. I am sure the concerns expressed by the hon. Gentleman in his point of order and by other Members in the course of the exchanges, will have been heard on the Treasury Bench.

I would just add, if I may, one point in underlining the significance of the hon. Gentleman’s point. It would, in respect of local government finance in particular, be helpful to Members in their attempted interrogation if the documents were available before the start of the statement. The reason why I say that “in particular” in respect of these matters is that it was long ago observed by many people to me when I started in my political activity that only three people in history were ever thought to have understood local government finance. In that sense, it was considered to be analogous to the situation appertaining to the Schleswig-Holstein question, about which it was also said that only three people had ever understood: one had since died, the second had gone mad and the third had forgotten the answer to the question. It is therefore useful to have more material rather than less in relation to these matters.

Dan Carden (Liverpool, Walton) (Lab): On a point of order, Mr Speaker.

Mr Speaker: I think the hon. Gentleman wants the Second Deputy Chairman to respond to his point of order.

Dan Carden: I want you, Mr Speaker.

Mr Speaker: Such charm! Oh, go on. Let us hear the hon. Gentleman.

Dan Carden: I am grateful, Mr Speaker. Liverpool Prison in Walton in my constituency is subject to media reports following its most recent inspection in September this year. Perhaps most damning of all, the report states:
“We saw clear evidence that local prison managers had sought help from regional and national management to improve conditions they knew to be unacceptable...but had met with little response.”

This morning, the Justice Secretary promised an action plan would be forthcoming in the new year. That is too little, too late. We need answers to how HMP Liverpool was allowed to sink into such disrepair and squalor in the first place. This cannot be brushed under the carpet. This is a failure of the state of the highest magnitude. The Government and Ministers must be accountable to this House, so I ask for your guidance, Mr Speaker, on how I can get answers to what happened at HMP Liverpool.

Mr Speaker: I am very grateful to the hon. Gentleman for his point of order. The short answer is that he would certainly have an opportunity at business questions on Thursday to raise this matter with the Leader of the House if he is so inclined. There are various other means by which matters can be raised and the hon. Gentleman will be familiar with the arsenal of weapons available to a Back-Bench Member. I completely understand his concern. If he is asking me, “Is there at least one method of raising it before we rise for the Christmas recess?” the answer is yes and there may prove to be more.

BILLS PRESENTED

PENSION BENEFITS (ILL HEALTH) BILL

Presentation and First Reading (Standing Order No. 57)

John Mann presented a Bill to require pension providers to make lump sum payments and other pension benefits available to people with ill health, including people with a terminal diagnosis, prior to such people reaching minimum pension age; and for connected purposes.

Bill read the First time; to be read a Second time on 27 April 2018, and to be printed (Bill 143).

ACCESS TO RADIOThERAPY BILL

Presentation and First Reading (Standing Order No. 57)

Tim Farron, supported by Mr Jim Cunningham, Norman Lamb, Stephen McPartland, Layla Moran, Grahame Morris and Tom Brake, presented a Bill to make provision to improve access to radiotherapy treatment in England; to define access in terms of the time that patients are required to travel to places providing treatment; to specify 45 minutes as the maximum time patients are to travel; and for connected purposes.

Bill read the First time; to be read a Second time on 11 May 2018, and to be printed (Bill 144)

Emergency Response Drivers (Protections)

Motion for leave to introduce a Bill (Standing Order No. 23)

2.58 pm

Sir Henry Bellingham (North West Norfolk) (Con): I beg to move,

That leave be given to bring in a Bill to provide protection for drivers of emergency vehicles responding to emergencies from civil liability and criminal prosecution in specified circumstances; to make related provision about criminal proceedings and sentencing; and for connected purposes.

I want to look at the case of PC Richard Jeffery, a Norfolk officer who, on a dark night at the end of his shift, was driving back towards the police station when on the radio came through a report of a stolen car being driven erratically with no lights. He intercepted the vehicle and followed it. He followed his training to the letter: he kept a sensible distance and did not tailgate the vehicle. The vehicle carried on being driven erratically and after a mile or so it crashed. Tragically, the driver was killed. He was four times over the limit and it was a stolen vehicle.

PC Richard Jeffery was suspended and investigated for gross misconduct. Understandably, and as one would expect, the case was referred to the Crown Prosecution Service. After three months, it decided there was no case to answer. The family of the victim appealed the decision to the CPS, however, and the case went on for several more months, but still there was no case to answer. The Independent Police Complaints Commission then investigated the accusation of gross misconduct for nearly two years. Throughout that time, PC Richard Jeffery was suspended, Norfolk constabulary lost a long-serving and experienced officer, and at the end of it, he was completely exonerated.

The key point is that the CPS and the IPCC could not look at the extra training and expertise of the police officer—they could not apply the test of a competent and careful trained response driver; they could judge him only by the “competent and careful driver” standard, which is the standard applied to us all. This officer faced a dilemma. He could easily have said, “It’s the end of a long day. I won’t take the risk, I’m going back to the police station.” What would have then happened if this car, which was being driven by a driver four times over the limit with broken lights and on a wet road, had gone off the road and killed several people? He would have had that on his conscience forever, so of course his training kicked in, as one would expect.

There have been many other such cases recently, but I will pick up on just a few. A colleague in the House this afternoon brought to my attention the case of a constituent of his who was a highly trained and decorated officer. He was actually the pursuit commander and tactical adviser during an incident involving a moped that was being driven highly erratically. In fact, the driver was almost deliberately trying to goad the police. The police followed. He was in the second car, but he was the commander. Tragically, the moped rider went off the road and was killed. The officer was suspended, as one would expect—one does not necessarily object to that. Eighteen months on, however, he had been forbidden to work in any capacity and, quite staggeringly, forbidden to leave his home for more than three days. There is still no end to this saga—the case is ongoing—so I cannot comment in more detail.
It seems that there is a scourge of mopeds being used for crimes, and often moped riders know that if they take their helmet off, they have more chance of getting away. Two months ago in Kent—I am glad that some of my hon. Friends from Kent are here today—a moped was being driven highly erratically. It was actually doing wheelies and going up the wrong side of a dual carriageway. Four police vehicles were involved. The police officers concerned decided to take action and follow the moped. The moped driver had an accident, went flying off and injured himself—not critically, although it was thought he had severe head injuries. The police officer driving the car closest to the incident was suspended and then investigated for grievous bodily harm and dangerous driving. The case is ongoing. In fact, the driver recovered from his head injuries very quickly, and two weeks on was committing further crimes, while the police officer, who was doing his duty, ended up being suspended. I cannot comment further because the case is sub judice.

I want to look at cases that are no longer in the court arena and have been decided—these are on the public record. A firearms officer in Hampshire was deployed to a domestic violence incident on new year’s eve in 2015. While progressing to the incident, he used all his training to drive highly professionally, correctly and properly; he went through a couple of red lights and was involved in a slight injury collision with a member of the public. In the end, the “competent and careful driver” test was applied—neither the CPS nor the IPCC could consider his training and expertise—and he was charged with dangerous driving, and nearly two years later the trial took place. I am pleased to say that he was acquitted, but throughout that time Hampshire was without its most senior firearms officer.

There have been other cases. There was one in Merseyside involving a firearms officer and another involving a police officer. There was also an incident in York involving a firearms officer and another involving a PC. The former was involved in a slight injury collision with a member of the public. In the end, the “competent and careful driver” test was applied—neither the CPS nor the IPCC could consider his training and expertise—and he was charged with dangerous driving, and nearly two years later the trial took place. I am pleased to say that he was acquitted, but throughout that time Hampshire was without its most senior firearms officer.

There are many other cases, but what runs through them is the significant impact they have on the officers, who are doing their duty to and serving the public, and the forces. There are, however, guidelines. In a letter to one of my colleagues, a Home Office Minister wrote: “There are guidelines in place, and obviously the idea is to reduce the risks associated with this activity”—pursuit—and to set out when it is in the public interest for a prosecution to take place. Police should be able, without fear of prosecution, to go ahead and carry out their duties”. The guidelines are obviously not working. Time and again, the IPCC takes the view—perhaps while wrapped up in the emotion and under a lot of pressure from families—that it should take action, but it says, “We won’t deal with it, we’ll let the courts look at it”. That, I think, is a cop out. It is quite wrong that these officers are being prosecuted in this way.

My Bill would simply make it clear that the expertise and training of officers can be taken into consideration. In other words, the test applied would not be the universal test but a specific test for these emergency vehicle drivers. Some of my colleagues have said, “Is this a charter for the police acting irresponsibly, going berserk and getting carried away?” It is categorically not. Obviously, they would have to follow their training, the training manual and their professional judgment, and nor would there be an exemption for aggravating factors—for example, if the police officer were over the limit, recovering from a sickness or driving recklessly. The good news is that the training of police drivers has now been consolidated across the entire country through the road policing driving training programme, so we have standard procedures across the country. It is time for the law to be changed. I know that the Minister is sympathetic. This simple change would tilt the balance in favour of these professional, highly skilled public servants.

Question put and agreed to.

Ordered.

That Sir Henry Bellingham, Bob Blackman, Jack Lopresti, Stephen Twigg, Robert Halfon, Steve McCabe, Sir Oliver Heald, Chris Bryant, Sir Roger Gale, Leo Docherty, Peter Aldous and James Cartlidge present the Bill.

Sir Henry Bellingham accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 16 March 2018, and to be printed (Bill 145).
Finance (No. 2) Bill

(Clauses 8, 33, 40 and 41, Schedules 9 and 11 and certain new Clauses and Schedules)

[2ND ALLOCATED DAY]
Further considered in Committee

[MRS ELEANOR LAING in the Chair]

New Clause 6

EQUALITY IMPACT ANALYSES OF PROVISIONS OF THIS ACT

'(1) The Chancellor of the Exchequer must review the equality impact of the provisions of this Act in accordance with this section and lay a report of that review before the House of Commons within six months of the passing of this Act.

(2) A review under this section must consider—
   (a) the impact of those provisions on households at different levels of income,
   (b) the impact of those provisions on people with protected characteristics (within the meaning of the Equality Act 2010),
   (c) the impact of those provisions on the Treasury's compliance with the public sector equality duty under section 149 of the Equality Act 2010, and
   (d) the impact of those provisions on equality in different parts of the United Kingdom and different regions of England.

(3) A review under this section must give a separate analysis in relation to the following matters—
   (a) income tax (in sections 1 and 3 to 6),
   (b) employment (in sections 7 to 10),
   (c) disguised remuneration (in sections 11 and 12 and Schedules 1 and 2),
   (d) pension schemes (in section 13 and Schedule 3),
   (e) investments (in sections 14 to 17 and Schedules 4 to 5),
   (f) corporation tax and other aspects of business taxation (in sections 2, 19 to 32, 36 and 37 and Schedules 7 and 8),
   (g) the bank levy (in section 33 and Schedule 9),
   (h) settlements (in section 35 and Schedule 10),
   (i) stamp duty land tax (in sections 40 and 41 and Schedule 11),
   (j) vehicle excise duty (in section 43),
   (k) vehicle excise duty (in section 44), and
   (l) tobacco products duty (in section 45).

(4) In this section—
   “parts of the United Kingdom” means—
      (a) England,
      (b) Scotland,
      (c) Wales, and
      (d) Northern Ireland;
   “regions of England” has the same meaning as that used by the Office for National Statistics.

This new clause requires the Chancellor of the Exchequer to carry out and publish a review of the effects of the provisions of the Bill on equality in relation to households with different levels of income, people with protected characteristics, the Treasury's public sector equality duty and on a regional basis

Brought up, and read the First time.

3.10 pm

Dawn Butler (Brent Central) (Lab): I beg to move, That the clause be read a Second time.

The Temporary Chair (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

New clause 7—Equality impact analyses of provisions of this Act (No. 2)—

'(1) The Office for Budget Responsibility must review the equality impact of the provisions of this Act in accordance with this section within six months of the passing of this Act.

(2) A review under this section must consider—
   (a) the impact of those provisions on households at different levels of income,
   (b) the impact of those provisions on people with protected characteristics (within the meaning of the Equality Act 2010),
   (c) the impact of those provisions on the Treasury’s compliance with the public sector equality duty under section 149 of the Equality Act 2010, and
   (d) the impact of those provisions on equality in different parts of the United Kingdom and different regions of England.

(3) A review under this section must give a separate analysis in relation to the following matters—
   (a) income tax (in sections 1 and 3 to 6),
   (b) employment (in sections 7 to 10),
   (c) disguised remuneration (in sections 11 and 12 and Schedules 1 and 2),
   (d) pension schemes (in section 13 and Schedule 3),
   (e) investments (in sections 14 to 17 and Schedules 4 to 5),
   (f) corporation tax and other aspects of business taxation (in sections 2, 19 to 32, 36 and 37 and Schedules 7 and 8),
   (g) the bank levy (in section 33 and Schedule 9),
   (h) settlements (in section 35 and Schedule 10),
   (i) stamp duty land tax (in sections 40 and 41 and Schedule 11),
   (j) air passenger duty (in section 43),
   (k) vehicle excise duty (in section 44), and
   (l) tobacco products duty (in section 45).

(4) In this section—
   “parts of the United Kingdom” means—
      (a) England,
      (b) Scotland,
      (c) Wales, and
      (d) Northern Ireland;
   “regions of England” has the same meaning as that used by the Office for National Statistics.

(5) The Chancellor of the Exchequer must lay before the House of Commons the report of the review under this section as soon as practicable after its completion.”.

This new clause requires the Office for Budget Responsibility to carry out a review of the effects of the provisions of the Bill on equality in relation to households with different levels of income, people with protected characteristics, the Treasury's public sector equality duty and on a regional basis.

Dawn Butler: New clause 6 stands in the name of my right hon. Friend the Leader of the Opposition and those of other Members on both sides of the House. The aim of both new clauses is basically to help the Government. We want them to set an example to every Department and public sector organisation by fulfilling their own obligation under the public sector equality duty and publishing a meaningful equality impact assessment. The equality duty covers nine protected
characteristics: age, disability, gender reassignment, pregnancy, maternity, race, religion or belief, sex and sexual orientation.

The Prime Minister says that she understands the problems faced by members of protected groups and that her Government are committed to tackling inequality in the ways set out in the equality duty, but one thing confuses me. If she understands all that, why does she allow her policies to undermine and hurt women and other groups with protected characteristics? Such “words over deeds” undermine people’s trust in politics and politicians.

How can I be sure that the Prime Minister knows these problems so well? There have been two stand-out moments. The first was in 2010, when the Prime Minister said:

“there are real risks that women, ethnic minorities, disabled people and older people will be disproportionately affected by proposed cuts to public spending.”

The second was when she said, on the steps of No. 10, that she wanted to tackle the “burning injustices” in our society. But all that she has done is make things worse. She has added fuel to the fire, and those injustices now burn brighter than ever. The Chancellor said that this Budget would be full of new opportunities—for whom? He failed to address the position of women born in the 1950s, violence against women and girls, the crisis in social care, falling wages, and a social security system that is leaving millions of children in poverty.

I am sure that the Minister will disagree with some of what I am saying, but let me challenge him. This is his opportunity—his moment—to carry out a comprehensive equality impact assessment, publish it, and prove me wrong.

Mr Jim Cunningham (Coventry South) (Lab): One of the issues that my hon. Friend has not mentioned—although I am sure that she will come to it—is the underfunding of women’s refuges.

Dawn Butler: My hon. Friend is right: I will indeed come to that issue.

As we approach Christmas, I ask the Minister to consider the impact that the Government’s policies are having. More than 128,000 children will be in temporary accommodation over Christmas, women’s refuges—as my hon. Friend has just said—are in crisis, and universal credit will leave people penniless and homeless over the Christmas period.

The Financial Secretary to the Treasury (Mel Stride): Nonsense.

Dawn Butler: It is not nonsense. I challenge the Minister to sit in one of my surgeries and hear that it is not nonsense.

The Government have made £28 billion of cuts affecting 3.7 million disabled people, and the additional caring responsibilities have fallen on the shoulders of women. It is the same with the cuts in social services—women take up the slack, and the pay cap, which hurts women more than men. Indeed, 86% of the Government’s cuts are falling on women. Labour Members are not the only people who are saying that. In June, the UN Committee on Economic, Social and Cultural Rights said that the Government’s changes adversely affected “women, children, persons with disabilities, low-income families and families with two or more children.”

If the United Nations can see that, and if Labour Members can all see it, why can the Government not see it and do something about it? The best policies are evidence-based policies.

3.15 pm

How, for instance, have the Government’s policies affected people of colour? Research carried out by the Equality and Human Rights Commission showed that average losses in black households amount to about 5% of net income, more than double the figure in white households. It also concluded that lone parents lose about 15% of their net income—on average, £1 in every £6—compared with other families, who lose from nothing to 8% depending on how wealthy they are. How have the Government’s policies affected people working on low incomes? There are 8.9 million people in working households who live in poverty. That is a record to be ashamed of. It has been seven years! Even Scrooge would have seen the error of his ways by now.

The Government are failing, even on their own terms, to promote equality, fight discrimination in all its forms and introduce transparency. Equality audits should be carried out at the development stage of any policy. Once a policy has been implemented, there should be post-legislative scrutiny. That is good government. The Government should not be scared of impact assessments; they should embrace them, which is exactly what a Labour Government will do. They should not be denying that there is a problem. We hear that type of rhetoric from the Prime Minister every Wednesday. We tell her that there is a crisis in the NHS”; she says, “Oh no there isn’t,” and we say, “Oh yes there is.” It is like the Christmas panto every Wednesday, and not in a good way.

Having a detailed understanding of how policy choices exacerbate or eliminate inequality at every stage of the policy-making process is the key to tackling burning injustices and producing good policies. It is no good saying things that one does not mean. The only impact assessments in the 2017 Budget documents are the tax information and impact notes, also known as TINs. They contain only a sentence or two about equality impacts. I say to the Minister, and to the Chancellor, “Be less like the TIN man, and have a heart.” Let us do more than TINs. Let us have a full comprehensive equality impact assessment and publish it, so that we can make this country a fairer place for the many and not the few.

If the Chancellor and the Minister will not listen to me, or to the Institute for Fiscal Studies, the Equality and Human Rights Commission, the Women’s Budget Group, the Runnymede Trust or the House of Commons Library, perhaps they will listen to the Women and Equalities Committee, which was set up by the Prime Minister with a member of the Conservative party in the Chair. It has said that greater transparency is essential in order for the Government to demonstrate that they have fulfilled their obligations, and recommended that evaluations should be commissioned for the equality analyses accompanying all future spending rounds and
the major inequalities in our society. This Government are so evasive: we are still awaiting a response to the cross-party letter sent to the Minister for Women and Equalities on 29 November highlighting major concerns on this very issue.

If we were in Scotland or Wales, we would be legally obligated to carry out and publish equality impact assessments. We are the mother of all Parliaments and we should be leading the way. What is wrong with getting the facts and making policy based on them? That is sensible and it is right; people outside this place will not understand what the reluctance is all about.

The Minister will probably talk in his response about “due regard”, but what does “due regard” mean? There is some legal definition of due regard. The courts have said that it means sufficient information, so even on a lower bar of “due regard” this Government and their Departments are still failing, as they tend to produce superficial equality impact assessments.

I concede that more needs to be done to establish robust analysis, but if Scotland and Wales can do it, why cannot we? Current analysis should be taken as a starting point for Government action, not an excuse for inaction, so I call upon the Chancellor to give the country a Christmas present and to commit to doing things properly.

As my Christmas gift to the Government, here are three things as a start in that process. First, they should consider the impact of their policies at all stages of the legislative process. That means the Government examining the differential and intersectional impact of their policies and, if necessary, changing course to ensure equality of outcome. Secondly, they should work with organisations such as the Equality and Human Rights Commission, the Women’s Budget Group and the Runnymede Trust to produce analysis with a high level of detail. Thirdly, they should commission the Office for Budget Responsibility to carry out an independent review into the effects of the provisions of this Bill.

Everyone in this House can help tackle the burning injustices that blight our country today by voting for new clauses 6 and 7.

Sarah Champion (Rotherham) (Lab): I rise to speak in support of new clauses 6 and 7, proposed by my hon. Friend the Member for Brent Central (Dawn Butler).

Under the public sector equality duty, all public bodies, including the Treasury, are obliged to have “due regard” to the impact of their policies on equality. Yet, once again, this Government have refused to carry out a meaningful equality audit of their Budget.

I am grateful that the House of Commons Library has done research, and it has consistently shown that 86% of the burden of Tory tax and benefit changes since 2010 has fallen on the shoulders of women. Today, I will tell the stories of women impacted by this, and show how they are bearing the brunt of failed Tory austerity.

Women make up two thirds of public sector workers so have suffered most from the Tories’ pay cap. Women have to struggle with more caring responsibilities due to the ever-increasing gap in social care funding. Some 54,000 women a year are forced out of their jobs through maternity discrimination. Women in my constituency of Rotherham earn 11.9% less on average
than men. And, shamefully, 94 women and 90 children are, on a typical day, turned away from refuges due to lack of space, according to Women’s Aid.

Let me talk about some specific cases. I want to talk about Martha, a single mother. A recent report by the Runnymede Trust and the Women’s Budget Group shows that by 2020 single mothers like Martha will have experienced an average drop in living standards of 18% since 2010. As a part-time NHS worker, Martha’s real pay has been slashed under the Tories. NHS staff have suffered a 14% real-terms pay cut since 2010. With inflation at a near six-year high of 3.1%, more and more women like Martha are struggling to put food on their table. Martha is not just about managing; Martha is only just about surviving.

The Women’s Budget Group and the Runnymede Trust analysis shows that black employed women, like Martha, are set to lose the most from cuts and changes to universal credit—around £1,500 a year. These changes include cutting the first child premium, which came into effect this year and would have been worth £545 a year. These changes are disproportionately impacting one particular group. There is virtually no one on the Tory Benches at the moment—and not one woman—so I have to question whether the Government are serious about equality. But if they are serious about equality, and economic equality in particular, they must take action. The simplest way for them to do that would be to support new Sure Start facilities.

Sarah Champion: That is the biggest frustration. We need the Government to audit all their policies and start to recognise the trends when certain groups are disproportionately impacted. We all pay our taxes and we all want the same services, but surely the best thing for the economic growth of this country is for everyone to be able to reach their economic potential. That is surely the best way to get this country back on its feet economically.

According to research by the Child Poverty Action Group, 61% of parents working part time who wanted to work more hours said that the cost of childcare was a barrier, and no wonder, when Government cuts mean that there are now 1,240 fewer Sure Starts than there were in 2010. Yet there was no mention of childcare in the recent Budget. When 41% of women in work have part-time jobs, compared with just 13% of men, it is clear how these policies have a disproportionate impact on women. An equality impact assessment would put a spotlight on those inequalities and on the need for action—but of course we can only assume that that is why the Government refuse to carry out such assessments.

Mr Jim Cunningham: A good example of the burden being put on women is through tax adjustments. Under the last Government and this one, women have lost £14 billion in that way. Another good example is Sure Start. Women cannot get out to work because there are no Sure Start facilities.

Sarah Champion: Is that the biggest frustration. We need the Government to audit all their policies and start to recognise the trends when certain groups are disproportionately impacted. We all pay our taxes and we all want the same services, but surely the best thing for the economic growth of this country is for everyone to be able to reach their economic potential. That is surely the best way to get this country back on its feet economically.

3.30 pm

It is not just younger women who are being failed by Tory economics. Martha’s aunt, Rita, was born in 1956. She has worked all her adult life in an old people’s home. The Tories moved the goalposts for Rita by accelerating the rise in the women’s state pension age. Rita has done the right thing. She has been planning her retirement for years, and she is exhausted. Now, she has to work years longer than planned and years longer than she is physically able to. Rita is hoping for a healthy retirement, but, like many people of her age, she is deeply concerned that the £6 billion that has been taken out of social care since 2010 will make it impossible for her to have a healthy, secure retirement. More than 1 million of our elderly people are not receiving the care that they need. Where is the reassurance for Rita when we have a Chancellor who does not even mention social care in the Budget? In a leaked 2010 letter to the then Chancellor, the right hon. Member for Maidenhead (Mrs May) said:

“There are real risks that women, ethnic minorities, disabled people and older people will be disproportionately affected by proposed cuts to public spending”.

Well, the right hon. Lady, now the Prime Minister, was not wrong. From tax credit cuts to the crisis in social care budgets, it is women who have consistently been hit the hardest by Tory austerity.

I am immensely proud of Labour’s manifesto commitment to gender audit all our policies and legislate for their impact on women before their implementation. It is shameful that we have to keep challenging the Government to do their legal duty and ensure that their policies are not disproportionately impacting one particular group. There is virtually no one on the Tory Benches at the moment—and not one woman—so I have to question whether the Government are serious about equality. But if they are serious about equality, and economic equality in particular, they must take action. The simplest way for them to do that would be to support new clauses 6 and 7.

Stella Creasy (Walthamstow) (Lab/Co-op): I rise to make my case to the five Conservative MPs on the Government Benches today. Inequality is an incredibly expensive business for everyone. I am pleased to see five fellow feminists sitting among the many of us on these Benches—

Mel Stride: Eight.

Stella Creasy: Goodness! The Minister says eight, but I can assure him that we have a good many more than eight feminists in total on this side of the House if he would ever like to test us. Our policies and our manifesto certainly speak to that fact.

The case that I want to make to the five men on the Tory Benches, given that gender inequality and equality impact assessments can sometimes be seen as special-interest issues, is that everything we are doing today is in everyone’s interest. Inequality costs us all dear. It holds everybody back in our society. Indeed, feminism is not about women; it is about the fact that power is unequally balanced in society so that 51% of those in our communities miss out on achieving their potential. That is what is behind new clauses 6 and 7. Good data help to drive good decisions. It is also good for Governments to follow their own policies. We have a public sector equality duty in this country, but the fact that the Government are not following it themselves makes it much harder for them to force other people to do so. Ultimately, we are here today to make the case that Britain will be better when we know more about the conditions that we face and about what impact policies are having.

Let me start with that cold, hard economic argument, because I am sure that the Minister, who once proclaimed his feminist credentials, already knows this, but I am not sure whether it has yet been put on the record.
Bridging the gender gap would generate £150 billion in GDP by 2025. The economy has been struggling with a productivity problem for decades, and there is nothing stronger or faster that we could do to address that than to ensure that everybody in our society is able to realise their potential, but we should do more to help women in particular. We need to tackle the barriers and the discrimination they face that means they do not have that level playing field. Indeed, studies show the strong correlation between diversity and economic growth, so those who think that this is special pleading do not understand the maths behind the case Labour is making today. I would argue that the reason why they do not understand the maths is that we do not do the calculations, which is why it is so important to get the data.

Data is a good thing. It leads to difficult conversations. It makes us ask why, after the Equal Pay Act was passed in 1970, we still do not have equal pay in this country. I was born after that Act came into effect, but if the current policy continues, I will be dead before we have parity. That harms us all, because the 14% pay gap between men and women is not stagnating, but growing. There will be women in our constituencies who are more and more of minority background. Going back to the equal pay issue, 43% of people in society do not earn enough to tackle inequality, so that fewer women will come to constituency surgeries asking for a referral to a food bank, or whether they will make things worse. Having this kind of data helps us to ask why that is and whether Government policy is helping to minimise the gap or exacerbate it.

This is not just about gender. The gap is much worse for women from ethnic minority communities. The pay gap is 26% for Pakistani and Bangladeshi women and 24% for black African women. This is also not just about ethnicity, because the same applies for disability and age. Only 36% of women in the constituencies of the Conservative male Members here will be getting their full state pension. When those women come to see those Members about the Women Against State Pension Inequality Campaign, they are coming because they have been living with poverty for decades. They are asking for help to make things right, because they do not want to be dependent on the state. They want a level playing field, but historical inequality in our society has held them back, and it is holding us back now. Having the data helps us to understand where that is happening and why. It would tell us whether we are not acting as a country. Having this kind of data leads us to ask why that is and whether Government policy is helping to minimise the gap or exacerbate it.

As my colleagues have already set out, this Government have not done any equality impact assessments to understand just how far the goalposts are moving in getting to this House’s shared aim of an equal society. Tax information and information notes dismiss the issue and do not help Ministers to make good decisions. I am sure that the Minister, with his feminist soul, wants to make good decisions, but those assessments claim that there is little or no impact. Indeed, we do not even have TINs for all the policies that we know have a differential impact such as excise duty rates or fuel duty giveaways, because we live in an unequal society.

The lack of data also means that Ministers simply cannot come to the Dispatch Box and tell us that any concerns we may have about the differential impact of individual tax and benefit changes can be offset by the impact of other policies. If we do not know the impact of one policy, how can it be said that that can be offset by another? Even if we are concerned that men have received a windfall from Budgets for several years, it is simply not good enough for Ministers to try to tell us that women are being compensated through public services, because they cannot provide the analysis to show us that either case is true. Indeed, when we look at the impact of public service cuts—surprise, surprise—women, ethnic minorities and the disabled tend to be disproportionately hit again.

If the Government themselves are not upholding their duties, what hope do we have in asking other organisations to do so? It is important to recognise that the legal duty is not passive. It is a duty not just to manage inequality but to do something about it. It is a duty to know the numbers before we make a decision so that we do not make things worse, as this Budget clearly does, and it is an ongoing duty that cannot be delegated. Ministers cannot leave it to a civil servant in the back office; they have to take direct responsibility. Crucially, it is a duty that, once a problem has been identified, the Government have to act, and not having the resources is no excuse for not acting.

The arguments Ministers are making against calculating the figures are not just about the practicalities, but they are completely surmountable. As the Women’s Budget Group, the Fawcett Society and the Institute for Fiscal Studies have shown, it is perfectly possible to make these calculations, and it is worth doing because it would help the Government to make better decisions. That it is possible to do it both for individuals and for households is important because, as my hon. Friend the Member for Rotherham (Sarah Champion) said, single parents, who tend to be women, are disproportionately hit by these changes. Even if the Minister were to
have a disproportionate number of workers on these, particularly in my north-east region and my constituency, which it is secured as upon the result itself.

The reason why we have called it “lady data” is to try to help Ministers understand what they are missing and why it matters, but in truth this is everyone’s data. Getting this right and having that information would help us to make better decisions and would help us to understand why it will take us 100 years from today to have parity, so that women who are still struggling with unequal pay—including women in the communities of the Members to whom I have referred—can have some confidence that they may still live to see that wonderful day when everyone in this society is treated equally and so that people from ethnic minority backgrounds and disabled people living in poverty, and a poverty that is getting worse, can have some confidence that the Government are not ignoring them but understand where the challenges are and are considering a Budget that will do something about it.

Frankly, when we see the analyses that are being done, we know why the Government oppose new clauses 6 and 7. They do not want to do the maths because the figures tell the ugly truth about the inequality we have in Britain and its stubborn supporters, who unfortunately sit on the Government Benches. Jane Addams said:

“Social advance depends as much upon the process through which it is secured as upon the result itself.”

We cannot take the journey to a more prosperous, more successful and more egalitarian Britain if we do not know the direction of travel. The numbers will give us the direction of travel, but it is the political will that will give us the way forward.

Ministers should not dismiss this case as special pleading but should look at the economic argument for why tackling gender inequality matters and vote accordingly today to put Britain on a better path, because everyone will be richer for it.

Laura Pidcock (North West Durham) (Lab): As my hon. Friend the Member for Brent Central (Dawn Butler), Labour’s shadow Minister for Women and Equalities, said, new clause 6 would require the Chancellor to carry out and publish a review of the Bill’s effect on “households at different levels of income”.

Real pay has fallen and is now lower than it was in 2010. Too many jobs that have been created are insecure and entrenched poverty through low pay. These employment models fuel inequality, and certain parts of the country, particularly in my north-east region and my constituency, have a disproportionate number of workers on these contracts, where there has been a long-term move towards casualisation. This poverty is not just about worklessness; 60% of people in poverty live in a UK household where someone is in work. Many professionals have joined the queues at food banks, where, nationally, 1.4 million emergency food parcels were handed out last year—that has to be a perfect symbol of a failed state, does it not?—yet the Government just don’t get it.

3.45 pm

Britain has the fourth highest level of inequality in Europe and the immediate future does not look any brighter, thanks to Government policies. The Institute for Fiscal Studies has predicted that inequality is likely to increase. The shocking facts are that 3.7 million children are living in poverty in the UK, with 1.7 million of them in severe poverty—and this in the sixth richest economy in the world! Conservative Members scoff at us for not applauding the increase in jobs and scowl at us for not subscribing to their mantra that work is the best way out of poverty, but this is because we live in the 21st century, where work for many is short-term, low-paid, precarious and far away, and therefore exacerbates the poverty that many in my community face. Of course worklessness is not the solution; secure, good quality, higher paid jobs are the solution.

The review proposed in new clause 6 is comprehensive and inclusive, addressing economic inequality from a number of often intersecting viewpoints, including from a regional perspective. The national figures are appalling, but in the north-east things are even worse. Let us be clear: in our region and in my constituency we have been left behind. While we have been crying out for investment born of an industrial strategy that gives us our fair share, we have in fact got a long-standing neglect that acts like a scar on the landscape. These policies have real and devastating effects: in North West Durham 21% of children live in poverty.

What does that actually mean? It means children coming to school with empty bellies; and parents, usually women, reducing their portions or skipping meals to make sure their children get enough—worse, the children know their parents are doing this. It is about the daily grind of people having bills through their door and that sinking feeling that they cannot pay them, and having the fear of the sanctions—further punishments for poverty—and all the while people are working extremely hard for that existence. The latest figures show that households in the north-east have £100 pounds less to spend a week than those in the south-east.

Mr Jim Cunningham: Does my hon. Friend agree that the limit on child benefit now increases poverty? Does she recall that one of the Government’s slogans used to be, “Let’s make work pay”? Well, it does not pay because poverty wages are being paid.

Laura Pidcock: Absolutely. We are seeing lots of inadequacies in the universal credit system, which completely smash out of the water the idea that work pays under the Conservative Government.

Even taking account of housing costs, which I know take a huge slice of wages from people in the south-east, in the north-east we are still £64 a week worse off. The disparities in investment in my constituency create a vicious circle. We cannot attract the large-scale business investment that we desperately need without the
infrastructure and the skilled people, and as much as
Derwentside College in my constituency is a beacon of
excellence in the education it provides, it is like every
other further education establishment in the country in
that it has a dwindling budget with which to educate the
future skilled workforce that we need.

Ian Mearns (Gateshead) (Lab): My hon. Friend is
making an excellent point. There are very good FE
colleges all over the north-east of England, with my
local one in Gateshead being a very good example, but I
am sad to say that when young people are leaving those
colleges with skills, they are doing what generations of
Geordies have done: leaving to come south for jobs
because there is not the investment in the north-east of
England.

Laura Pidcock: It is heartbreaking. Of course we
want to keep as many of those brilliant young people in
my constituency as possible, with the education they
have received being put back into infrastructure and a
rich economy, but the long-term employment just is not
there.

New clause 6 would also address gender inequality,
because it is women in my constituency and right across
the country who have borne the brunt of inequality, as
most women always do. Women, particularly working-class
women, suffer structural inequality throughout their
lives. On average, women earn less than men, have lower
incomes over their lifetime and are more likely to be
living in poverty. As has been mentioned, women are
therefore less likely than men to benefit from cuts to
income tax, and are more likely to lose out because of
cuts to social security benefits and public services.

In conclusion, I urge Members to support new clause 6
and I call on the Government to carry out equality
impact assessments so that my constituents can see, in
black and white, the hard facts and the truth. If the
Government are so proud of their achievements, why
are they not shouting them from the rooftops so that
they can receive full credit? Why not let everybody
know what Government policy has achieved? Unfortunately,
Opposition Members know that the facts will tell the
truth and reveal that the Government do not care one

Laura Pidcock: Sorry, but is this a debate or a questions
session?

Bim Afolami: I shall continue.

Sarah Champion: I am grateful to the hon. Gentleman
for his generosity in taking interventions. We need to
hear a few facts. The data that he is talking about,
which we are citing as evidence of why this is so important,
is being collected by charities and the House of Commons
Library. With respect to both the duty of care and the
provisions of the Equality Act 2010, this work should
be done by the Government. That is what we are asking
for.

Bim Afolami: Whether it is in respect of the Bill, the
new clause or what we are discussing now, the important
thing is that it is of course the Government’s intention
to create more better-paying jobs. That is what the
Treasury team and everybody across Government strive
to do every single day. That is not to say that every
single person in this country is currently at the level of
prosperity we would like, but that is the aim of all the
activity that is coming out of the Bill and out of the
Treasury.

Stella Creasy: If that is the aim, what data are the
Government collecting to be sure that they are achieving
it and to find out whether there are any variations? That
is what we are talking about. The issue is not the policy,
but whether it is having an impact and whether we can
understand that impact. Does the hon. Gentleman
understand that?

Bim Afolami: I do indeed understand that. There is
currently so much data, much of which has already
been talked about by Opposition Members, on regional
disparities, and on disparities of race and age, and
between urban and rural areas. There is so much data,
so Government policy must aim to bear it all in mind,
which is what Ministers do.

The Temporary Chair (Albert Owen): Order. Is the
hon. Member for Hitchin and Harpenden (Bim Afolami)
referring to me, because he is saying “you”? He should
refer to the hon. Lady, and if he wishes to take an
intervention, he must sit down.

Bim Afolami: I give way to the hon. Member for North
West Durham.

Bim Afolami: If the hon. Lady will permit me, I will
make a bit of progress and then I will respond to her
remarks in the fullness of my speech.

It is important to make my next point in relation to
new clause 6 clear. We have heard Opposition Members
say that women, or certain members of ethnic minorities,
are more likely to be lower paid than other members
of society. By taking the lowest paid people out of tax and increasing the national living wage, we are benefiting those groups of people who might suffer from low earnings. In addition—

Ian Mearns: When Government Members talk about, and celebrate, the fact that people are being taken out of income tax altogether, what they are doing is celebrating an economy of low pay. They are celebrating an economy where people are being paid so little that they are just above, or just at, the income tax threshold. For me, that underlines what it is actually like out there in constituencies such as mine in Gateshead.

Bim Afolami: I am afraid that the hon. Gentleman is mistaken. It is not celebrating low pay to say that people who are currently earning lower amounts should take home more of their money. That is not a celebration; it is about making their lives, every day and every week, that bit easier. It is worth saying that taking the lowest paid people out of tax and raising the national living wage is having significant benefits for many of the people—

Stella Creasy: The hon. Gentleman is being very generous with his time. I think he may have missed one of the points that we are making. For example, when the Government raise the tax threshold, 66% of the people who do not benefit—because they do not earn enough—are women. Seventy three per cent. of the people who benefit from a rise in the higher income tax threshold are men. What he is talking about and what we are talking about are two different things. We are talking about the differential impact of policy, and asking the Government to do the sums that are currently being done in the charitable sector, so that we can make better policy. Surely he wants those sorts of policies to have an equal benefit, but at the moment they do not, because we do not have equal pay.

Bim Afolami: I believe that all policy in this area, or, frankly, in any area, should be set to make sure that we are trying to generate as innovative, dynamic and successful an economy as possible. The hon. Member for Walthamstow (Stella Creasy) mentioned cutting corporation tax in her speech. She thought that that effectively benefited more men than women because men are more likely to be shareholders than women. The way we should deal with that, in my view, is to encourage more women to be entrepreneurs. We should work to make sure that women have access to being shareholders and that women have more ability to reap the benefits of that—

Jim McMahon (Oldham West and Royton) (Lab/Co-op): Will the hon. Gentleman give way?

Bim Afolami: If I may, I would like to make a bit of progress.

As the evidence has shown, cutting corporation tax increases, rather than decreases, the tax take going to the Exchequer. If that shows this country to be a better and more dynamic place in which to set up and start a business, that will benefit all people in this country. That is the approach that the Government should take. If we want to improve the performance of the British economy and if there happen to be more men than women who are shareholders, it is no answer to say that we should therefore not take action to improve the activity of the British economy.

Stella Creasy: I have a very simple question for the hon. Gentleman, although I appreciate that he is getting some assistance from the hon. Member for Spelthorne (Kwasi Kwarteng): can he produce the data to prove that men and women will benefit equally from the changes to corporation tax?

Bim Afolami: I do not have the data now to be able to respond to the hon. Lady. What I do know is that Conservative Members will never take lectures from the Labour party; we have our second female Prime Minister, the gender pay gap is the lowest on record, and this Government have done more for childcare and support for families than the Labour Government ever did. The idea that this Government should take lectures on this issue from Labour Members is disgraceful.

Laura Pidcock: The hon. Gentleman is celebrating two female Prime Ministers somehow drastically pulling every single woman out of poverty. That is not the answer. We need structural change and the evidence to tell us whether women are equal, not the tokenism of two female leaders. Margaret Thatcher did not do much to pull women in my community out of poverty.

Bim Afolami: Before the hon. Gentleman responds, will he give way again?

Bim Afolami: I shall.

Laura Pidcock: Before you talk about the intersectionality of the Government’s policies, you need to have the data.

Bim Afolami: I am afraid that the hon. Gentleman is talking, but Labour Members do not mind. It is actually nice to see you go through your journey of trying to put the pieces together and understand the problems we are talking about. You cannot justify any of your statements because you have no data.

Dawn Butler: The hon. Gentleman is celebrating much “you”. The hon. Lady is an experienced Member of the House and she should set an example.

Dawn Butler: My apologies, Mr Owen. I am getting carried away in my enthusiasm to try to educate the hon. Member for Hitchin and Harpenden (Bim Afolami). The Government cannot justify anything you are saying, because you have no data to back it up. We are having to rely on data from voluntary groups and charities, which do an amazing job of crunching the numbers and looking at the intersectionality of the Government’s policies. But in order for you to make your statements, you need to have the data.

Bim Afolami: I will conclude my remarks by saying that it is important when we talk about these issues—in this House or outside—always to remember that improving the performance of the health service, the economy or
anything relating to Government policy will benefit
everybody in this country, if we make the right judgments
and the right policy.

Jim McMahon: Well, well, well. When it comes to
naivety, there is a very fine line: it can often be endearing
before it eventually becomes quite offensive. And I did
find the speech of the hon. Member for Hitchin and
Harpenden (Bim Afolami) offensive. It began in the
spirit of naivety. I could see that he was nervous at the
beginning of his contribution—quite rightly, it turned
out, towards the end—because he did not have the data
that was being presented.

The debate went on and Labour Members presented
the data, but rather than actually taking account of it,
the hon. Gentleman continued, in a very odd way, to try
to defend what most reasonable people would say is a
quite indefensible position. He was essentially saying,
“Listen—if men are doing okay, surely women will
eventually do okay too.” I am not sure whether the
solution he came up with to the shareholder conundrum
was for women to find wealthy husbands who are
shareholders, as if that might somehow lift them out of
poverty and allow them to be the beneficiaries of the
cuts in corporation tax.

Ian Mearns: We have discovered a new phenomenon:
it is called trickle-down gendernomics. It is going to be
the resolution to all the problems of poverty and the
disparity in earnings between men and women in all
our communities up and down the country—I don’t
think so.

Jim McMahon: That is a fair point.

Stella Creasy: Obviously, having had two women
Prime Ministers, that is quite enough women earning a
serious level of income—the 33 million other women in
this country do not deserve equal care and attention.
This data would help us to find out just how much
inequality there is and what we could do about it. Does
my hon. Friend agree that facts should override fiction?

Jim McMahon: I think that where the hon. Gentleman
was trying to get to—I will be generous—was that these
things are symbolic and that symbolism in politics is
quite important. However, to me, it is more symbolic
that 46% of women have to skip a meal so that their
children can eat. It is quite symbolic that women continue
to be underpaid compared with men, and it is symbolic
that the decisions the Government are taking
disproportionately affect women on low incomes—the
people who are trying to keep households together and
who are raising the next generation of young people,
who, because of this Government, will not have better
life chances than the generation that went before them.

Chris Stephens (Glasgow South West) (SNP): Will
the hon. Gentleman confirm that it is also important
that it was women politicians and women workers who
campaigned and argued for the Equal Pay Act 1970?
Will he also confirm that outstanding equal pay cases
are at an all-time high?

Jim McMahon: That is absolutely right, but let us be
honest: the Government are not in listening mode. They
do not want to take into account what could have been
constructive new clauses—new clauses 6 and 7. What
they want to do is to maintain their stubbornness and
their silence. They think that if they ignore this issue,
there is not a problem in society, when we know that
there is.

In terms of the pressures on income that many people
in our communities face, the new clauses go beyond just
gender inequality, and talk about disability and race as
well. The Prime Minister has been clear that she wants
to address the discrepancy in terms of opportunity,
income, housing and the criminal justice system with
members of the ethnic communities in this country.
However, when we look at the way the Government
have approached the Budget, the evidence just does not
support that. If we look at the public sector, for instance,
little effort is being made to widen participation in
public sector jobs to members of the ethnic minority
communities. In my constituency, a third of residents
are predominantly Pakistani and Bangladeshi, but they
are nowhere near properly reflected in the make-up of
public services. In towns such as Oldham, where industry
has, by and large, been hollowed out, the public sector is
the place where people go for decent-quality, well-paid
and, previously, quite secure employment. If people are
restricted from entering those jobs, for different reasons,
that has a material impact on their ability to lift themselves
out of poverty, to get on in life and to do well.

When the coalition Government came into power, it
was interesting that one of their very first acts of many
that devastated towns such as Oldham was to cut the
funding that went to Remploy. Remploy had a network
of factories across this country that used to support
people into supported employment. Those were not
sympathy jobs, in the way I heard people say they were
at the time; they were real jobs, and they produced
goods of quality that people wanted to buy. In Bardsley,
in my constituency, that meant a full factory employing
114 people making windows that they would sell to
industry, housing associations and the private market.

Sarah Champion: The reason we want the equality
impact assessment is not handouts; we are looking for a
level playing field so that everybody can reach their
economic potential and Government policies are not
hampering that. Does my hon. Friend agree?

Jim McMahon: That is absolutely right. This is really
odd from my point of view, because I have come from
local government. In local government, when people
are setting their annual budget, they have a legal
responsibility to make sure that these audits are carried
out and that proper consideration is given to the impact
on protected groups. The Government now seem to
believe that legislation passed in this House is good
enough for one part of the public sector but not the
other, but I am afraid that that just does not hold water.
A lot of public bodies—whether it is the NHS, local
government, a police force or anywhere else in the
public sector—will be looking at the Government and
thinking that there is a lot of hypocrisy in the laws
passed here, which the Government do not seem to
apply to themselves.

Justin Tomlinson (North Swindon) (Con): Specifically
on Remploy, yes, there were some great practices there,
but the Government made that decision because very
few were able to progress into work, and we wanted to
create more opportunities so that more people can
benefit. That is partly why we have seen an extra 600,000 disabled people find work, which is a great thing.

Jim McMahon: How dare the hon. Gentleman suggest that the 114 people working in that factory in Oldham were not in proper employment? They were producing, they were manufacturing, they were selling, and people wanted to buy the goods because they were of a high quality. It was not a handout or a giveaway. They were not sympathy cases: they were people who were working hard in a supported environment to produce something that people wanted to buy.

In some ways, this is the problem that we face. When the problem is so disconnected and not part of the everyday experience of Conservative Members, it is easy for them to ignore it. I cannot ignore it. When I go back to Oldham West and Royton, it is my community. I see the impact of cuts, of austerity, and of suppressed wages. I see the hollowing out of our employment structure. All right, people at the top are doing very well, and there are more jobs at the bottom, but the middle has been completely taken out. People talk about an economy that will support people into better employment, while 8 million adults and children are living in poverty in working households.

That is the economy we have in this country, because the routes of progression in employment simply do not exist. We are happy to be the bargain basement employment capital of Europe in this new relationship—let us be honest. Providing that the bankers and the insurance services are all right, we really do not care what it means for the rest of the economy as long as there are people working at Costa Coffee to serve the coffee in the morning. That is what the Government really believe. It is okay hon. Members shaking their heads, but where has the investment in our key industries gone? We need investment in manufacturing and engineering, creating jobs that produce things that people want to buy, pay decent wages, and support people into a lifelong career so that at the end of it they have a decent pension.

Speaking of pensions, what did the Government do in the autumn statement for the WASPI women? These women have worked and contributed all their lives, so that at the end of it they have a decent pension. Investment in manufacturing and engineering, creating jobs in the middle, while 8 million adults and children are living in poverty in working households.

Bim Afolami: The hon. Gentleman suggests that we need investment. I believe that we need an industrial strategy that holds water—that is forward thinking, ambitious, and has a framework of funding to support growth. I would welcome an industrial strategy that did that, and I think that when it started, that is what it tried to do. The problem is that something fairly dramatic has happened in the meantime, and that is Brexit. What I would have expected the Government to do in the context of the referendum result is not just to dominate Parliament’s time with the transitional and transactional relationships with Europe now and when we leave. I would have expected the Government of the day to produce a real, compelling vision of what type of Britain there is going to be when we leave the European Union. That has not taken place. The domestic legislation coming through this place is non-existent. Money is being taken out of vital public services that would be the foundation for the type of industrial strategy that is being talked about. Money is being taken away from our education and skills system, which would be the starting point for any investment strategy in our economy, particularly in manufacturing and engineering.

So would I welcome anything in the industrial strategy? I would simply welcome the principle of an industrial strategy, but it cannot be done on the cheap. We have seen—let us be honest about this; it transcends different Governments—a complete turning away from UK manufacturing and engineering, at the cost of the communities that people in this place represent. In order to replace that with a forward-thinking industrial strategy, the resources then have to follow, and we have not seen that—we have seen the opposite. Money has been taken away from our Sure Start centres and from our schools. Our colleges are chronically underfunded, with many on estates that are crumbling, struggling to keep up even with basic maintenance. Our apprenticeship system is in tatters since the introduction of the apprenticeship levy. All these things matter if we have a forward view about what type of country Britain can be.

The new clauses are important in that context because if we want to create, after Brexit, an inclusive and fair Britain that allows everybody to benefit, we have to make an honest assessment of where Britain is today. We are not in a good place. Our economy is shot. Our job market has been hollowed out, and the good, well-paid jobs in the middle have been taken away. Our housing stock is not fit for purpose and we are investing £9 billion a year into the pockets of private landlords, although we know that 40% of that stock does not even meet the decent homes standard. Those are the really important issues that Members need to think about. If they do not take proper account of what the information tells us, how on earth can we collectively make informed decisions that send us in a different direction?

4.15 pm

In this Parliament—people keep saying that it is the mother of all Parliaments, and surely because of that we ought to set the bar higher—Members passing through the voting Lobbies ought to be informed. We ought to know absolutely everything about what we are voting on. Let us be honest, on Brexit, the Government are deliberately depriving us key information that is critical to the country’s future—whether it is the sectoral analysis, or information about a range of other issues—and would inform our votes in this House. We are being denied quite an important foundation of our democracy.
Stella Creasy: My hon. Friend is making a powerful case. Whether Members on either side of the House agree with the policies, having good data to enable us to understand their impact helps us to make or dispute an argument. I am struggling to understand why any MP would be against having the facts about the impact of policy, which is all that the new clauses will do. If we had that information, Government Members could confidently tell us what great proposals they are making to improve the country’s prosperity, rather than using anecdotes—or two women.

Jim McMahon: I believe it comes down to priorities. If the Government were determined to do something about this, having the evidence base would be of great benefit to them. They do not want to do anything about it, so the evidence base is a hindrance because the Opposition can use it to attack the Government about the fact that progress just is not being made. That is the real reason why the Government are not making progress, and why they are determined not to support the new clauses. It would be far better for the country if the Government were to step up, to be honest and to recognise that the country has some really ingrained challenges that we need to face. Understanding the scale of the challenge from day one is important in making sure that we get into a better position.

My challenge is this: why not? If the Government believe that they are doing the right thing, and that by virtue of their second female Prime Minister they are the party of gender equality and the champions of all that is equal, now is the time to prove it. Members have two choices: they can go through one or other of the voting Lobbies. Perhaps they have a third choice, which is to stay away completely. They can get behind the new clauses and support our request for the data set, which will inform decisions; they can shirk responsibility entirely and stay away from both voting Lobbies; or they can see when considering a Finance Bill, and I have tabled a few in my time. I want to speak in favour of the new clause 6 because it happens to have come from the Opposition. I would say that that is not putting the interests of the country first.

Kirsty Blackman (Aberdeen North) (SNP): I would like to start by correcting an omission that I made yesterday. I should have said that our thoughts are with the Chairman of Ways and Means and his family at this time. It sounds like a really horrendous thing for a family to go through, particularly at Christmas time.

I thank the shadow Minister, the hon. Member for Brent Central (Dawn Butler), not just for tabling new clause 6, but for the way in which she engaged with us in advance of the debate. I appreciate the time that she took to speak to us about the new clause so that we could discuss how it looked. I think it is absolutely brilliant: it is one of the best new clauses that we have seen when considering a Finance Bill, and I have tabled a few in my time. I want to speak in favour of the new clause and state our support for it.

I will start by covering why we need the new clause. Although there has been a bit of discussion, we have not talked about what it means in its widest sense. Subsection (2) talks about “the impact of those provisions on households at different levels of income”, as well as on protected characteristics, the public sector equality duty and “equality in different parts of the UK and different regions of England.”

A lot of the debate today has focused on women, which is completely reasonable, but the new clause captures several other things that could have been more fully discussed.

Why do we need an assessment of the impact on various groups, particularly those mentioned in new clause 6? We need it because people in the protected groups or at the lower end of the income spectrum have been disproportionately hit by the actions of this UK Government, as can be seen in a number of ways. It can be seen in the fact that we have young people in jobs on zero-hours contracts. We have those jobs, and the Government say it is wonderful to have so many people in employment, but despite that, we are not seeing an increase in household disposable income because people are not receiving the wages they should receive for such employment. They are in precarious jobs and they are not receiving enough money; and the benefits freeze has been a major added factor. It means that people are earning even less, because the benefits freeze has hit them doubly.

The Government have caused another issue by reducing disability payments. The UN has said that the UK has not done enough to ensure that the UN convention on the rights of persons with disabilities is being met, and no Government in any developed country or nation should seek to be in such a position. We have not had a proper assessment of the impact on disabled people of the changes that this UK Government have made.

The UK Government have also not taken seriously their responsibility to young people in society. We have a living wage that people cannot live on: it is not calculated as something that people can live on; it is a pretendy living wage put forward by the Government. It is not applicable to people younger than 25. Therefore, we have a living wage that people cannot actually live on, but the Government somehow think that the labour of people under 25 is worth less than that of those over 25, even though they may be in exactly the same job and should therefore be earning the same amount.

As has been pretty widely covered, the Budget and successive policies of this UK Government have a disproportionate impact on single parents, the majority of whom are women. We see a disproportionate number of them coming through the doors at our surgeries. Do you know what, Mr Owen? It is absolutely and totally ridiculous that we are seeing a rise in rickets in this country. We are seeing people who cannot afford to eat or to give their children nutritious food because of the decisions of this UK Government.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Does my hon. Friend agree it is a scandal that many children will be getting food and presents this Christmas only through the actions of food banks and charities, such as Moray Firth Radio’s Cash for Kids in my constituency? That should not be allowed to happen. With universal credit, this is happening far too often across the nations of the UK.

Kirsty Blackman: I absolutely agree. This year—in 2017—my office has referred 35 people to food banks, and we have gone to the food bank on five occasions on
behalf of constituents who have come through the door and told us that they have not eaten for a number of days. This is supposed to be a country that cares for people who are just about managing, but it is failing them. The people who go to food banks nowadays are working. They are not earning enough money from their jobs to feed their families, so they are having to go to food banks.

We have seen this Government attack people who have protected characteristics, but we have not seen any impact assessments because the Government do not want to admit what they are doing. We have seen attacks on the WASPI women, who, despite having worked all their lives, are being asked to wait even longer for their pensions. We have seen changes with the rape clause and the two-child policy, meaning that women should not have more than two children and, if they conceive as a result of rape, they must write that down on a form and say so explicitly. Why should they have to relive that just to please this Government? We have seen increasing household debt—that has been raised as an issue by the Bank of England—and decreasing household savings. We have seen young women unable to go to school because they cannot afford tampons and towels to provide themselves with a basic level of human dignity.

Another change that has not been talked about hugely in this place is the attack on a group of people with protected characteristics. A massive and increasing number of people come to my surgery because they have no recourse to public funds. It is a particular issue with those fleeing domestic violence, the majority of whom are women. The UK Government have determined that they should have access to public funds for only six weeks if they are from outside the EEA, and not at all if they are from inside the EEA. If they have been living on a joint income with their partner and are fleeing domestic violence, they have no protection from the UK Government because they are giving them no recourse to public funds. That is an attack on a group of people with protected characteristics, and we should no longer tolerate that.

The hon. Members for Oldham West and Royton (Jim McMahon) and for Brent Central (Dawn Butler) mentioned what local authorities have to do in relation to impact assessments. I was a local councillor for eight years before being elected to this place. When we produced budgetary measures, or anything we were going to do in the city that would have an impact on communities, we had to produce an impact assessment specifying how it would affect people with those protected characteristics. If a local authority making decisions for the third largest city in Scotland has to do that, why are the UK Government making decisions that affect every man, woman and child across these islands without producing an impact assessment? Is it because they are ashamed of what they are doing and unwilling to be honest with the people?

In Scotland we are looking at having a progressive taxation system. We are lifting the pay freeze and next year we will be the fairest taxed part of the United Kingdom. [Interruption.] The hon. Member for Beverley and Holderness (Graham Stuart) says that we will be the highest taxed part. Some 70% of taxpayers in Scotland will pay no more tax next year than they do this year. Only the highest earners will be paying moderately more. [Interruption.] No one earning less than £33,000 next year will pay any more income tax than they would in England.

Chris Stephens: Is it not a bit rich for some Government Members to try to shout down my hon. Friend, complaining about people on high incomes paying a bit more tax but saying nothing about disabled individuals losing £30 a week in benefits?

Kirsty Blackman: Absolutely. If Government Members cared about what they were doing to disabled people, they would produce the impact assessments that are being requested today, and they would be honest about the changes they have made and how the heaviest impact has been on the most vulnerable in society.

There are folk who have been left behind by this Government. There are folk who have been failed by the safety net. Those are the people we see—I am sure that Government Members see them, too—walking into our surgeries on a regular basis. They say, “I have worked hard all my life, but I still cannot afford to feed myself and my family.” People who have worked every day for years now find that their state pension is being pushed back as a result of this Government’s policies. People find themselves homeless because they have made one or perhaps two bad decisions in their lifetime, which is far fewer than those of us who have bought a safety net and have support structures in place are able to make.

We need a culture change. The conversations we have had in this Chamber are along the same lines as those that have been had in the context of the #metoo hashtag. Women have come forward with #metoo to say that they have been sexually harassed, sexually assaulted or even raped, and people have replied, “We don’t believe you.” “It can’t be that bad,” or “You’re trying to make a big thing of this.” What the SNP and the Opposition are trying to do in this debate is to highlight the fact that these disadvantaged groups are being actively disadvantaged by the UK Government’s policies. We are asking the UK Government to produce the impact assessments, because if they deny that that is the case, they should not be scared of producing them.

4.30 pm

Mel Stride: This Government are committed to equality. That is not to say that no further steps need to be taken—a situation that pertains perhaps to every Government who have ever been in office—but we have a strong record on equality. More women are in work than at any time in our history, at 70.8%. Last year, over 60% of growth in employment was through women joining the workforce. We have the lowest gender pay gap for full-time employment on record and we have taken action to ensure that companies with 250 employees or more will, from next year, be required to publish details of their gender pay gaps.

For those who are disabled, we are spending more than £50 billion a year on benefits for disabled people and those with health conditions. In the Budget, the Chancellor announced an extra £42 billion for the disabled facilities grant to encourage and assist those with disabilities into the world of work.
For ethnic minorities, when our Prime Minister assumed office last year, one of her first actions was to announce an audit into the differing impacts on ethnic minorities in terms of their use of public services. The report was published in October and will inform our policy going forward.

In the Budget, we increased the national living wage by 4.4% from April, which will disproportionately assist ethnic minority people. We are committed right across Whitehall to ensuring an increase in the uptake of apprenticeships and employment within our police forces and our armed services for ethnic minorities.

David Linden (Glasgow East) (SNP): I am grateful to the Minister for giving way, but I am afraid he has to stop talking absolute guff when it comes to the national living wage. The Government continue to talk about a national living wage, but that is in fact a con trick because it does not apply to under-25s.

Mel Stride: It applies to a large number of people and there is the national minimum wage as well. My point is that the 4.4% increase in April will be well above inflation, and will disproportionately assist women and those from ethnic minority communities.

Stella Creasy: I thank the Minister for giving way and I am listening to the case he is making. If he is so confident that the Government’s policies promote equality, why is he against having an independent Office for Budget Responsibility equality impact assessment to tell us all the good news?

Mel Stride: I ask the hon. Lady to be a little bit patient, because I am coming to those very points shortly.

On assessments, we are required, under the Equality Act 2010, to take due regard of protected characteristics, but it is not just for that reason that we do so. It is not just for that reason that I and my fellow Ministers took those issues into account at every stage; it is because we believe it is the right thing to do and we wish to do so.

To come to the hon. Lady’s intervention, a number of reports are already out there. We have heard about tax information and impact notes. I do not think the Opposition should dismiss them. They did not mention the distributional analysis the Treasury provides and publishes at the time of the Budget, or the public expenditure statistical analysis, which looks at how expenditure affects different protected characteristics and runs to hundreds of pages in length. What the Opposition are calling for is fundamentally impractical. That is the heart of the matter and the answer to the hon. Lady’s question. Such analyses almost invariably focus on the static situation. They focus on the effect of tax and income changes on individuals without considering the behavioural changes they induce and the implications of changes in the wider economy, such as the level of employment. They are selective and tend to avoid focusing on those who benefit from public services or are affected by taxation. For example, the provision of childcare, social care and health services is normally exempt from such analyses.

The final point, which has been raised already and which the hon. Member for Walthamstow (Stella Creasy) indeed recognised, is that where an individual’s income changes, that individual will almost invariably live within a household with other individuals. She said that the personal allowance increase for taxation disproportionately benefited men, but of course men often live in households with women, and income is distributed across the household. The same is true, of course, where a woman benefits and brings income into a household in which men are also present.

Stella Creasy: It is extraordinary that the Minister does not understand the concept of doing both individual and household analyses, or indeed behavioural alongside static analyses. There are many different ways the Government could be doing equality impact assessments. The problem is that they are not doing any.

Mel Stride: The hon. Lady is right; there are many ways it can be done, and the Government are indeed doing it in many ways. She need not only look to me for the observations I have made; the IFS has recognised my very point about household income. We will, however, continue to look at how we provide information and assess policies, and we will work with the ONS, as the Chancellor set out in the recent Budget.

In conclusion, the Government have a vision for a society that is equal, not in terms of levelling people down, but in terms of giving people the opportunity to go up. In yesterday’s debate on the Bill, the Labour party chose to vote against a measure to encourage young people to get a foot on the housing ladder. That is not acceptable, and that is an example of what we will do to promote equality of wealth and opportunity at every turn. I urge the Committee to reject new clauses 6 and 7.

Dawn Butler: The Minister referred to distributional analyses. The distributional analysis carried out by the IFS, the non-gendered and gendered analyses of the Women’s Budget Group, and others, such as those carried out using the Euromod tax-benefit model for EU countries, all share the same characteristic: they are static. The exact same method is adopted by the Treasury itself when it assesses the distributional impact of Budget measures in Budget and IFS documents. If the Treasury does not like other people using the model, perhaps it should not use it itself. The Government cannot criticise others for using the same method as them to analyse their own Budget.

The Minister said several times that the Government believed in equality, but their actions fail to carry that through. They say one thing and do another, and they are exacerbating inequality in our society. [Interruption.] The Chancellor says from a sedentary position, “Unlike the Labour party.” The Labour party is more competent than this Government have ever been in ensuring that this country is more equal. All the equalities legislation has come from a Labour Government—[Interruption.] Productivity, growth, all the equalities legislation has come under a Labour Government, not a Conservative Government. In fact, every time the Conservatives enter government, everything starts to go down. Food banks were not part of the Department for Work and Pensions scheme when Labour was in government. Period poverty was not part of everyday life for young women when Labour was in government.

I say to the Minister, “If you in any way believe in equality, you should not lead your merry men into the No Lobby. You should lead them into the Aye Lobby, and vote with us.”
Question put. That the clause be read a Second time.

The Committee divided: Ayes 273, Noes 309.

Division No. 77] [4.40 pm

AYES

Abbott, rh Ms Diane 
Abrahams, Debbie 
Alexander, Heidi 
Ali, Rushanara 
Allin-Khan, Dr Rosena 
Amesbury, Mike 
Antoniacci, Tonya 
Ashworth, Jonathan 
Bailey, Mr Adrian 
Barron, rh Sir Kevin 
Beckett, rh Margaret 
Benn, rh Hilary 
Betts, Mr Clive 
Blackford, rh Ian 
Blackman, Kirsty 
Blomfield, Paul 
Brabin, Tracy 
Bradshaw, rh Mr Ben 
Brake, rh Tom 
Brennan, Kevin 
Brock, Deidre 
Brown, Alan 
Brown, Lyn 
Brown, rh Mr Nicholas 
Bryant, Chris 
Buck, Ms Karen 
Burden, Richard 
Burgon, Richard 
Butler, Dawn 
Byrne, rh Liam 
Cable, rh Sir Vince 
Cadderby, Ruth 
Cameron, Dr Lisa 
Campbell, rh Mr Alan 
Campbell, Mr Ronnie 
Carden, Dan 
Champion, Sarah 
Chapman, Douglas 
Charalambous, Bambos 
Cherry, Joanna 
Clwyd, rh Ann 
Coaker, Vernon 
Coffey, Ann 
Cooper, Julie 
Cooper, Rosie 
Cooper, rh Yvette 
Corbyn, rh Jeremy 
Cowan, Ronnie 
Coyle, Neil 
Crausby, Sir David 
Creagh, Mary 
Cresay, Stella 
Cruddas, Jon 
Cryer, John 
Cummins, Judith 
Cunningham, Alex 
Cunningham, Mr Jim 
Dakin, Nic 
Davey, rh Sir Edward 
David, Wayne 
Davies, Geraint 
De Cordova, Marsha 
De Piero, Gloria 
Dee, Mr Coed, Emma 
Dhesi, rh Manmanjeet Singh 
 Docherty-Hughes, Martin 

Jarvis, Dan 
Johnson, Diana 
Jones, Gerald 
Jones, Graham P. 
Jones, Mr Kevan 
Jones, Sarah 
Jones, Susan Elan 
Kane, Mike 
Kendall, Liz 
Khan, Azfar 
Kilien, Ged 
Kinnock, Stephen 
Kyle, Peter 
Laird, Lesley 
Lake, Ben 
Lammy, rh Mr David 
Lavery, Ian 
Law, Chris 
Lee, Ms Karen 
Leslie, Mr Chris 
Lewell-Buck, Mrs Emma 
Lewis, Clive 
Lindon, David 
Lloyd, Stephen 
Lloyd, Tony 
Long Bailey, Rebecca 
Lucas, Caroline 
Lucas, Ian C. 
Lynch, Holly 
MacNeill, Angus Brendan 
Madders, Justin 
Mahmood, Mr Khalid 
Mahmood, Shabana 
Malhotra, Seema 
Mann, John 
Marsden, Gordon 
Martin, Sandy 
Maskell, Rachael 
Matheson, Christian 
McCabe, Steve 
McCarthy, Kerry 
McDonagh, Siobhain 
McDonald, Andy 
McDonald, Stuart C. 
McDonnell, rh John 
McPadden, rh Mr Pat 
McGovern, Alan 
McKinnell, Catherine 
McMahon, Jim 
McMorris, Anna 
Mearns, Ian 
Monaghan, Carol 
Moon, Mrs Madeleine 
Moran, Layla 
Morden, Jessica 
Morgan, Stephen 
Morris, Grahame 
Murray, Ian 
Nandy, Lisa 
Newlands, Gavin 
Norris, Alex 
O’Harra, Brendan 
Onasanya, Fiona 
Onn, Melanie 
Onurwah, Chi 
Osamor, Kate 
Peacock, Stephanie 
Pearce, Teresa 
Pennycook, Matthew 
Perrins, Toby 
Phillips, Jess 
Phillipson, Bridget 
Piddock, Laura 
Platt, Jo 
Pollard, Luke 
Pound, Stephen 
Powell, Lucy 
Rashid, Faisal 
Rayner, Angela 
Reed, Mr Steve 
Rees, Christina 
Reeves, Ellie 
Reeves, Rachel 
Reynolds, Jonathan 
Rimmer, Ms Marie 
Rodd, Matt 
Rowley, Danielle 
Ruane, Chris 
Russell-Howe, Lloyd 
Ryan, rh Joan 
Saville Roberts, Liz 
Shah, Naz 
Sharma, Mr Virendra 
Sheerman, Mr Barry 
Sheppard, Tommy 
Sherriff, Paula 
Shuker, Mr Gavin 
Skinner, rh Dennis 
Slaughter, Andy 
Smeth, Ruth 
Smith, Angela 
Smith, Cat 
Smith, Eleanor 
Smith, Jeff 
Smith, Laura 
Smith, Owen 
Smyth, Karin 
Snell, Gareth 
Spellar, rh John 
Starmer, rh Keir 
Stephens, Chris 
Stevens, Jo 
Stone, Jamie 
Streeting, Wes 
Sweeney, rh Mr Paul 
Swinson, Jo 
Tami, Mark 
Thelwell, Alison 
Thomas-Symonds, Nick 
Thornberry, rh Emily 
Timms, rh Stephen 
Trickett, Jon 
Twigg, Derek 
Twigg, Stephen 
Twist, Liz 
Umunna, Chuka 
Vaz, Valerie 
Walker, Thelma 
Watson, Tom 
West, Catherine 
Western, Matt 
Whitehead, Dr Alan 
Whitfield, Martin 
Whitford, Dr Philippa 
Williams, Hywel 
Williams, Dr Paul 
Williamson, Chris 
Wilson, Phil 
Wishart, Pete 
Yasin, Mohammad 
Zeichner, Daniel

Tellers for the Ayes: 
Thangham Debnabone and 
Nick Smith
reducing the tax gap.

Bill in tackling artificial tax avoidance and tax evasion, and in reducing the tax gap, a review under this section must consider—

(a) the effects of the provisions in reducing levels of artificial tax avoidance,
(b) the effects of the provisions in combating tax evasion, and
(c) estimates of the role of the provisions of this Act in reducing the tax gap in each tax year from 2018 to 2022."

This new clause requires the Chancellor of the Exchequer to carry out and publish a review of the effectiveness of the provisions of this Act in tackling artificial tax avoidance and tax evasion, and in reducing the tax gap, within six months of it entering into effect.

Kelvin Hopkins (Luton North) (Ind): I congratulate my hon. Friend on the first part of her speech. Some three or four years ago, the distinguished tax expert Richard Murphy estimated the total tax gap at £119 billion a year. To my knowledge, that figure has never been seriously challenged or debunked, and it may now even be higher. Does my hon. Friend accept that if the Government were serious about dealing with this matter, they could pay off the deficit and have plenty more to spend on public services?

Anneliese Dodds: I am grateful to my hon. Friend. The calculations made by economists and accountants, such as Mr Murphy, reflect the cost to our Exchequer of international profit shifting, which the Government’s estimate of the tax gap does not.

Mr Jim Cunningham: Does my hon. Friend agree that low wages mask inefficiency? One of the big problems with the economy is that we have 4 million or 5 million people in that category, which encourages less efficiency, not improvements.

Anneliese Dodds: I agree with my hon. Friend. In fact, a problem that underlines our productivity gap is the worryingly low levels of private investment in our economy, which is reducing efficiency and places Britain outside the sphere of many comparable nations on investment. Sadly, the Government did not grasp that problem in the Budget.

The Opposition are calling for a review in the absence of the ability to call for more wide-ranging changes to the Bill given the Government’s unwillingness to table a general amendment to the law motion as part of this Finance Bill. That is unfortunate given the lack of new measures in the Bill, the limitations of the measures that are included, and the fact that much of the Bill represents a cleaning-up of previously announced but ill-thought-through measures. I will deal with each of those matters in turn.

It is, to say the least, regrettable that Members from across this House are unable to introduce new measures to the Bill. Labour’s tax transparency and enforcement programme sets out several areas where the Government should be taking action to tighten up our leaky ship, but we see no such ambition from the current Administration. Again, there is an unwillingness to engage with those who do have the energy and expertise to promote new measures.

When it has been possible for Members to amend Finance Bills, they have often done so to good effect. So it was that my right hon. Friend the Member for Don Valley (Caroline Flint) amended what became the Finance Act 2016, giving the Government the power to introduce public country-by-country reporting and requiring multinational firms to indicate their profits, staff and tax paid in the different jurisdictions in which they operate.
The measure is already in practice in the banking and extractive industries, where it has effectively promoted tax transparency and has offered a lot of evidence and information that has been very helpful to investors in those fields, but Members on both sides of the House who are keen to see the Government use the powers already available under the 2016 Act to make country-by-country reporting public, and who believe the Government should be playing a leadership role in this area, are sadly emasculated by the Government’s unwillingness to allow colleagues to table proper amendments to this Bill.

5 pm

In this case, the Government are flying in the face of public opinion, with more than three quarters of the public reportedly stating that multinational firms with a significant presence in the UK should report publicly, by country, on the size of their profits and on the tax they pay.

The same frustrations about the inability to amend the Bill apply to the Government’s limited willingness to promote transparency on beneficial ownership. By excluding Companies House from the coverage of anti-money laundering regulations, there is little to no oversight of the more than 600,000 companies formed every year in the UK, many of which then seem to sink without trace. There is little point in creating a register of beneficial ownership if no due diligence is exercised to ensure that the information is accurate.

Additionally, I can reveal today that the Government are yet again behind the curve of other European nations in continuing to fail to subject trusts to coverage in registers of beneficial ownership. Of course, as we know, David Cameron himself intervened personally to prevent the European Council from agreeing to the measure back in April 2016, but the Council’s negotiators recently appeared to have overcome those objections.

I can reveal that, as of Friday afternoon, there is no agreement at European level to include business-like trusts on registers of beneficial ownership, so I hope the Minister will inform us today of whether and when he will act to include business-like trusts on the British register of beneficial ownership, or whether our Government will continue to act as a drag on international co-operation in this area.

If colleagues had the power to amend this Bill, I imagine they would also want to promote measures to stem the haemorrhage of Her Majesty’s Revenue and Customs staff, as ably argued for in this House by my hon. Friend the Members for Coventry South (Mr Cunningham), for Stockton South (Dr Williams) and for Coatbridge, Chryston and Bellshill (Hugh Gaffney), and by Members for many other constituencies affected by the cuts to HMRC. They are concerned that their constituencies face the prospect of losing thousands of skilled jobs to HMRC restructuring, which is reducing HMRC’s resources at the very time the demands being placed on it are heavier than ever before, not least due to the additional burden of post-Brexit arrangements for customs and for taxing highly mobile profits.

I find it astonishing that we still have no indication from the Government of how they will deal with the competition challenge that small and medium-sized companies will face once the UK leaves the EU and its competition-regulating powers. Just this week, the European Commission announced that it is to investigate the tax affairs of Ikea under state aid regulations, which are intended to prevent multinational companies from making use of tax arrangements that are not available to small and medium-sized companies, yet it is unclear whether our Government intend merely to increase the number of their sweetheart tax rulings on multinationals after Brexit, or whether they intend to adopt a more muscular, effective approach to tackling profit shifting and, if the latter, how they will co-ordinate that with other countries.

The initial signs are worrying. Only last week, Conservative Members of the European Parliament abstained on a crucial vote on the European Parliament’s investigative report on the Panama papers. Appallingly, we have still not heard whether our Government will back those whistleblowers and investigative journalists who allowed the world to see what was hidden in the Paradise papers.

Will the Minister inform us today of whose side this Government are on—those who promoted the public interest in revealing how some are profiting from mismatches and secrecy in the international tax system, or those who profit from such obfuscatory arrangements?

Anneliese Dodds: I absolutely agree with my hon. Friend on that. There is a particular onus on the Government to be steadfast and clear in their rejection of those legal challenges and the problems they potentially pose to our democracy. Of course it is just the BBC and The Guardian that have been threatened with legal action, not any of the other 90 or so media outlets based in other countries. It is UK-based firms and media organisations that have been threatened with that action, so I hope the Minister will make clear to us today whether or not he agrees with Appleby’s threat of legal action against those who revealed the details of the Paradise papers in the public interest.

Many of the measures in the Bill intended to prevent aggressive tax avoidance and evasion do not go far enough. I have already referred in this House to clause 21, which seems to adopt a confusing new approach to measuring profit shifting, rather than aiming to reduce it per se. Yet again, there sadly appears to be deafening silence here concerning the need for tax simplification, with only minor measures that do not meet the required standard of a thoroughgoing, holistic assessment of the overall impacts of tax reliefs, which we desperately need in this country if we are to have proper Government accounting.

Finally, we see in the Bill a number of additional measures that seem intended mainly just to clean up previous mistakes by this Government, many of them following criticism from Labour Members. In clause 35 and schedule 10, for example, we find anti-avoidance provisions in relation to payments and benefits made from offshore trusts, no doubt reflecting the concerns we raised about the potential misuse of offshore trusts by non-doms. Let us be clear, before this issue crops up yet again in this debate: this Government have not abolished long-term, non-dom status. The new measures
do not apply to those whose parents are non-doms, as is often the case, and a 15-year window is provided for individuals to get their affairs in order. In another example, clause 28 closes the loophole introduced by the coalition Government in 2011 that allowed foreign companies to hold on to an asset-stripped subsidiary for six years until they were then able to claim loss relief in excess of any genuine economic loss to the group. Again, the measure tidies up a problem that was created previously by those involved with this Administration.

To conclude, this Finance Bill was a chance for strong action against aggressive tax avoidance and evasion, but, sadly, we have here a paltry Bill, which some Conservative Members have praised in some of these debates for being thin. It is not thin because it is concise; it is thin because, sadly, just like this Government, it is lacking in ideas and ambition. We need a change now, more than ever.

Alex Chalk (Cheltenham) (Con): I welcome this Finance Bill, because it does three things so far as taxation is concerned: first, it prioritises increasing the total pot for public services while recognising the common-sense proposition that we must live within our means; secondly, it entrenches and enhances the fundamentally progressive nature of the tax system; and, thirdly, it redoubles our country’s efforts to tackle tax evasion and aggressive tax avoidance. The theme that unites those three strands is a relentless focus on discharging our obligation to the next generation: on ensuring that we are laying the foundations for a better, fairer country; one whose best years are yet to come. In doing so, we are observing our solemn duty to those who will come after us. We must not fail them, not just because history will condemn us if we do not, but because we ought to be able in this House to recognise that moral obligation for ourselves.

On tax avoidance and evasion, there has rightly been a sense that multinational corporations have been seeking to game the taxation system, using their market power to their financial advantage. That sticks in my craw, the craw of my constituents and the craw of Members across this House, because when we talk about the rule of law, that is about ensuring that we are all equal before not only the criminal law, but taxation law. Few things are more corrosive to public confidence in the enterprise economy than the sense that large corporations are wriggling out of their responsibilities to society—these responsibilities provide free healthcare and education, as well as a safe and secure environment to operate in. So I welcome the fact that the tax gap in our country has been driven down significantly, from 8% to 6%. That translates into an additional £12.5 billion per annum, which is more than the entire Ministry of Justice budget and far more than the entire annual spend on the prison system. We have the lowest tax gap in the world.

Lloyd Russell-Moyle: Does the hon. Gentleman recognise that that 6% does not take into account profit shifting? It comes from HMRC effectively marking its own homework and patting itself on the back.

Alex Chalk: Absolutely not. It is an internationally recognised statistic that shows that this country bears comparison with any other developed nation in the world, and it marks a significant improvement on the situation that prevailed under the previous Labour Government. The fact is that more than £160 billion extra has been received since 2010. To put that into context, it is more than the entire annual NHS budget.

We have addressed egregious loopholes that allowed some foreign nationals not to pay capital gains tax when they sold houses in the UK. That allowed people to live in the UK permanently but claim non-dom status; and it allowed people to avoid paying tax by calling their salary from their own company a loan. Those were abuses and we have closed them down. It is important to note that the UK has spearheaded a groundbreaking initiative to share information on beneficial ownership with more than 50 jurisdictions, including every British overseas territory and Crown dependency with a financial centre.

Lloyd Russell-Moyle: Will the hon. Gentleman give way?

Alex Chalk: No, because I am going to conclude.

All that I have described shows the UK’s commitment to transparency and that we are at the cutting edge of financial propriety.

It is absolutely right that the Government take further action to raise £4.8 billion by 2022-23. First, we are tackling online VAT evasion by making online marketplaces jointly liable for their sellers’ unpaid VAT; secondly, we are investing an additional £150 million to fund HMRC staff and the latest technology; and thirdly, we are tackling further disguised remuneration schemes, because if people are gaming the system, we should call it out.

In short, the Bill bears down on aggressive tax avoidance and evasion. It sends out the clear message that we in this country believe in innovation, modernisation, investment and employment. We will back businesses that unlock human potential and generate jobs and wages, but we expect businesses to play by the rules, honour their dues to society and respect the next generation. The Bill meets those priorities and lays the foundations for a country that is fit for the future.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my hon. Friend agree that above all else, this is about persistent, detailed work over time to close the loopholes and deal with the tax gap? It is not about making a speech and pretending we can spend all the money that is being lost; it is a question of grinding away over time and getting the tax gap down from 8% to 6% and so on.

Alex Chalk: As always, my right hon. and learned Friend hits the nail on the head. There is no substitute for hard, detailed work. Ultimately, it is a game of cat and mouse, because those who seek to avoid tax will be ever more inventive. It requires detailed work to ensure that the loopholes are closed, and the Government are absolutely committed to that task. The Bill shows that and I am happy to support it.

Kelvin Hopkins: I shall speak briefly. I congratulate my hon. Friend the Member for Oxford East (Anneliese Dodds) on her excellent Front-Bench speech.

Early in his speech, the hon. Member for Cheltenham (Alex Chalk) talked about morality. There is morality in paying tax: we cannot have a civilised society without
people paying tax to pay for public services and income being redistributed from those who have more than they need to those who have less than they need.

The crisis in 2008 and the problem of tax avoidance and evasion, overseas tax havens and so on, all arose as a result of Geoffrey Howe’s disastrous decision in 1979 to abolish exchange controls immediately. That led to the crisis and the massive flows of money across national boundaries around the world, causing all sorts of problems. Even the then Governor of the Bank of England, Mervyn King, suggested to the Treasury Committee at the time of the 2008 crisis that if things got really bad, we might have had to reintroduce exchange controls. I am not suggesting that I will be able to persuade the Government to do that at this stage, but in time we are going to have to look at how we manage the vast flows of money across national boundaries around the world. It is the bankers who are the crooks—not the good bankers who look after our ordinary accounts, but those who gamble with money and often worthless bits of paper on the foreign exchanges.

The hon. Member for Cheltenham talked about morality. Millions of ordinary people in this country do have a very moral sense. Many of them, including me—I am very well paid compared with ordinary people—say that they would pay a bit more tax if they could guarantee that the money went to the health service and to people who are less well off than themselves. At the same time, the mega rich, the corporates and the bankers are resisting any kind of constraint on their activities. I see where the morality lies: it lies with decent ordinary people, not with bankers. We must constrain those bankers somehow and have serious measures that will actually have the effect of stopping the tax avoidance and tax evasion that has bedevilled our society for so long.

5.15 pm

I support my hon. Friend the Member for Oxford East. This Bill is weak; it needs to be much stronger. I look to a Labour Government in the very near future to introduce serious measures to deal with tax avoidance and tax evasion.

**Kirsty Blackman:** The discussion that we had earlier today and that we are having now in relation to tax avoidance really goes to the heart of the question: what kind of country do the Government want to be in charge of. It was clear from the earlier debate that the Government do not want to be in charge of a country that is open and upfront about tax changes and the impacts that they will have. They also have issues with tax avoidance and evasion and with the choices that they make. Their choices are very much not the ones that Scottish National party Members would make, nor indeed, I think, ones that Labour would make.

On the issue of the tax gap in particular, the UK Government took the decision that it was more important to have immigration officers who were concerned with ensuring that the “wrong sort of people” did not get into the country than it was to have customs officers. We have ended up in a situation where there are very few customs inspections, which is a major contributor to our tax gap. We are talking about tax avoidance and tax evasion and about going forward into a situation in which we will need to make many more customs checks, when the UK Government have got rid of most of the people who know what they are talking about in relation to customs. We have a major problem that needs to be solved if we are to fix those issues.

A Transparency International report mentioned 766 UK companies that had avoided tax. A quarter of those companies are still active in the United Kingdom. The UK Government do not seem to have taken any action to ensure that they cannot dodge tax in the way that they have. Among the actions that we have been talking about is protection for whistleblowers. We continue to call for whistleblowers to be better protected. It is really important for people to feel that they can come forward safely and that they can uncover major problems that exist at the heart of some organisations that operate within this country, and at the heart of some schemes that operate within these islands. If the UK Government produced stronger guidance and stronger protection for whistleblowers, it would allow and encourage more people to come forward.

On the issues around the general anti-avoidance rule and the complexity of the tax code, we have been consistent in our criticism of how complex the tax code is. Someone posted a picture recently of the new version of the UK tax code that had just appeared: the thing was almost as tall as me. An absolutely huge number of bits of paper are required to make up the tax code. Is it any wonder that there are unintended loopholes that people can exploit? If the tax code was much simpler, if there were fewer tax reliefs and if the UK Government chose instead to give money to people rather than a tax relief, it would make things slightly better.

**Bill Grant (Ayr, Carrick and Cumnock) (Con):** The hon. Lady suggested that there is a confusion in the tax codes. It is only in recent days that the Scottish SNP Government have introduced a raft of new bands for tax and indeed increased tax. I find that anomaly quite strange.

**Kirsty Blackman:** It is not actually a raft of new tax bands. As far as I know, it is one more band in the tax system with slightly different numbers for the pennies. But that is only in relation to income tax. Some 70% of people will pay less tax and 55% will pay less tax than they would in England. Does the hon. Gentleman believe, therefore, that the English system is taxing people unfairly compared to the Scottish system?

**Mel Stride:** I thank the hon. Lady for indulging me. She says that 70% of Scottish taxpayers will pay less tax, but will she accept the fact that that is largely due to the changes made by the UK Government in raising the personal allowance?

**Kirsty Blackman:** The Scottish Government’s new starter rate of 19%, rather than 20%, for the first £2,000 that people earn is really positive. It is an incredibly progressive taxation measure, and it is something that the UK Government cannot claim; it is something that the Scottish Government are doing.

**Martin Docherty-Hughes (West Dunbartonshire) (SNP):** If Conservative Members wish to debate the progressive taxation system introduced by the Scottish Government, maybe they should stand for the Scottish Parliament.
Kirsty Blackman: I thank my hon. Friend for his comments. I do, however, want to say one more thing on the Scottish tax system, so I hope he will indulge me.

The Scottish tax system is progressive. It is making a difference by ensuring that people who earn under £24,000 pay less tax. That is a positive measure and a good way forward. If members of the UK Government have concerns about the Scottish Parliament’s choices on tax, perhaps it would be better for them to support an increase in the block grant. They could also tell us whether they would cut the money that is going to be made up from the Scottish Government’s tax changes from education, local authorities or the health service.

I will bring the Committee back to tax avoidance. I am sorry, Sir Roger, for testing your patience slightly. The Scottish National party has been consistent in its criticism of Scottish limited partnerships. My former colleague, Roger Mullin, was like a dog with a bone; he would not let go of this matter. That was to his credit because the UK Government decided to make changes to the SLP regime as they recognised that it is massively used for tax avoidance and dodging. There was a review of SLPs, but we are yet to see changes as a result. Will the Minister let us know at least the timeline for making those changes in order to ensure that SLPs are no longer used as a tax-dodging mechanism? This is an important change that really needs to be made, preferably sooner rather than later.

Talking about the UK Government not working as they should regarding tax avoidance and evasion, the Panama papers and the Paradise papers have both been published in my time as an MP. It is very clear that the tax system—not just the global tax system, but even the system in the UK—is failing. It is allowing people and organisations to dodge tax. It is all well and good to talk about overseas trusts. In fact, this frustrates me a lot. We cannot see the United Kingdom turn into a low-tax, deregulated tax haven. If the UK Government decide to make changes such as rural churches in order to fix their roofs. It is not the case that they are used by organisations like that; they are used by people who are trying to dodge tax. We need the hardest possible line on that.

We cannot see the United Kingdom turn into a low-tax, deregulated tax haven. If the UK Government are deciding what kind of country they want the United Kingdom to be, they should not choose one that involves deregulation. With Brexit, they have the opportunity to put their stamp on the future, but I am incredibly concerned about the way that it will go. In bringing back control, some of the reins that have perhaps been put on the UK Government will be taken off and they will be free, for example, to take away the working time directive, and to make changes to our world-class social security system, fair society and good business practices. That is incredibly concerning.

We have called before, and we will not stop calling, for powers to deal with tax avoidance and evasion to be devolved to the Scottish Parliament. We believe that we would do a better job because we could not really do a worse one. We would put forward a fair and moral tax system and a general anti-avoidance rule in order to discourage people from dodging tax, and we would ensure that our tax gap was way smaller than the UK Government’s.

Mel Stride: This Government are committed to bearing down on tax avoidance, evasion and non-compliance like no other Government in history. While I have enormous respect for the hon. Member for Oxford East (Anneliese Dodds), the shadow Minister, and I respect the spirited nature of her attack on our record, I am afraid she is misguided.

We have a strong record. We have brought in and protected £160 billion of potentially avoided tax since 2010 as a result of over 100 measures that we have brought in. We have, as we have heard in the debate, one of the lowest tax gaps in the entire world, at just 6%. Contrary to some of the suggestions from those on the Labour Benches, that is a robust and firm figure; it is described by the IMF as one of the most robust in the world. It is, indeed, produced by HMRC, but it is produced to strict guidelines set out by the Office for National Statistics.

Kelvin Hopkins: The Minister mentioned HMRC. One of the things the Government have done over many years now is to squeeze HMRC, which has fewer offices and not enough staff. Does he not accept that every single additional tax officer collects many times their own salary? If the Government were serious about tax collection, they would expand HMRC substantially.

Mel Stride: The hon. Gentleman may know that, in the last Budget, £155 million was set aside to be invested in HMRC, for exactly the activity that he has described. That is expected to bring in £4.8 billion through a further reduction in tax avoidance over the forecast period.

The other point I would make to the hon. Gentleman is that HMRC’s effectiveness is not all about having lots of regional offices staffed with tax inspectors. Tax is collected today using sophisticated intelligence-led and data-led techniques. We need to invest in that if we are to continue to achieve the outstanding results we are achieving at the moment.

We have borne down with penalties for developers and enablers of tax avoidance schemes. On the international side, our country has been in the vanguard of the base erosion and profit shifting project. We now have over 100 countries involved in common reporting standards, so HMRC can access information in real time to bear down on non-compliance in those jurisdictions. We have introduced new measures in this Budget in relation to clamping down on the abuse of overseas trusts. Since 2010, we have brought in £2.8 billion in additional revenues as a consequence of clamping down on the activities of UK residents hiding their wealth inappropriately in overseas trusts.

We have, of course, seen the Government that abolished permanent non-dom status. I have to disagree, I am afraid, with the hon. Member for Oxford East, who suggested that if someone’s parents were non-domiciled, that in some way suggests that that person would not be subject to the rules we have brought in. That is simply not the case. If someone has been resident for 15 of the previous 20 years, they will be deemed domiciled, irrespective of who their parents happen to be.

New clause 8 suggests we should have yet another assessment. We have heard consistently in all the debates we have had on the Floor of the House on this Bill about having more and more assessments, but I would say to Opposition Members that we already have a robust figure for the tax gap. As I have said, it has been described by the IMF as one of the most robust in the
world, and we certainly do not need even more information out there to prove just how successful this Government have been in bearing down on avoidance, evasion and non-compliance.

However, as a consequence of this Bill, we will go even further than we have to date. Clause 38 relates to online VAT fraud, and we will make online platforms jointly and severally liable where VAT avoidance occurs, extending that approach from overseas sellers to domestic sellers, and ensuring that they are responsible for supplying accurate and appropriate VAT information on their sites. That will raise £1 billion by 2023.

Clauses 11 and 12 will complete our work on disguised remuneration, and bearing down on that will have brought in £3.6 billion by 2019, when we will be closing down on those schemes.

Clause 42 ensures that where there is illegal landfill activity, we apply the tax that would have been in place had those activities been legal, bringing in a further £145 million. There are also the changes brought in by clauses 20 and 21 to address avoidance involving intellectual property within companies.

This Government have a record that is second to none when it comes to clamping down on avoidance, evasion and non-compliance. Labour had 13 years in which to implement such measures, and did very little. In fact, the tax gap under the previous Labour Government was such that if we had it today, we would be over £12 billion short every single year—enough to fund every policeman and woman in England and Wales. We will continue to bear down, as appropriate and with vigour, on tax evasion and avoidance to ensure a fair and civilised society where those who are due to pay their fair share do so, to support our public services.

Anneliese Dodds: It is a pleasure to serve under your chairmanship, Sir Roger.

First, let me respond to the Minister’s comments. I said before that it feels a little like groundhog day, although that is in February rather than at Christmas time. While I have a huge amount of respect for the Minister, and I am very grateful for his gracious comments, I suggest that in a moment he may be in the position of nipped by the groundhog on groundhog day. I fear that he will now change their tune. He also did not enlighten us on his opinion of the legal action that is being taken against a British newspaper and the British Broadcasting Corporation because of their revealing the reality of international tax planning by some actors who are giving others in that area a terrible name. I regret that he did not respond to my direct questions on those matters.

I would like to respond briefly to comments made by other Members. The hon. Member for Cheltenham (Alex Chalk), when asked about whether HMRC’s figure on the tax gap included international profit shifting, refused to respond, sadly. I want to respond to the point about whether the Finance Bill protects governmental revenue. I do not want to go over the debates that we had yesterday and the many comments made by Labour Members, but I regret that in their new approach to the bank levy—reducing its rate and scope, and imposing an inadequate surcharge—the Government have decided voluntarily to reduce by a third the funds that come from the banking sector. Conservative Members can broadcast as much as they like about the additional tax that has arisen because of the banks’ profitability, but that is a natural consequence of the British economy’s return to profitability after the financial crisis. In practice, the Finance Bill does not act up to those goals in any sense.

My hon. Friend the Member for Luton North (Kelvin Hopkins) has campaigned on tax transparency for many years, and he made several prescient points. The hon. Member for Aberdeen North (Kirsty Blackman) referred to the personnel challenges being experienced by HMRC. They are of enormous concern, as she said, in the context of Brexit, as a result of which we may have more customs challenges. There has been a substantial reduction in HMRC’s headcount of, I believe, around a fifth since 2010. I take on board the points that the Minister made about having the right capabilities and the right technical facility. However, when I look back at the Home Affairs Committee’s discussion of whether HMRC would be ready with the new CHIEF system and have the capability to deliver it, I am filled, I am sad to say, with concern rather than confidence.

At this point, I will finish my remarks by commending to the Committee our new clause, which asks for a review of the provisions and whether they genuinely tackle tax dodging.
The Committee divided: Ayes 271, Noes 311.

Division No. 78 [5.36 pm]

**AYES**

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amessbury, Mike
Antoniassi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Coaker, Vron
Coffey, Ann
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crausby, Sir David
Creasy, Stella
Craddes, Jon
Cryer, John
Cumnins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Annelee
Doughty, Stephen
Dowd, Peter

Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elford, Clive
Elliot, Julie
Elliott, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrell, Paul
Farron, Tim
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendy, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hobhouse, Wera
Hodgson, rh Dame Margaret
Hodgson, Mrs Sharon
Hoey, Kate
Hollem, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan

Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Khan, Afsal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmod, Mr Khalid
Mahmod, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Slobhain
McDonald, Andrew
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mearns, Ian
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Picock, Laura

Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smee, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smyth, Karin
Snell, Gareth
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes: Thangam Debbonaire and Nick Smith
Prevention and Suppression of Terrorism

5.51 pm

The Minister for Security (Mr Ben Wallace): I beg to move,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2017, which was laid before this House on 18 December, be approved.

The threat level in the United Kingdom, which is set by the joint terrorism analysis centre, remains at severe. This means that a terrorist attack on our country is highly likely and could occur without warning. We can never entirely eliminate the threat from terrorism, but we are determined to do all we can to minimise the threat to the United Kingdom and our interests abroad, as well as to disrupt those who would engage in it. Recognising that terrorism is a global threat that is best tackled in partnership, it is also important that we demonstrate our support for other members of the international community in their efforts to tackle terrorism wherever it occurs.

Proscription is an important part of the Government’s strategy to disrupt the activities of terrorist groups and those who provide support to them. The order would add four groups to the list of proscribed organisations by amending schedule 2 of the Terrorism Act 2000: al-Ashtar Brigades, including its aliases Saraya al-Ashtar, Wa’ad Allah Brigades, Islamic Allah Brigades, Imam al-Mahdi Brigades and al-Haydariyah Brigades; al-Mukhtar Brigades, including Saraya al-Mukhtar; Hasam, including Harakat Sawa’d Misr and Harakat Hasm; and Liwa al-Thawra. This is the 22nd proscription order under the 2000 Act.

The proscriptions send a strong message that terrorist activity is not tolerated wherever it happens. Under section 3 of the Act, the Home Secretary has the power to proscribe an organisation if she believes it is concerned in terrorism. If the statutory test is met, the Home Secretary may then exercise her discretion to proscribe the organisation. The Home Secretary takes into account a number of factors in considering whether to exercise that discretion. These include: the nature and scale of an organisation’s activities; and the need to support other members of the international community in tackling terrorism.

The effect of proscription is that a listed organisation is outlawed and unable to operate in the United Kingdom. It is a criminal offence for a person to belong to, invite or provide support for, or arrange a meeting in support of, a proscribed organisation. It is also an offence to wear clothing or carry articles in public, such as flags that arouse reasonable suspicion that an individual is a member or a supporter of a proscribed organisation.

Proscription sends a strong message to deter fundraising and recruitment for proscribed organisations. The assets of a proscribed organisation can become subject to seizure as terrorist assets. Proscription can also support other disruptions of terrorist activity, including for example the use of immigration powers such as exclusion from the UK where the individual is linked to a proscribed organisation and their presence in the United Kingdom would not be in the public interest. Given its wide-ranging impact, the Home Secretary only exercises her powers to proscribe after thoroughly reviewing the available evidence of an organisation. This includes information from both open sources and sensitive intelligence, as well as advice that reflects consultation across Government,
including with the intelligence and law enforcement agencies. The cross-Government proscription review group supports the Home Secretary in this decision-making process. The Home Secretary’s decision to proscribe is taken only after great care and consideration of each case, but given the impact the power can have, it is appropriate that proscription must be approved by both Houses. Having carefully considered all the evidence, the Home Secretary believes that al-Ashtar Brigades, al-Mukhtar Brigades, Hasam and Liwa al-Thawra are currently concerned in terrorism.

Although I am unable to comment on specific intelligence, I can provide a summary of each group’s activities in turn. The first group the order proscribes is al-Ashtar Brigades and its aliases. It is a Bahrain-based Shia militant organisation established in 2013. Its aim is to overthrow the Bahraini Khalifa ruling family through violent militant operations. It lists the ruling al-Khalifa family, Bahraini security forces and Saudi Arabia as targets for attacks. The group has claimed responsibility for numerous attacks in Bahrain, including a jail break of 10 convicted terrorists that led to the death of a police officer in January 2017; an improvised explosive device attack in a bus station in Sitrah, which was claimed by the group under the name Wa’ad Allah Brigades in February; and an attack on a police vehicle near the village of al-Qadeem in July. More generally, the group has incited violent activity against the Bahraini Government, as well as the British, American and Saudi Arabian Governments on social media.

The second group the order proscribes is al-Mukhtar Brigades, also known as Saraya al-Mukhtar, a Bahrain-based Shia militant organisation established in 2013. It lists the al-Khalifa ruling family, Bahraini security forces and Saudi Arabia as targets for attacks. The group’s activities include the continued promotion and glorification of terrorism via social media throughout 2017.

The third group to be proscribed is Hasam and its aliases. Hasam is an extremist group targeting Egyptian security forces and the overthrow of the Egyptian Government. It announced its creation on 16 July 2016, following an attack conducted in Fayoum Governorate in Egypt. In September 2016, the group claimed responsibility for the attempted assassination of Assistant Prosecutor General Zakaria Abdel-Aziz and the attempted assassination of former Grand Mufti of Egypt Ali Gomaa a month earlier. The group has claimed responsibility for over 15 attacks between March and September this year in Cairo. It carried out small arms fire attacks in March, May and July, and bomb attacks in March, June and September, the latter exploding close to the Myanmar embassy in Cairo.

The final group to be proscribed is Liwa al-Thawra, another extremist opposition group using violent tactics against Egyptian security forces and aiming at the end of the Egyptian Government. It announced its creation on 21 August 2016, following an attack in Monofeya. The group has claimed responsibility for attacks, including bombings and assassinations, including the attack in Monofeya in Egypt, the assassination of Egyptian Brigadier General Adel Regali in October 2016, and in April 2017 the bombing of the Egyptian police training centre in Tanta, Egypt.

In addition to adding these groups, we propose to remove Hezb-e Islami Gulbuddin from the list of proscribed organisations. The HIG—for short—is an offshoot of the political Hezb-e Islami party and was formed in 1977 in response to the Soviet invasion of Afghanistan. You must forgive me, Madam Deputy Speaker, for my mix of Arabic and Lancashire—it does not make for the best dialect of Arabic or Pashtun, but we will get there. The HIG—I will go easy on people’s ears—is anti-western and seeks the creation of a fundamentalist Islamic state in Afghanistan. Since 2001, its main objective has been the removal of western forces and influence in Afghanistan as well as restoring Islamic law.

The HIG has been proscribed in the UK since October 2005. However, on 22 September 2016, the group agreed to a peace deal with Afghanistan’s Government. After careful consideration, the Home Secretary has concluded that there is not sufficient evidence to support a reasonable belief that the HIG continues to be concerned in terrorism as defined by section 3(5) of the Terrorism Act 2000. Under that section, the Home Secretary has the power to remove an organisation from the list of proscribed organisations if she believes that it no longer meets the statutory test for proscription. Accordingly the Home Secretary has brought forward this order. If the order is approved, HIG will be removed from the list of proscribed organisations, which means that being a member of HIG, or inviting or providing support for it, will cease to be a criminal offence on the day that the order comes into force.

Mike Gapes (Ilford South) (Lab/Co-op): I broadly support the Minister’s proposals, but how can we be sure that adding organisations to the list in any way makes our authorities effective in combating them, given that in the last few months terrorist organisations have been parading openly with their flags—in Arabic—in the centre of London, and prosecutions have not occurred?

Mr Wallace: Proscription opens up a whole new level of offences for which people can be prosecuted. Proscribing an organisation allows asset-freezing and prosecution, but other offences can be linked to such activity. The hon. Gentleman is right to point out that it is often hard to prove membership—very few of these organisations have membership cards and joining ceremonies—but the order gives our law enforcement agencies more powers with which to prosecute a campaign against them.

The hon. Gentleman also mentioned flags, no doubt referring to Hezbollah and Hamas. Those organisations are not proscribed in their entirety. Their military wings are proscribed, but as Hezbollah forms part of the Government in Lebanon and Hamas plays an active role in its part of the region as a member of a Government, the proscription applies only to the military wing. In some cases the flags are identical, but that does not mean that if people participate in Hezbollah-supporting actions here that constitute terrorism or anything linked to it, our police and law enforcement agencies will not act. We have acted in respect of Hezbollah and Hamas in the past, either to disrupt activity or to bring prosecutions.

We do not condone any terrorist activity, and we always take a cautious approach to de-proscription. De-proscription of a particular group should not be interpreted as the UK Government’s condoning any previous activities of that group. We have always been clear about the fact that HIG was a terrorist organisation. Groups that do not meet the threshold for proscription remain within the law, and are not free to spread
hatred, fund terrorist activity or incite violence as they please. The police have comprehensive powers to take action against individuals who engage in such activity, under the criminal law. We are determined to detect and disrupt all terrorist threat, whether home-grown or international. Proscription is just one weapon in the considerable armoury that is at the disposal of the Government, the police and the security services to disrupt terrorist activity.

The Government continue to exercise the proscription power in a proportionate manner, in accordance with the law. We recognise that proscription potentially interferes with individuals’ rights, particularly those protected by article 10—freedom of expression—and article 11—freedom of association—of the European convention on human rights, and should be exercised only when absolutely necessary. The order demonstrates that when proscription is no longer necessary, we are prepared to act to de-proscribe groups that are no longer “concerned in terrorism”.

I believe that it is right to add these four groups—al-Ashtar Brigades, al-Mukhtar Brigades, Hasam and Liwa al-Thawra Brigade—and their aliases to the list of the proscribed organisations in schedule 2 of the Act, and, equally, that it is proportionate to remove HIG from the list. Subject to the agreement of both Houses, the order will come into force on Friday 22 December.

6.3 pm

Nick Thomas-Symonds (Torfaen) (Lab): I am grateful to the Minister for his remarks. I also ask him to pass on our thanks to the Home Secretary for the letter that she sent yesterday to my right hon. Friend the Member for Ilford South (Mike Gapes): proscription is of course only one of the measures available, and our ability to tackle terrorism, at whatever level and wherever it comes from, depends on proper resourcing of not only counter-terrorist policing but mainstream policing. When these terrible major incidents happen, it is not only counter-terror policing that is affected; resources are inevitably drawn in from mainstream policing as well. In addition, I commend neighbourhood policing, which not only provides reassurance in our communities, but can provide vital local intelligence in the fight against terrorism.

Thirdly, as we move on to the next stage of the Brexit negotiations, I hope that the Minister will speak to the Secretary of State for Exiting the European Union about the toolkit available to us from the European arrest warrant and Europol to ensure that this is a high priority in this stage of the negotiations to enable us to tackle terrorism across the continent.

On the decision to de-proscribe HIG, as the Minister has set out, de-proscription is appropriate in some cases. Where it is appropriate, it should be promptly dealt with when the statutory test is no longer met. Again, however, I commend to the Minister as much transparency as possible on this decision. As recently as June of this year, a House of Commons Library briefing stated that HIG was believed to have some UK-based supporters, and there were indications that HIG had conducted attacks on Afghan and indeed western targets. Clarification of when the application to de-proscribe was made, when the statutory test ceased to be met and that this situation will be kept under review would be reassuring to Members across the House.

Above all, our counter-terror policy needs to be carefully thought out. Above everything else, it needs to be effective. The incidents this year at Westminster bridge, London bridge, Finsbury Park, Parson’s Green and the Ariana Grande concert in Manchester are a reminder of the terrible threat these callous acts cause to our society, but they also show the tremendous efforts of our emergency services, and the resolve and strength our communities have shown in the face of these threats should give us cause for great optimism.

6.8 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I am grateful to the Minister for setting out the background to the order and I am pleased to confirm that my party supports approving it this evening.

Our task in scrutinising draft instruments of this nature is not always straightforward, for the simple reason that the Secretary of State has access to information and intelligence that we as MPs for very good reasons cannot have access to. However, given what the Minister has said this evening, there is no reason for me to doubt that the Secretary of State has exercised her discretion appropriately in deciding to proscribe two groups in Bahrain and two in Egypt; nor, indeed, to doubt her conclusion on de-proscription, given the developments in Afghanistan, although the shadow Minister raised a couple of sensible questions on that issue.

I want to make two short points. First, this de-proscription again raises the question of why proscription orders never lapse, despite recommendations from the former independent reviewer of terrorism and the Home Affairs Committee, and despite the fact that the Home Office itself has acknowledged that at least 14 proscribed organisations no longer meet the statutory test.
Secondly, I accept that, when deciding whether to exercise powers under the Terrorism Act 2000, it is right for the Secretary of State to take into account the need to support other members of the international community in tackling terrorism, but we have to look at the broader context in those countries as well. I echo the statement issued by the US State Department in June, when it too was taking action against individuals associated with the al-Ashtar Brigades in Bahrain. The statement said of the Government of Bahrain that “we encourage the government to clearly differentiate its response to violent militia groups from its engagement with peaceful political opposition”.

There are no excuses for the grave human rights abuses being perpetrated by the Governments in both Bahrain and Egypt. If anything, those human rights abuses risk assisting the recruiters for the very terrorist organisations that we are seeking to clamp down on.

6.10 pm

Mr Charles Walker (Broxbourne) (Con): I thank the Minister for Security for his speech. It is much appreciated by my constituents that he and his team are working so hard to ensure their safety. This is an incredibly difficult challenge, because the threat keeps changing and it is always difficult for our security forces to identify the threat at each stage of its development. However, they are doing a fantastic job. It is important for the Minister to know that, when talking to our constituents, we all come across people who understand the enormity of the task that our security forces face and who respect the diligence with which they go about their business.

We face an incredibly difficult challenge. I look around the Chamber and see all my colleagues on electronic devices. We were talking yesterday about how electronic devices can spread hate and division. I know it is difficult for my right hon. Friend to be in everybody’s pocket, if that makes sense. It is difficult to have a police officer in everyone’s pocket, keeping an eye on what they are doing through social media, but these are the challenges that this country faces.

Stephen Kerr (Stirling) (Con): I support the points that my hon. Friend is making. At this time of year, when we are all preparing for the Christmas and New Year holidays, this statement is a great reminder to us all that there are, thankfully, men and women in our security services who are diligent and ceaseless in their surveillance and assessment of risk, to the point that this kind of measure can be brought to the House.

Mr Walker: My hon. Friend makes an excellent point. The people who work in our security forces do not get a day, an hour or even a minute off. They are constantly vigilant. I imagine that, even when they are not on duty, they take home their concerns and their enormous sense of responsibility to society. We should congratulate them and respect them for that.

We talked about the responsibility of the tech companies yesterday, we are talking about it today, and will probably go on talking about it tomorrow. They simply cannot say, “It’s nothing to do with us, guv”. We just provide the platform. That is no longer a sufficient excuse. Politicians around the world—particularly the free western world—are now identifying the fact that, if the tech companies are not willing to address the problem or to challenge those who use their technology for nefarious and dangerous purposes, we as legislators are going to have to do that for them.

6.14 pm

Jim Shannon (Strangford) (DUP): I thank the Minister for his statement and particularly congratulate him on his Arabic pronunciation. If he had my Ulster Scots accent, the challenge would perhaps have been greater, but that is by the way.

I am pleased with and can support the legislation the Minister is bringing forward today and the information that he has laid before us. He mentioned social media, as did other Members, including the hon. Member for Broxbourne (Mr Walker), and we perhaps need a bit more information on that. We all know that there are methods of recruiting terrorists, influencing terrorists, and influencing people who are not terrorists but who could be terrorists, so what resources are available to ensure that the influence that some people can have through social media is spent? I read in the press yesterday that a far-right group had been removed by one of the big social media companies, so if they are able to do that with far-right groups, they should be able to do that with all terrorist groups. I am unsure whether cyber-security comes under the Minister’s remit, but we have to ensure that things are being done the right way. The Minister did not indicate where far-right groups stand, so perhaps he will confirm whether the Government are keeping an eye on their activities and on what they are doing and saying online, of which we should be ever mindful.

I want to reinforce a point made by the hon. Member for Ilford South (Mike Gapes), who is not currently in the Chamber to hear this. I went before the Backbench Business Committee today with the hon. Member for Liverpool, Riverside (Mrs Ellman) and the right hon. Member for Enfield North (Joan Ryan) to ask for a debate on the proscription of Hezbollah, and reference was made to the flags of proscribed organisations that were flown in central London. When that matter was referred to the police, they said that they could not take action due to some disparity over the rule of law. Many of us will be of the opinion that Hezbollah should be on the list and that the flying of its flag anywhere in this country, but particularly in London, should not be allowed, because Hezbollah sows a distinct hatred for Israel, for Israelis and for many others.

The Minister also referred to the Muslim Brotherhood. I am ever mindful that we have a good working relationship with President el-Sisi and the Egyptian Government, and my right hon. Friend the Member for Lagan Valley (Sir Jeffrey M. Donaldson) is the Prime Minister’s trade envoy to Egypt. He does good work, and we are pleased to see him in that position. From what the Minister says, I understand that we work closely alongside the Egyptian Government on matters relating to proscription, but will he reinforce our understanding of the Muslim Brotherhood?

Stephen Kerr: I am listening with great interest to the hon. Gentleman’s comments, particularly those relating to the paraphernalia of extremism, which is all too often on public display. Will he add to his comments about social media? Social media platforms seem to
wash their hands of full responsibility for the things that are published, but that washing of hands would not be appropriate for any other publication or source of publishing. What would the hon. Gentleman like to see done?

Jim Shannon: I thank the hon. Gentleman. I want to see what has happened to the far-right groups. I want groups that espouse evil words and terrorist acts to be taken off social media. That is the action that we want, and I think the Minister is probably saying that, so we look forward to it.

Returning to the Muslim Brotherhood, it continues to be a difficult group that tends to try to undermine the Egyptian Government and President el-Sisi, and I want to make sure that we are doing everything that we can to ensure that democratic stability in the middle east can continue.

Wendy Morton (Aldridge-Brownhills) (Con): When we think about terrorism and counter-terrorism, it is easy to think in terms of world politics beyond our local communities. Does the hon. Gentleman agree that the events of the past year show the importance of the work of our security services in keeping all our constituents safe? Also, will he join me in welcoming the Government’s recent announcement of extra funding for counter-terrorism?

Jim Shannon: Of course I welcome that announcement. I support our Government entirely in what they are doing. We would never do otherwise.

John Spellar (Warley) (Lab): I thank the hon. Gentleman—who, from his service with me on the Select Committee on Defence, I refer to as my hon. Friend—for giving way. Does he share my concern that there is a degree of complacency regarding the Muslim Brotherhood? Some organisations see the Muslim Brotherhood as running counter to terrorism, rather than, as in many cases, facilitators and inspirers of terrorism.

Jim Shannon: That is exactly the point I am trying to make to the Minister. We are very concerned about the influence of the Muslim Brotherhood, and we all look to the Minister and our Government to respond in a satisfactory fashion.

To return to the point made by the hon. Member for Aldridge-Brownhills (Wendy Morton), I put on record our thanks to all our security forces, our police, MI5 and every one of the emergency services that have contributed so much over the past year. Both inside and outside the House, we owe them an eternal debt.

6.21 pm

Rachel Maclean (Redditch) (Con): I also congratulate my right hon. Friend the Minister on his speech and on his work, a lot of which is completely unseen by our constituents.

My constituents in Redditch want to feel safe and secure at all times. We often see the high-profile plots—when those plots go tragically to plan, we all see the evil that is done on our streets—and we sometimes hear of the plots that are foiled, but I imagine most of us in this House will not know of the many, many more plots that are continually foiled and of the work that goes on all the time.

Stephen Kerr: My hon. Friend mentions the occasions when the intelligence services have foiled the plotters and their dastardly plans. Will she comment on the importance of co-operation with the intelligence services of our friends and partners in Europe, in North America and around the world, and on the important part that passing intelligence between those agencies plays in making the picture more complete so that action can be taken to prevent loss of life in such incidents?

Mr Kevan Jones (North Durham) (Lab): The hon. Lady should look at the detail of today’s announcement. No extra Government funding has been announced at all. What is happening is that the cash from central Government is being kept flat and her local taxpayers will be asked to fund the gap.

Rachel Maclean: I thank the hon. Gentleman for his intervention and I will return to the subject of my remarks, Madam Deputy Speaker.

I also want to put on record the importance of education in our schools. We have heard Members from both sides of the House mention the work our schools do in talking to young people about terrorism and the sorts of extremist threats we are seeing in our communities. At this time, it is also important to recognise the work of my local communities in Redditch. I am sure everyone will have seen the way in which local communities come together proactively when we are facing some of the most tragic events in our country. I saw that myself in Redditch in an all-faith service and celebration at my local mosque, where it was so inspiring to see everybody coming together in the face of these threats.
Wendy Morton: Does my hon. Friend agree that in the face of terrorism it is often so important that we, as communities and as a nation, demonstrate our coming together and our strength as a nation in our fight against terrorism and all that it holds?

Rachel Maclean: I thank my hon. Friend for that intervention. She rightly celebrates that human spirit that is inside all of us. Sometimes it can take a tragic, awful, terrifying event to see the best of our human spirit shine forth. When I see that, I find it incredibly inspiring, and we should celebrate and recognise it.

It is also relevant to mention, as my hon. Friend the Member for Broxbourne (Mr Walker) did, yesterday’s statement, when we looked at the role of intimidation and abuse, and the link it can sometimes have to extremism when it is taken too far. It is important that we recognise that in the round of the work that the Minister is doing in his Department to combat terrorism in all the forms it takes. I am sure he is looking at the role social media companies play. It is absolutely right that they play a role; we face a holistic threat, so we need a holistic response. One problem with the social media companies is that their business model is completely wrong, because they rely on the clickbait they put out on their platforms to whip up hatred. That is how they make their money; they actually receive revenue from clicks. They do not have any regard to what they are disseminating into the public’s mind. It can spread into schools and communities, among young people. We should all be aware of that.

The work the Home Secretary and her Department is doing needs to look at all these issues together. The tech companies have a really important role to play and I am pleased to see that the Government are taking further action here.

As the hon. Member for Strangford (Jim Shannon) said, we have to look at far-right groups. We have to look at all groups that pose a threat to our communities and our society. We have seen disgusting examples of this recently, so I am delighted to hear that the Government are looking at all the threats together and I congratulate the Minister on today’s statement.

6.28 pm

Stephen Kerr (Stirling) (Con): I rise to add a few words of appreciation to the Minister for bringing this measure to the House and to compliment Members on how it has been received. I wish to pay a specific tribute to a number of different groups that are making our country safe. Mention has been made of our security services. It was said that the submariners represented the silent service, but in fact we have a modern-day silent service: those who are carefully and studiously monitoring what is going on, both online and all around us. So I pay tribute to our security services, and I do so on behalf of my constituents, who are the beneficiaries of their service, which, as has been mentioned, is a 365-day-a-year operation, day and night. That professionalism is what is keeping us safe. I join others in paying tribute to the security services—MI5 and MI6 were specifically mentioned, but many other branches of the security services are working together. It is because of their good work and the levels of co-operation between the national agencies not only of this country and our immediate allies but around the world that this order is possible.

I pay tribute to the work that is done locally to prepare for the eventualities that we all dread, fear and hope will never happen. Since becoming the Member of Parliament for Stirling, I have had the opportunity to spend time with the Police Scotland officers in my constituency. I have been hugely impressed with their professionalism and how they carefully and diligently prepare themselves for any eventuality. It is humbling to listen to what they are doing day in, day out in anticipation of an event that we all dread. As it expands the range of services it offers, under excellent national and local leadership, the fire and rescue service in Scotland is also being prepared and trained to respond to the type of incidents that, as Members have reminded us, have taken place in our country this year. Those events have deeply shocked and shaken us.

The third group of people who deserve to be mentioned in the context of the resilience and resolution the country has shown is the British public. The perfect answer to all the events of this year and to the ever-present threat that the Minister mentioned in his speech is that when these events happen, or when it is reported that they have been averted, the British public’s response is to just get up and carry on. That is the full measure of the spirit of the people of these islands and it has been demonstrated and exemplified time and again.

Several agencies are doing excellent work to continue to raise public awareness of the threat of terrorism. As a regular user of the national rail network, I wish to mention a successful awareness-raising campaign mounted by British Transport police called “See It, Say It, Sorted.”, which is intended to activate and engage the British public in their role as the eyes and ears of the security forces on the ground, both locally and nationally.

I welcome the evidence of the intelligence services’ continuous assessment of the environment in which we all live and operate. We should remember the bravery and courage of those who this year have shown again the British people’s resilience, especially in response to the events we sadly witnessed that took place very close to the Chamber, before my time in Parliament.

Wendy Morton: My hon. Friend is making a great case and setting out the important contribution that so many people make to keep us safe. Does he also recognise the volunteers who make up local neighbourhood watch groups—I am sure you have some in your constituency, Madam Deputy Speaker—because although they may not be at the forefront of counter-terrorism work, they are still part of the effort to gather intelligence and keep abreast of what is going on?

Stephen Kerr: I am grateful for my hon. Friend’s intervention, because it is a reminder of the point that I wish to make and enforce. When it comes to counter-terrorism, intelligence gathering and the sharing of information, we have an important part to play as individual citizens. My hon. Friend has just described the great tradition of our doing that in this country.

John Spellar: The overwhelming evidence from senior counter-terrorism officers is that much of the useful information they gather comes from ordinary beat police officers who are involved in their local communities. Is it not therefore deplorable that the Government have cut funding to the Metropolitan police in particular and are thereby denuding that capability?
Stephen Kerr: I am a Scottish Member of Parliament, but I understand that matters relating to the budgets of the Metropolitan police may be decided by the Mayor of London, just as similar such budgets in Scotland are decided by the Scottish Government. I do not want to introduce any controversy to the things that I am trying to say, because this is not necessarily a moment for any kind of party posturing.

Kevin Foster: Does my hon. Friend agree that this is about not just funding, but the powers that the police have and the regulatory system that has been set up? All too often we have seen opposition to some of those powers by the Labour party, even though we might get some welcome consensus on these powers in relation to proscribed groups.

Stephen Kerr rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I strongly urge the hon. Member for Stirling (Stephen Kerr) to return to the motion before us.

Stephen Kerr: Thank you, Madam Deputy Speaker. I would like to conclude my remarks if I may by referring back to the comments of the hon. Member for Strangford (Jim Shannon) when he responded to my intervention about social media. I feel very strongly that the time has come for social media companies, with all their resources, to do something more than they have been doing in this area. For too long, too much has gone on to those platforms without appropriate intervention. I feel very strongly that they are things that we would not permit to be published in mainstream, traditional, and old-fashioned material. Why on earth would we turn a blind eye to it when it is on Facebook, Twitter, YouTube or whatever? There are other social platforms as well. The Minister’s statement has brought home again the importance of dealing with that issue. I know that the Government are dealing with it and that they are stepping up their discussions with these social media companies. I appreciate that much is improving and changing, but, again, I am reminded today that perhaps for too long we have been guilty of that traditional British virtue of being too tolerant about some things for which, really, there must be zero tolerance.

6.37 pm

Mr Wallace: With the leave of the House, I will reply to the points made by hon. and right hon. Members. I will, if I may, reflect on the tributes that have been made by my hon. Friends the Members for Stirling (Stephen Kerr) and for Broxbourne (Mr Walker) and by other Members of the House to the people who are working, as we speak, to keep us safe.

This morning, in Sheffield and in other parts of the north of England, there were a number of raids in which the police and security services disrupted what potentially was the 10th plot to cause us harm by some pretty determined terrorists, and they will keep going. The results of that raid will mean that investigators and detectives will have to work throughout Christmas and new year. In offices up and down the country, there will be people on duty—I am talking about the emergency services, the police, and intelligence officers. Even a Minister will be on duty at Christmas and new year as well. These people carry out their job unseen, often in some of the harshest conditions. They often have to deal with the aftermath for the rest of their lives, especially if they are first responders, ambulance personnel or police who are on the scene when an attack happens.

Over the past year, I have spent a lot of time in Manchester, meeting some quite remarkable people who were present when the bomb went off and throughout the process. They have never stopped trying to bring justice and comfort to the victims. At the same time, they have to live with the things they saw on that day. Those people not only demand but deserve our respect and support.

The Home Secretary and I strongly believe that al-Ashtar Brigades, al-Mukhtar Brigades, Hamas and Liwa al-Thawra should be added and that HIG should be removed from the list of proscribed organisations in schedule 2 of the Terrorism Act 2000.

In answer to some of the points raised by Members on the Opposition Front Bench, the request for de-proscription of HIG was on 19 September 2017. I cannot comment on who made that request, but there was an application and we responded to it.

I totally agree with the point made by the hon. Member for Torfaen (Nick Thomas-Symonds) about the comments made by the former reviewer of terrorism legislation. For the rule of law and this law itself to be valid, we have to show that we change when the evidence changes. People may be particularly distasteful but when they move into violence or terrorism, we must act. We must also be in a position to help our friends and allies around the world who are sometimes the victims of terrorist organisations, and ensure that their concerns are heard.

Hon. Members have mentioned Hezbollah, Hamas, the Muslim Brotherhood and other groups. Groups such as those are constantly under review to see whether they engage in terrorism. If they do—for example, if the non-military wing is viewed as not separate—we will review the situation, use the law and take the required steps. Proscription works: 51 people have been charged with membership of proscribed groups and 32 have been convicted. There are currently 71 proscribed international groups and 14 Northern Ireland groups. The law enforcement agencies often tell us how useful proscription is, and we will always listen to any changes they request. Indeed, we would also listen if they felt that the regime did not work. I am sure that Opposition Front Benchers would do exactly the same. Proscription is a tool for us to stay within the rule of law.

Over the past few weeks and months, we have heard a lot about dealing with terrorism. The big thing that we have heard on the difference between us and terrorists is that we believe in the rule of law with the oversight of this House. We make sure that we are better than them. Measures such as proscription are very important in forcing the Government, quite rightly, to mark out why they think something should be proscribed, and in holding those groups to account. But when the evidence changes, we change with it.

Hon. Members mentioned Brexit. As we have said and will continue to say, we seek tools similar to the European arrest warrant, which we find incredibly useful. It helps us and our law enforcement agencies. The Home Office and the Department for Exiting the European Union published a security paper that made many of those points clear.
The hon. Member for North Durham (Mr Jones) said that there are no new resources for the police. I am sorry to correct him, but today we announced £71 million more money for counter-terrorism policing. That is new money, on top of the £24 million increase we gave the police in response to the attacks and the £144 million armed uplift that we gave them post-Nice to ensure that our armed police are well-equipped to deal with threats.

Mr Kevan Jones: Yes, I recognise that—

The Lord Commissioner of Her Majesty’s Treasury (Andrew Griffiths): But you were wrong.

Mr Jones: From a sedentary position on the Treasury Bench, the hon. Gentleman says that I was wrong, but I was not. In Durham and other places, the flat budget for police funding from central Government will have to be made up by local taxpayers. Taking into account the pay increase and inflation, that will amount to a real-terms cut.

Mr Wallace: I heard the hon. Gentleman during the statement earlier. The question I could ask about the police funding settlement is: will police have more to spend on policing in their force areas after the statement earlier. The question I could ask about the police funding settlement is: will police have more to spend on policing in their force areas after the statement today. The answer is yes. We can argue about whether this is from the core grant plus the precept, but the reality is that the police will be spending more on policing in the next year than they were last year. That is a fact.

Mr Jones: Will the Minister give way?

Mr Wallace: I will, but this is about proscription.

Madam Deputy Speaker (Dame Rosie Winterton): Order. I really want to ensure that we return to the subject of this debate.

Mr Jones: For counter-terrorism, the Minister is correct; there will be more money for counter-terrorism. But unless he can read the tea leaves and predict that every single policy authority will put the maximum on local precepts, he cannot give the undertaking on frontline policing that he has just given.

Mr Wallace: No Minister at this Dispatch Box can ever guarantee what a police force will do, because the police have independence in their forces. If the hon. Gentleman were on this side of the debate, he would not be able to give guarantees because he would know that police forces have operational independence. How much is spent is a matter for the police and crime commissioner and the police. That is why some forces have grown their reserves—some by over 100%. [ Interruption. ] Not Durham. I think it is the one force that probably has not. That is because the chief constable is from Lancashire; he is a proper chief constable—it takes one to teach people.

On the points raised by the hon. Member for Strangford (Jim Shannon) about online, which was mentioned by many other Members, the Government recognise the real challenges. That is why, a number of years ago, we set up the CT referral unit, which has seen 300,000 pieces of offensive or terrorist material taken down on request. It is a permanent unit that requests, and works with, communications service providers to take that material down.

However, of course we have said that we want the providers to do more. We want them to invest some of their very large profits in technologies to improve the speed of these things. We think they can do more, and that is why my right hon. Friends the Home Secretary and the Prime Minister, through the Global Internet Forum, are leading international efforts to deal with this issue.

One of the challenges, obviously, with online is that many of these people are based overseas, and as much as I would like to take immediate action in some areas, we simply do not have the power to do that in other countries. It is incredibly frustrating to the Government that, on National Action, which we proscribed almost this time last year, an internet company in the United States refuses to take down some of its propaganda and some of its material. I have not checked whether it has been taken down in the last few days, but that situation is incredibly frustrating, and we are working with the United States to apply more pressure in that space.

I have already answered the points around Hezbollah and Hamas. I would say to my hon. Friend the Member for Redditch (Rachel Maclean) that it is right that the point about what the services do is absolutely clear. That is why proscribing organisations gives the services extra power to their elbow to deal with them. It also means that people charged with terrorist offences—TACT offences—can and will often receive much more hefty sentences. That is why we are determined to continue at the moment to use this legislation.

I would like to put on record my thanks to the Labour party, the Scottish National party and the Democratic Unionist party for their support for this measure tonight. Proscription is not targeted at any particular faith or social group: it is based on clear evidence that an organisation is concerned in terrorism. It is my and the Home Secretary’s firm opinion that, on the basis of the available evidence, all four groups in the order meet the statutory test for proscription and that it is appropriate in each case for the Home Secretary to exercise her discretion to proscribe these groups. The proscription of these groups demonstrates our condemnation of their activities. Proscribing them will also enable the police to carry out disruptive action against any supporters in the UK and to ensure that they cannot operate here.

It is also our firm opinion that, on the basis of the available evidence, HIG no longer meets the statutory test for proscription. However, as with all groups, we will continue to monitor its activity to make sure that it stays within the rule of the law and abides by the law. It is therefore appropriate in this case for the Home Secretary to remove HIG from the list of proscribed organisations in accordance with the de-proscription process set out.

Madam Deputy Speaker, may I wish you, and all Members of the House, a safe and secure Christmas? May I ask that Members remind their constituents to be vigilant over the festive period? Unfortunately, the threat has not gone away. However, I hope that, by being vigilant and by supporting our law enforcement agencies, our intelligence services and our other emergency services, all Members have a safe and happy Christmas. Therefore, I commend the order to the House.
Question put and agreed to.

Resolved,

That the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2017, which was laid before this House on 18 December, be approved.

Law Enforcement Co-operation and Border Control: Schengen Information System

6.48 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): I beg to move,


I thank the European Scrutiny Committee for calling this debate, which is about the EU's second-generation Schengen information system, known more commonly as SIS II. I am also grateful to the Committee for the report it published last Friday to inform our debate tonight. I expect that many of the points made in that report will be raised this evening. In any event, I will reply formally to the Committee in writing.

SIS II is the EU's automated system for circulating policing alerts to law enforcement officers across the EU and in non-EU countries that also take part in it. Alerts can be created in a number of categories, including people who are wanted under a European arrest warrant, suspected criminals, security risks on whom information is sought, and objects that need to be seized such as stolen vehicles and passports. We have taken part in SIS II since April 2015, although we operate only its police and judicial co-operation aspects and not those that support the passport-free Schengen area. We make SIS II alerts available to police officers in real time, and high-priority alerts are also made available at the border. This allows wanted people to be stopped and arrested on arrival, preventing them from posing a risk to the public. SIS II is therefore one of the most important EU policing tools that we have at our disposal.

Last December, the European Commission proposed three draft regulations to replace the legislation that currently governs SIS II. These consisted of one draft regulation to cover the police and judicial co-operation aspects of the system, one to govern its Schengen border control aspects, and a third that allows alerts to be circulated on non-EU nationals who have been subject to removal action in a member state. We are excluded from the regulation on border control as it builds on the aspects of the passport-free Schengen area that we do not take part in. The regulation on non-EU nationals subject to removal action would have applied to us only if we opted into it. The police and judicial co-operation measure would apply to us unless we opted out of it. The deadline for both opting in and opting out was 2 July. This means, as will be obvious to the House, that the Government have already had to take the decisions that we are debating, although I still hope that the House will endorse them.
Let me first explain the Government’s decision not to opt into the proposal on circulating information on non-EU nationals subject to removal action—the so-called returns regulation. This draft regulation would allow member states to circulate alerts on non-EU nationals to whom they have issued a decision requiring them to leave their territory. There could be some benefits to knowing this, as it might give us information about the immigration history of someone who tries to enter the UK or who comes to the attention of law enforcement while here.

However, in the Government’s view, the proposal is too closely linked to another piece of legislation that we do not take part in—the 2008 returns directive. This sets out common rules subject to Court of Justice of the European Union jurisdiction that govern the way in which member states return non-EU nationals who have no right to be in their countries. We do not take part in it because we think that these issues should remain under national control. The Commission has been very clear throughout the negotiations that we could not opt into the returns regulation without also joining the 2008 directive.

**Peter Grant** (Glenrothes) (SNP): Have the Government had legal advice to confirm the Commission’s view? Have they simply accepting the Commission’s view? Have they conducted any assessment to demonstrate the balance between the benefits to our safety and security from opting in compared with the benefits from complying with the Government’s refusal to have anything to do with the European Court of Justice?

**Mr Hurd**: My understanding is that the Commission’s decision was based on legal advice that we accept.

I hope that the House will agree with our decision not to opt into the returns regulation. The draft police co-operation regulation would replace the 2007 legislation that governs this aspect of SIS II and would bring in a number of useful changes. For example, it would allow pre-emptive alerts to be created for children who are in danger of going missing through parental abduction rather than allowing for alerts only after the child has disappeared, as now. It would also allow member states to use law enforcement to ask specific questions of people on whom information is sought via an alert, and it would update SIS II’s technical standards.

However, there were some aspects of the proposals that we were less happy with. For example, the original text proposed to make it compulsory to create alerts in cases involving terrorism. We felt in general that we would be better able to address the issues if we did not opt out, and thus continued to participate fully in the negotiations with a vote. Our feeling is that opting out at this stage would have sent the message that we sought to pull back from co-operating with our law enforcement and security partners after Brexit, and that is not the message that we want to give. On the contrary, we have always been clear that it is in the interests of both the UK and the EU that we continue to co-operate across borders through a range of tools, measures and agencies even after we have left the EU. My right hon. Friend the Prime Minister made the Government’s position clear in her speech in Florence this September:

“It is our ambition to work as closely as possible together with the EU, protecting our people, promoting our values and ensuring the future security of our continent. The United Kingdom is unconditionally committed to maintaining Europe’s security.”

The exact details of our future relationship with the EU on internal security will need to be agreed in the negotiations.

**Robert Neill** (Bromley and Chislehurst) (Con): I welcome the Minister’s pragmatic approach. The evidence to our Committee stressed not only that we should be looking at SIS II, but that it comes as part of a suite of measures that include access to Eurojust, to the other databases in the Schengen Information System, right across the piece, and to other information exchange arrangements and databases. Can the Minister confirm that it is our intention to seek a co-operative relationship across the raft of criminal justice co-operation measures?

**Mr Hurd**: I thank my hon. Friend for that constructive intervention and for his support for the principles that the Prime Minister laid out strongly. He will understand that the exact details of the future internal security relationship with the EU will need to be agreed in the negotiations. The Government’s paper on the future partnership that we seek with the EU on security, law enforcement and criminal justice makes it clear that we value our current capability to share law enforcement and security alerts with EU countries. That capability is provided by SIS II, but how we might retain similar capability after Brexit is a matter for negotiation.

The exit negotiations are an opportunity to build on what we have already achieved through decades of collaboration and working together. The decision to opt out would suggest that we wished to move in the opposite direction and disengage from security co-operation with Europe. That is not, and cannot be, our position, so it would have been wrong to opt out.

Before I wind up, I want to touch on how the negotiations on these legislative proposals have progressed. The Council of Ministers has recently agreed a general approach on
all three draft regulations. That is an agreed Council position to form a basis for negotiations on the final text with the European Parliament. The police co-operation text was satisfactory in most respects. In particular, it gives member states sufficient discretion over whether to create alerts in counter-terrorist cases. But the Government voted against it because it did not address the restrictions on when alerts can be used for purposes other than those for which they were created.

In some limited circumstances, such an alert would be advisable; for example, where the alert shows that a person is particularly dangerous and needs to be kept out of the country. Unfortunately, the text on the general approach continues to make doing this too difficult, so we did not think it was ready for negotiation with the European Parliament. However, there was a qualified majority in favour of the text, and these negotiations are now under way. We expect the incoming Bulgarian presidency of the Council to try to conclude them in the first half of 2018. We will of course keep the European Scrutiny Committee updated.

The Government’s decisions show that we are committed both to protecting our borders and to effective co-operation with our European partners on policing and security issues, and I hope that the House will endorse them tonight.

7 pm

Louise Haigh (Sheffield, Heeley) (Lab): I confirm that the Opposition support the motion before us, and I echo the Minister’s thanks to the European Scrutiny Committee for bringing forward this debate, because the motion raises some important questions about our national security and the consequences and potential implications of Brexit.

Our security, and the apparatus on which it rests, is utterly dependent on co-operation with our European partners. The UK should be rightly proud of the role it has played in establishing and developing our shared security through Europol, the European arrest warrant and the Schengen information system. As the Minister says, SIS II is already proving its worth, helping to underpin the operation of the EAW and delivering 12,000 hits on suspected criminals and terrorists since its introduction in 2015. It has been a game-changer for policing leaders and for day-to-day policing.

We know what the Prime Minister makes of the SIS II system from what she told the House of Commons in November 2014, the month in which she also said that support for it is vital “to stop foreign criminals coming to Britain, deal with European fighters coming back from Syria, stop British criminals evading justice abroad, prevent foreign criminals evading justice by hiding here, and get foreign criminals out of our prisons”. However, without an agreement and a commitment that this will be foremost in the Government’s negotiating priorities, this apparatus will all fall away the second we Brexit.

Quite frankly, it is astonishing that the Government have given no guarantees that we will seek to retain full access to SIS II on our departure from the EU. Despite underlining its importance in the position paper earlier this year, in a letter to the European Scrutiny Committee, the Minister said it was “too early to say” whether SIS II will be one of the measures that the Government will seek to include in a new post-Brexit agreement. The Committee has noted that “there is no justification for this reticence.”

Our security depends on it, but we know why Ministers are showing such reticence. It is because of the role of the European Court of Justice and the EU charter of fundamental rights.

The Prime Minister has made it abundantly clear that there will be no permanent role for the ECJ, and the European Union (Withdrawal) Bill has explicitly dumped the EU charter. However, there is no precedent for a country to operate within SIS II—nor to operate the European arrest warrant, for that matter—without accepting that the ECJ will play a leading role. Indeed, the regulations before us explicitly prohibit third-country access to SIS II data. In his letter to the European Scrutiny Committee, the Minister attempted to suggest areas where countries do not submit directly to the jurisdiction of the ECJ, but in the case of SIS II, the precedent is clear: whether direct or indirect, the determinations of the European Court are final.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is making some very important points. Does she not agree that this puts paid to the crazy suggestion of having no deal, because getting a deal on a security treaty will be absolutely crucial to the safety and security of this nation?

Louise Haigh: My hon. Friend is absolutely right that no deal is simply not acceptable for security or for data, which I will come on to shortly.

The Minister mentioned that four non-EU countries are members of SIS II, which is absolutely right. Iceland, Norway, Switzerland and Liechtenstein participate by virtue of their membership of Schengen. These non-EU member states are bound to avert any substantial differences in the case law of the ECJ and they are required to implement structures and procedures that keep pace with changes in the Schengen rulebook. If they do not do so, their agreements will be terminated.

Robert Neill: I understand precisely where the hon. Lady is coming from, but in fairness to the Minister, this may be a question about the direct nature or otherwise of the jurisdiction. Does she agree that the evidence to the Justice Committee was most compelling about the practical need to get the data regulations aligned so that data can lawfully be passed from EU member states to us as a third country in the same way that they are passed to the four non-EU countries she has mentioned?

Louise Haigh: I am grateful to the hon. Gentleman, because he pre-empts my next point.

At the heart of these strictures is the issue of data. All SIS II systems operate on a hub-and-spoke model, with a central SIS II hub exchanging data from national servers in each participating member state. The European Commission is very clear that this is European data. Although the police may have some leeway on the speed at which they create an alert, once they do, the data passes to the central SIS II hub. Therefore, without an
agreement on data transfers, we simply cannot participate in this critical information-sharing system. That is the insanity of having no deal.

The proposals before the House require compliance with EU data protection laws and fundamental rights enshrined in the EU charter. The EU will insist on these rights being protected in order for the UK to share information, so what exactly do the Government propose? Can the Minister reassure the House that no arbitrary red lines, on the ECJ or otherwise, will be put before the safety and security of the British public? Will he confirm that it is the UK’s negotiating aim to retain full access to SIS II? If not, can he explain how after Brexit we would track the hundreds, if not thousands, of serious criminals, foreign fighters and those who pose a threat to our national security who are flagged by the system every month? There are few areas in which the UK is more dependent on agreement than security co-operation as we Brexit. The consequences of failure are scarcely imaginable.

The regulations are necessary to maintain our membership of SIS II for the time being and for our negotiating position, but they signify the huge risk that Brexit poses to our national security and the gaping holes in the Government’s approach to negotiations. We will support the motion and any and all of the Government’s efforts to maintain access to such security systems and close co-operation with our European partners, but we will continue to hold the Government to account on their approach to negotiations that are so fundamental to our national security.

7.6 pm

Sir William Cash (Stone) (Con): This is the first of the European Scrutiny Committee’s reports to be debated on the Floor of the House in this Parliament. It is a great pity that the Committee was not set up somewhat earlier, but we have lived with that and managed to get through all the documents. We are now having this first debate.

In a nutshell, I have 16 questions for the Minister. He will be glad to know that I am happy to write to him with the details of the questions, many of which are set out in our report, so I do not need to go through them all now. They are important questions and I am absolutely sure that he will reply. If we have any further questions, we will continue to ask them until we get the right answers. There are, however, one or two matters that I want to deal with now.

The first matter relates to what the Minister said about the European Court of Justice. He said:

“…significant precedent for the EU to cooperate with third countries” —

which of course is what we will become —

“including in fields closely aligned to areas of EU law. There is no precedent for a third country to submit to the jurisdiction of the CJEU”

He of course is completely right. I made that point only a few weeks ago in a debate on the European Union (Withdrawal) Bill, when I invoked the former Belgian member of the European Court who said that there was no precedent for a third country submitting to the jurisdiction of that Court.

The Minister referred to the agreement between the EU and Iceland and Norway. There are other examples. Dispute settlement procedures in EU agreements with Ukraine, Georgia and Moldova involve an arbitration panel that is required to seek a ruling from the Court of Justice on questions concerning the interpretation of relevant EU law provisions. The Prime Minister referred to that indirectly in her statement yesterday, but what form of arbitration panel we will have is part of the ongoing negotiations. I have raised this myself several times on the Floor of the House in the past few months. Martin Howe, who is a great and distinguished QC, has put forward various proposals and we know that they are under active consideration by the Government.

The Committee highlights those examples to illustrate the point that there is a wide spectrum of possible outcomes on the role and jurisdiction of the Court. We ask the Minister to indicate which the Government would prefer or rule out in any future agreement between the EU and the UK on security, law enforcement and criminal justice co-operation.

On the charter, the proposed police co-operation regulation, which we are primarily concerned with today, introduces a recital stating — this is important — that it “respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.”

The Minister tells us that “matters such as complying with the EU Charter” will need to be addressed during the expected negotiations. As we well know, because we have passed that point in the passage of the withdrawal Bill, under the Bill as currently drafted the charter will not form part of domestic law on or after exit day. We therefore ask the Minister to explain how the Government intend to address the charter as part of the UK’s exit negotiations.

Various questions remain outstanding. We take the view that this is an important issue and that there are ongoing questions about the European arrest warrant. I have the 16 questions I will be sending to the Minister. We will publish both the questions and the Minister's replies in due course, so the House may be properly informed as to where this is going, which is, at the moment, part and parcel of the negotiations.

7.11 pm

Peter Grant (Glenrothes) (SNP): I am grateful for the chance to contribute to this debate. I am also immensely grateful to the many Members who did not speak earlier, as it means that we have got to this motion about four and a half hours earlier than we had at one point feared. We should not allow that to detract from the importance of the subjects we are debating today.

The Scottish National party’s position is that membership of the European Union makes us safer, and it supports co-operation between law enforcement and security services throughout democratic western Europe. Anything that weakens that co-operation is to be at least regretted and resisted if at all possible. I welcome the decision to opt in to one of these EU documents, and we will not oppose the decision to opt out, but it is disappointing that we did not have time for a fuller debate on the decision when there was still time to change it. As a former member of the European Scrutiny Committee under the very capable chairmanship of the hon. Member for Stone (Sir William Cash), I believe that there is still a degree of frustration at the Government’s reluctance to grant debates, either in the Chamber or in Committee,
timeously at the request of the Committee. The situation is not as bad as it was, but there is still an issue around the Government not complying properly with the procedures that the House has put in place, so that Parliament can scrutinise what the Government are doing on our behalf on the European Union.

I want first to talk about the document that relates to the operation of European arrest warrants and related matters. It is important to realise just why the warrant is such a vital part of our protection against terrorism and organised crime, and why it is important that the system continues after we leave the European Union.

Since 2011, there have been 541 cases in Scottish courts, where proceedings were taken after an arrest under the European arrest warrant scheme. A total of 367 people were extradited from Scotland to face justice elsewhere and 45 people were brought back to Scotland to face justice in the Scottish courts. That is over 400 people across Europe who were wanted for serious crimes and tried to use international borders to hide from the law, but who found that the European arrest warrant prevented them from doing that. The warrant allowed every one of those 400-plus people to be extradited to face trial much more quickly, and with far fewer opportunities for legal loopholes, than previous extradition treaties alone would have allowed. It will not be enough if the European arrest warrant is replaced with extradition treaties. We need to make sure the European arrest warrant continues in no weaker a form than its current one.

The figures I quoted have already increased in the very short time that SIS II has been in place in the UK. In the first full year of its operation, there was a 25% increase in the number of people arrested in the UK under an EAW, simply because the police had much more detailed, accurate and—most importantly—more rapidly available information on the people they were dealing with. That is more than one additional arrest in the UK every day of the year. Over 400 suspected criminals a year are being taken off our streets who might still be on them if SIS II was not in operation. That is the scale of the benefit we derive from the system and the scale of the risk we face if it is not replaced by something equally effective after we leave the EU.

We therefore welcome the decision to opt into participation in SIS II, but we remain concerned about the longer-term implications of leaving the EU, particularly on the terms the Government have set out so far. On the continued decision not to opt into the draft returns regulation, document No. 15812/16, the Minister told the European Scrutiny Committee in his letter of 20 July this year that opting in "would pose a risk to national control over how we remove people with no right to be here".

He expanded on that by referring to the Government’s reluctance to have anything subject to the Court of Justice of the European Union.

Clearly this is not the place or time to challenge the Government’s position on the jurisdiction of the Court of Justice, but their inflexibility over the status of the Court prevents us from deriving the additional benefits we would enjoy if we were part of the new returns regulation. In the Minister’s own words to the Committee earlier in the year, “in principle there would be some benefit in knowing whether individuals seeking entry to the UK, or who had come here illegally, had been ordered to leave another Member State”.

That should not come as any surprise. Any licence holder of a pub could tell us that, if they are given information on people thrown out of other places, it is easier to keep them out of their place so that they cannot cause trouble there. It is easy to see that it would be useful to know that somebody had only pitched up at the UK border because they had been thrown out of every other decent country in western Europe.

The Government are willing, however, to sacrifice that additional assurance simply because they do not want us to have anything to do with the Court of Justice of the European Union. I will ask the Minister again the question he did not answer when I intervened on him earlier: what assessment have the Government made to show the benefits for security and safety that we might gain from opting in, compared with the benefits they claim we will achieve by opting out in its entirety from the European Court of Justice?

I have several other concerns about what the Government are proposing to replace SIS II after we have left the EU. I will not go into these in detail, however, because the hon. Member for Sheffield, Heeley (Louise Haigh) summed them up very well. At the moment, as with so much else on Brexit, we know what we are leaving, but we have absolutely no idea where we are going. On the safety and security of our citizens, we are getting close to the time when we really need certainty and answers.

We have asked the Minister to tell us what assessment has been made of the potential benefits of opting in. The hon. Member for Stone has asked this. If not the European Court of Justice, what dispute resolution mechanism will the Government support that will allow citizens of the UK or other EU countries to challenge the legality of data sharing in relation to criminal matters? We know what they do not want; it is high time they told us what they do want and gave us an indication that the Europeans are愿意 to give them what they do want. Will the UK Government be seeking a data adequacy decision from the EU before the end of the article 50 negotiations? What is plan B if that decision is not forthcoming or goes against us? If we do not get a data adequacy decision before we leave the EU, data sharing cannot happen. What happens then?

On the concerns that the Minister raised about the earlier draft of the regulations, I am puzzled to know in what circumstances we would want the police to do anything other than alert their colleagues in other European countries if they were dealing with a case involving terrorism. I thought that the whole point of the Schengen information system, and other data sharing among law enforcement agencies, was that crime and terrorism do not respect international borders. If policing is to be effective, the police must sometimes cross borders as well. That does not mean that they will physically chase people across borders as a matter of routine, but information sharing across borders must be made as easy, as free of bureaucracy and as free of legal challenge as possible. The reason the European arrest warrant works more effectively than a simple extradition treaty is that the process is so much faster. People can be returned to the jurisdiction where they are wanted and put on trial much more quickly—sometimes years more quickly—than was possible previously.
We will not force the motion to a vote. We do not want to oppose what the Government are doing, but at present they are not doing enough. We will need to see something very definite very quickly, so that people can rest assured that leaving the European Union will not produce the reduction in our safety and security that it currently seems it might well produce.

7.20 pm

Kate Green (Stretford and Urmston) (Lab): I shall speak only briefly, and very specifically, about the implications of SIS II and the new regulation on the protection of children.

Police and judicial co-operation and the necessary cross-border infrastructures and mechanisms referred to earlier by the hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, are very important to child protection. Increasingly, victims of complex cross-border crime are children: they are victims, for example, of trafficking, sexual exploitation and online abuse. As the Minister said, the new regulation will support a more proactive alert system in relation to children who are at risk of going missing, and that includes cases of parental abduction. It will mean that pre-emptive alerts can be placed on the system to enable the authorities to act before a child goes missing rather than afterwards.

While I welcome the Government’s decision not to opt out of this part of the SIS and the increased protection for children, I am—like my hon. Friend the Member for Sheffield, Heeley (Louise Haigh)—concerned about the position if we leave the European Union in March 2019, and the possible uncertainty about the security and crime co-operation arrangements that will then be in place. I understand that the new measures that are currently being discussed in the EU are likely to be agreed before the Government’s intended exit date, but unlikely to be implemented until later. It is not clear whether they might be implemented during a potential two-year transition period, or even after that.

The Minister said that the Government want to be able to negotiate new arrangements for security law enforcement and criminal justice co-operation, but, as we heard from my hon. Friend the Member for Sheffield, Heeley, my good friend the hon. Member for Stone (Robert Neill), the Chair of the Justice Committee, has received a letter from the Minister which leaves us none the wiser about what specific measures such an arrangement might include.

Let me say very strongly to the Minister that the protection and welfare of children must be paramount in any new arrangements that are negotiated, and that includes seeking to maintain the benefits that we currently secure from our participation in SIS II and the stronger protections that the new regulation will introduce. There are practical questions about how that will be achieved. We heard about some of the circumstances relating to third countries that cannot create or enter alerts in SIS II, or use the infrastructure to search the system and exchange information. I understand that under article 62 of the proposed regulation, that will continue to be the case, and that, post Brexit, we would not be able to benefit from the data that some offer, and to lodge data as we can now.

It is true, as we heard, that other countries have been able to agree specific access arrangements with the European Union. Does the Minister think that the UK could follow a similar route to maintain access, particularly in relation to child protection, and thus effectively remain within the ambit of SIS II? In that case, article 62 would have to be amended, or is the Minister thinking of some other arrangement for the UK to access and enter information? Failing such an arrangement with the EU if we leave in March 2019, does the Minister think it will be necessary, or indeed possible, for us to have bilateral arrangements with each of the 27 EU countries? If that is the route that he envisages we might have to follow, what assessment has he made of the risks it would pose to children and how would they be mitigated?

Finally, even if we are able to remain in some way within the SIS II system and continue to share and deposit information, there would be gaps in protecting children if we leave the EU and lose the provisions of Brussels II in relation to family law. Yesterday’s written ministerial statement in response to the Justice Committee report on the implications of Brexit for the justice system was quite complacent about alternatives to Brussels II. There are potentially catastrophic consequences for children and families as we face considerable uncertainty about the loss of provisions in Brussels II that govern choice of law and enforcement.

We are not talking about whether the EU is dictating and making our laws; we are talking about mechanisms that enable us to ensure that protections and enforcement measures, and access to information and the sharing of information, can continue to be used and enforced if we leave the EU. In particular, mechanisms must be put in place to ensure that there is no weakening of the protection currently available to ensure the safeguarding of children. I hope the Minister will in his concluding remarks be able to give some assurances that that will remain paramount in the Government’s thinking.

7.26 pm

Jim Shannon (Strangford) (DUP): I thank the Minister for his remarks, and want to state clearly for the record that my party and I will support the Government’s position on this matter.

I have debated the Schengen agreement before, not in this House but wearing a different hat in the Northern Ireland Assembly. At that time, I was discussing the merits of Schengen in relation to the common travel area with the Republic of Ireland. Bertie Ahern, who was then in office—that shows we are going a fair way back in time, and shows, too, my age—had determined that Schengen was not necessary for the Republic and felt that our cross-border co-operation was more than adequate. Bertie Ahern might have moved on and there might be a completely different man in his place, but the facts that prevented us from taking Schengen then apply now. We need no hard border, but if the Republic needs one, it can feel free to erect and pay for that on its side. We are a part of the UK and there is no back door to Ireland through any European proposal coming our way.

I am not going to pretend that there is no issue in leaving Schengen behind completely; it is useful to share criminal information among police forces, and I know that we will be working hard to secure some form of information sharing at the same level. The second-generation Schengen information system, which features highly in any argument about the merits of Schengen co-operation, is a database of real-time alerts about individuals and objects—such as vehicles—of interest
to EU law enforcement agencies. It includes information on people wanted under a European arrest warrant, suspected foreign fighters returning from Syria or elsewhere, and missing people. It contains some 70 million alerts on individuals or objects likely to be of interest to border control and law enforcement authorities. Alerts created in any of the 29 countries operating SIS II are stored in a central database and are immediately accessible to around 2 million end users. This is of great importance to our decision making. There is no doubt that it is of benefit, and we must attempt to secure a shared information system that is beneficial to Europe as well as the United Kingdom of Great Britain and Northern Ireland, but we are leaving Europe and to enhance Schengen and adopt these resolutions at this time is sheer madness. That is why I believe the Government are right to consider only adopting regulation 3 pertaining to police co-operation.

This is a two-way street, and let us not underestimate or undervalue the role of our intelligence agencies throughout Europe and across the world. We have premier policing and intelligence capabilities, and access to it for matters of cross-border security are not simply important to us but necessary to the safety of those in Europe. That is why we are happy to continue to share the information in the way that we have previously done, while still holding on to our sovereign right to determine who goes and who stays, and when they go and when they stay.

My party, the Democratic Unionist party, and I support the Government on this issue. The proposal is sensible and necessary, and this is another simple message to Europe that we are taking our sovereignty back, but that we still wish to be good neighbours and play the game that benefits us all.

**Question put and agreed to.**

Resolved.


**Business without Debate**

**ELECTORAL COMMISSION**

*Motion made,*

That the Motion in the name of Andrea Leadsom relating to the Electoral Commission shall be treated as if it related to an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice has been given that the instrument be approved.—(Chris Heaton-Harris.)

Hon. Members: Object.

**DELEGATED LEGISLATION**

Madam Deputy Speaker (Dame Rosie Winterton): With the leave of the House, I should like to take motions 6 to 12 together—

John Spellar (Warley) (Lab): On a point of order, Madam Deputy Speaker. May I suggest that, while some of the motions might be unexceptionable, motions 9 and 10 might excite controversy and that it might therefore be better to take those together, with the others in a different grouping?

Madam Deputy Speaker: In that case, I will take them all separately.

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*

**CONSTITUTIONAL LAW**

That the draft Scotland Act 1998 (Specification of Devolved Tax) (Wild Fisheries) Order 2017, which was laid before this House on 14 September, be approved.—(Chris Heaton-Harris.)

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*

**GOVERNMENT RESOURCES AND ACCOUNTS**

That the draft Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2017, which was laid before the House on 11 September, be approved.—(Chris Heaton-Harris.)

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*

**TOWN AND COUNTRY PLANNING**

That the draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017, which were laid before this House on 19 October, be approved.—(Chris Heaton-Harris.)

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*

**LOCAL GOVERNMENT**

That the draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2017, which were laid before this House on 13 November, be approved.—(Chris Heaton-Harris.)

The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 20 December (Standing Order No. 41A).

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*

**LOCAL GOVERNMENT**

That the draft Combined Authorities (Mayoral Elections) (Amendment) Order 2017, which was laid before this House on 13 November, be approved.—(Chris Heaton-Harris.)

The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 20 December (Standing Order No. 41A).

*Motion made, and Question put forthwith (Standing Order No. 118(6)).*
ENVIRONMENTAL PROTECTION

That the draft Environmental Protection (Microbeads) (England) Regulations 2017, which was laid before this House on 27 November, be approved.—(Chris Heaton-Harris.)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

FINANCIAL ASSISTANCE TO INDUSTRY

That this House authorises the Secretary of State to undertake to pay, and to pay by way of financial assistance under section 8 of the Industrial Development Act 1982, compensation to eligible energy intensive industries in respect of a proportion of the indirect costs of funding the Renewable Obligation (RO) and small-scale Feed In Tariffs (FIT) totalling more than £30 million and up to a cumulative total of £565 million maximum.—(Chris Heaton-Harris.)

Question agreed to.

PETITION

Waste Incinerators in Sowerby Bridge

7.32 pm

Holly Lynch (Halifax) (Lab): I rise to present a petition opposing the proposed waste incinerators in my constituency, which has been signed by 148 people in addition to the 246 people who have signed the petition online.

The petition states:

The petition of residents of Sowerby Bridge,

Declares that Calder Valley Skip Hire Ltd have submitted an application for an Environmental Permit for an incinerator at their site at Mearclough Road; further to planning applications for another incinerator at their Belmont site at the other end of Sowerby Bridge; further resulting in increased levels of air pollution affecting a number of schools in the local area; further to causing more pollution in Air Quality Management Areas; further that traffic congestion would worsen as lorries bring waste to the site; and further to the site having recently flooded any future development could result in waste entering the river.

The petitioners therefore request that the House of Commons urges the Secretary of State for Communities and Local Government to take all possible measures to prevent these waste incinerators being placed in the Sowerby Bridge area.

And the petitioners remain, etc.

[PRO02902]

Roadchef Employees Benefit Trust

Motion made, and Question proposed, That this House do now adjourn.—(Chris Heaton-Harris.)

7.33 pm

Neil Gray (Airdrie and Shotts) (SNP): Thank you, Madam Deputy Speaker, for granting this debate. I thank the hon. Members from across the House who have so far agreed to stay back to listen and perhaps contribute to the debate. What I am looking to discuss this evening can be boiled down to basic fairness and people getting access to what is rightfully theirs. I think it is important to set out some context to where we are today, before I come to the main points that I hope the Minister might be able to help with.

In 1986, the Roadchef employees benefit trust was established to give employees at Roadchef motorway services, such as those at Harthill in my constituency, Watford Gap, Hamilton or dozens of other locations across these isles, access to a John-Lewis-style employee-ownership scheme, whereby they would benefit from increasing share entitlements based on length of service. It was established honourably by the then chief executive Patrick Gee in consultation with and with the support of the GMB union. Sadly and tragically, Patrick Gee died aged 43 before the scheme could be fully realised and Tim Ingram Hill took over. He then transferred the shares that Mr Gee was making available to employees into a second employee benefit scheme, of which he was the only beneficiary.

When Roadchef was subsequently sold to the Japanese company Nikko about a decade later, Mr Ingram Hill made approaching £30 million on the shares that should have been made available to Roadchef employees. In 2000, he made a tax payment on his ill-gotten share windfall to Her Majesty’s Revenue and Customs to the tune of approximately £10 million, something which has only to come to light further down the line. On discovering the unjust enrichment, the trust then took Mr Ingram Hill to the High Court, and Justice Proudm said that he had acted in breach of trust and, crucially, that the shares were never his in the first place—they were the employees’ shares. The purchase of the shares in the sale of the company was therefore void and—this is important—the £10 million paid to HMRC also belonged to the beneficiaries, not Mr Ingram Hill.

Subsequent to the High Court ruling, Mr Ingram Hill settled with the trust, thus ending our interest in him for the purposes of this debate, but the trust then notified HMRC of the fact that the settlement had occurred and that it now intended to pay out to its beneficiaries, who total some 4,000 current and former Roadchef employees. The trust also wished to clarify that there would be no tax implications from the payments being made, thinking that that would just be a formality, but the response from HMRC was rather surprising. HMRC said that it would be happy to waive any tax implications for the beneficiaries as long as the trust did not pursue it for the £10 million paid in tax by Mr Ingram Hill. That was the first time that the trust had been made aware of such a tax payment. In accordance with any trustees acting on behalf of beneficiaries, the trust has challenged HMRC on the £10 million payment, which should be repaid to the trust with interest. That brings us up to date on this complex and unique case.
I am grateful to the chairman of the trust, Christopher Winston Smith, and to Huw Edwards for their insight ahead of this debate, and to the current CEO of Roadchef, Simon Turl, who I spoke to last night. Roadchef wants the issue settled for its current and former employees and has been working constructively with HMRC to that end. The trust has also worked with a number of hon. Members from across the House to raise the matter with HMRC, including my hon. Friend. Friend the Member for Linlithgow and East Falkirk (Martyn Day) and the hon. Members for Newport East (Jessica Morden), for Newcastle-under-Lyme (Paul Farrelly), for Congleton (Fiona Bruce), for Stafford (Jeremy Lefroy), for Dudley North (Ian Austin) and for Westmorland and Lonsdale (Tim Farron).

My constituents certainly want this issue settled. Twenty constituents, most of whom live around the service station at Harthill, have contacted me about the matter, but I am sure that more are waiting for their payment. They include Mrs Margaret Gibson, who lists some of the things that she has struggled to do in recent years that this money would have helped with, including borrowing money for home improvements, helping her son to pay for his wedding, or helping her and her husband to get by during periods of unemployment. She considers it a ridiculous amount of time to wait for what is rightfully hers, and I completely agree.

Patricia Gibson (North Ayrshire and Arran) (SNP): My hon. Friend is making a powerful speech. Does he agree that what adds insult to injury here is that, as well as being deprived of the payments, many of the people concerned are also working on quite low pay?

Neil Gray: Absolutely. I believe that the main thrust behind Mr Gee’s setting up of the trust in the first place was to ensure that low-paid staff were able to benefit from the company doing well. That has sadly not happened yet, and many low-paid workers have suffered as a result. Many of my constituents—I will list some shortly—have suffered and continue to suffer as a result of the payments not being made, so my hon. Friend is absolutely right.

Linda McLeod and Margaret Main pointed to the time it has taken for their money to be returned, but they also highlighted the number of former colleagues who have sadly passed away and will not get the benefit their hard work merited. Caroline Todd contacted me on behalf of her mother, Mrs Quigley from Harthill. She desperately hopes this gets resolved soon so that her mum, who is getting older, is able to enjoy her own money. Margaret Forsyth just wants HMRC to settle matters so that she can have some security, a sentiment echoed by Jane Paxton and Elizabeth Campbell.

Joyce Simm’s husband has been receiving treatment for small-cell carcinoma for three years, and she has been out of work while she cares for him. They have had to survive on pensions and savings, which are fast disappearing. They have now been hit with the sad news that he has a carcinoid tumour and will be undergoing surgery on 21 December. I am sure the whole House will join me in wishing the family well, but clearly any pay-out now would be particularly beneficial.

Another constituent of mine visited my surgery. He is seriously ill and in a difficult financial situation, and the money he is entitled to get back would simply be life changing and would help him immensely. He is desperate to see HMRC settle as soon as possible. I know many other hon. and right hon. Members on both sides of the House will have constituents who are affected and, sadly, will be able to share similar stories. Indeed, I understand Mr Speaker has constituents who are affected by this issue.

It is worth mentioning someone else who has been affected by this case. The former company secretary at Roadchef, Tim Warwick, blew the whistle on what the then chief executive was doing before there was any kind of whistleblower protection. Exposing this affair effectively ended Mr Warwick’s career, and we should all thank and pay tribute to him for his efforts.

What can the Minister do to help my constituents and their 4,000 colleagues across these islands who are waiting for their money? I understand that HMRC is a non-ministerial department of Government and that the Minister is therefore somewhat restricted in what he can do, but I hope he can join me and colleagues on both sides of the House in calling on HMRC to settle this case with the trustees and to return the £10 million, plus interest, to the rightful owners—the trustees and beneficiaries.

Peter Grant (Glenrothes) (SNP): My hon. Friend is giving a moving account of how the wrongdoing of one person, compounded by the inaction of HMRC, is causing real misery to a lot of people. Does he see a contrast with HMRC’s generosity when it comes to settling deals with big multinationals that have been caught avoiding tax through barely legal, and sometimes non-legal, methods? Would it be fair to say that his constituents must now think HMRC applies one law to the rich and another very different law to the poor?

Neil Gray: My hon. Friend makes a fair point, and I draw the House’s attention to his professional background and expertise in this area. He makes a valid point to which I am sure the Minister has listened.

If HMRC does not settle the case, it will stand accused of laundering illegally obtained funds at the expense of those who have been defrauded. I understand from correspondence that HMRC is concerned about setting a precedent in this case. As far as I can tell, this is the only EBT fraud case that involves a tax payment made in error, so I am not sure exactly what the precedent would be. But even if it were not the only such case, returning the money to its rightful owner would be a pretty good precedent to set.

Will the Minister advise the House on whether today was the first time he was made aware of the £10 million that was wrongly paid in tax? I say that because, to date, as far as I can see, the £10 million figure has not been mentioned in all the correspondence between Members of this House, Ministers and HMRC. At best, it would appear that officials are failing to apprise MPs of the full facts, which is a very serious matter indeed.

HMRC might also have briefed the Minister to say that this case is time barred, which of course will not be the case until the two-year anniversary of the High Court ruling comes round early next year. Unfortunately the right hon. Member for Loughborough (Nicky Morgan), the Chair of the Treasury Committee, is not in the Chamber, but I hope she takes note of what I have presented to the House today, as I believe there is a role for her to play in getting the lead officials at HMRC to
answer for the delay. I will be writing to her, as the Chair of the Select Committee, in the new year to get her to look at ministerial guidance to HMRC on unjust enrichment and to get this issue scrutinised in more detail.

I look forward to hearing the Minister’s response to the issues I have raised this evening on behalf of not just my constituents, but constituents from across these isles. Some 4,000 low-paid workers have been denied what is rightfully theirs, first by the breach of trust by their former boss and now by HMRC. I hope the Minister will agree to meet me and the chair of the trust, Mr Winston Smith, so that we can all work together to finally see justice for current and former employees of Roadchef. This is about natural justice, and it is not good enough for HMRC to say that it is too difficult or that it is precedent setting, or to give any of the other excuses offered so far. This is not HMRC’s money. It is my constituents’ money—it is our constituents’ money—and it should be returned to them without delay.

7.45 pm

**The Financial Secretary to the Treasury (Mel Stride):**

I am grateful to the hon. Member for Airdrie and Shotts (Neil Gray) for having raised this issue and secured this debate. I congratulate him also on the vociferous energy with which he has pursued these important matters—the Government recognise their importance. I appreciate that this matter is a source of long-standing concern for those affected, and I can fully understand that they would want a resolution soon. I assure the House that HMRC is working hard towards resolving this issue. As the hon. Gentleman has recognised, I am of course constrained by HMRC’s duty of maintaining taxpayer confidentiality, so my remarks on the case will, of necessity, be limited to matters already in the public domain. HMRC will, however, continue to correspond in writing with the trustee chairman and assist the employee benefit trust’s representatives.

It may be helpful if I first set out the typical tax treatment for the sale of shares from EBTs. When a person exercises an option to obtain EBT shares, this is often chargeable to income tax and national insurance contributions, based on the difference between their valuation when they are obtained and the amount paid for them. If the shares are sold to a third party, the sale will then be subject to capital gains tax on the difference between the valuation used for the taxation of the option and the sale prices.

Turning to the Roadchef EBT, as we have heard, the issue we are discussing today has a long history. Before the sale of Roadchef in 1998, the company’s then chairman arranged for shares held by the EBT to be transferred to him. He subsequently sold the shares for a profit. Both the acquisition and sale were taxed appropriately at that time. The former chairman’s actions were contested, and in 2014 the High Court ruled that effectively the moneys from the sale of shares had to be paid back, net of tax, to the trust for distribution to its beneficiaries. The judgment stated that the proceeds from the shares sold had been held on constructive trust by the chairman for the beneficiaries. However, the implementation of the High Court’s ruling in 2014 and the subsequent distribution of the original shareholders has proved to be very complex.

HMRC has since been engaging with the Roadchef employment benefit trustees’ representatives to determine the correct tax treatment for the trust and the relevant distributions to its beneficiaries. This involves HMRC working closely with the trust’s representatives to fully explore all potential legal options to settle this matter. HMRC’s most senior technical people have been working on different aspects of the tax position, and a senior HMRC representative is regularly discussing the progress of the case with the trust’s representative. Several media outlets have also reported how earlier this year HMRC provided a technical analysis of its view of the correct tax treatment to the trustee chairman and its representatives. To be clear, HMRC has no interest in prolonging this matter. It is, however, legally bound to be even-handed and impartial in applying the law.

Neil Gray: Can the Minister understand my concern at HMRC’s approach to this? When the trust was first made aware of the £10 million tax payment, HMRC apparently told the trust that the beneficiaries would not have to pay any tax on any pay-out that is made as long as the trust does not pursue HMRC for the £10 million. I think he can understand why that is a little concerning.

Mel Stride: The hon. Gentleman has raised a specific set of suggestions in the context of the dialogue between HMRC and the trust, and that very much strays into the area of confidentiality around discussions between our tax authority and a particular organisation. It would therefore not be right for me to comment on that. Indeed, in the normal course of events, I would not even be aware of such matters—certainly not from an HMRC perspective.

Neil Gray: I thank the Minister and understand the constraints he is under, which is why I hope he might agree to meet me and the trust to try to find a way through this. I hope he will agree to do that sometime early in the new year.

Mel Stride: I thank the hon. Gentleman for his invitation, which he also extended in his speech. I am certainly prepared to consider meeting him and potentially others, although I would like to take advice on whether that would be entirely appropriate, given the situation. I would appreciate it if the hon. Gentleman could explain more fully the exact nature of such a meeting, including who would be present and so on. In no way am I seeking to be unhelpful—quite the opposite—but I am conscious of the clear line that there must always be between members of the Government, MPs and, indeed, other members of the public, and the tax affairs that pertain between our tax authority and another organisation or business.

HMRC has a taxpayer confidentiality obligation, so I cannot comment in more detail on the specific tax treatment of the case. I can, however, assure the House that HMRC is doing everything that it can to resolve this issue promptly and fairly, while ensuring that the tax is paid appropriately in respect of the sale and distribution of the shares. Although HMRC has discretion as to how it goes about fulfilling its duties, as a statutory body it must of course apply the law fairly and collect the taxes set out in legislation by Parliament. When the law is unclear, HMRC can exercise some discretion to ensure that it gives effect to Parliament’s intent. For example, HMRC can exercise discretion to give up some tax if there is an unintended or unforeseen effect only a small group of taxpayers or that will be apparent.
only for a short time. I should note, though, that that discretion is by its nature limited and would not be applicable in all circumstances—for instance, it would not apply if the courts had made a specific ruling on a particular issue.

In summary, I thank the hon. Member for Airdrie and Shotts again for securing this debate and for the tenacity with which he has pursued these matters on behalf of his constituents and those of other Members.

As I have said, I can appreciate the frustration of those affected, who naturally want a swift end to this matter, which I hope there will be. I hope I have been able to provide at least some reassurance that HMRC is doing everything in its power to resolve this issue in a fair and timely manner.

Question put and agreed to.

7.53 pm

House adjourned.
House of Commons

Wednesday 20 December 2017

The House met at half-past Eleven o’clock

PRAYERS

[Mr Speaker in the Chair]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Security Situation

1. Damien Moore (Southport) (Con): What recent assessment he has made of the security situation in Northern Ireland. [902963]

The Secretary of State for Northern Ireland (James Brokenshire): The threat from Northern Ireland-related terrorism continues to be severe within Northern Ireland, meaning an attack is highly likely. This Government will always give the fullest possible support to the brave men and women of the Police Service of Northern Ireland and MI5. We remain fully committed to keeping people safe and secure, and to ensuring that terrorism never succeeds.

Damien Moore: Does my right hon. Friend agree that, although much of our time and focus are spent on international terrorism threats, it is vital that we do not lose sight of the very real and continuing threat from dissidents in Northern Ireland? In that context, will he commend the ongoing work of the Police Service of Northern Ireland in disrupting their activities?

James Brokenshire: I absolutely will. There have been five confirmed national security attacks so far in 2017, and a small number of dissident republican terrorist groupings continue their campaign of violence. The threat is suppressed by the brave efforts of the PSNI and others, and by the strategic approach that we pursue. The PSNI and others who work to keep people safe have our full support for the public service they give.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will be aware that a significant proportion of the resources available to the Police Service of Northern Ireland to fight terrorism has to go towards investigating legacy cases. Will he give a commitment that any money used for legacy cases will be replaced to ensure that the PSNI has the resources it needs to combat the existing terrorist threat?

James Brokenshire: The right hon. Gentleman may know that we have committed specific funds—an extra £32 million a year over the five-year spending review period—to deal with Northern Ireland-related terrorism. His point about legacy is valid and important, which is why we both want to see the Stormont House bodies take forward a new approach to legacy. That is what I want to see in the new year.

Dr Andrew Murrison (South West Wiltshire) (Con): My right hon. Friend will be well aware of the potential security implications of the Bombardier-Boeing dispute. In their telephone conversation yesterday, was the Prime Minister able to raise her concerns with the President directly?

James Brokenshire: There have been various discussions with the US and Canadian authorities, and with Bombardier itself, in relation to the continuing dispute. Obviously, we see this as unjustified and unwarranted. We await the latest determination, but we will continue to challenge this and to underline our key focus and endeavour on seeing that those important jobs in Belfast are protected.

David Hanson (Delyn) (Lab): Does the Secretary of State expect still to have access to the European arrest warrant to bring back criminals and terrorists who reside in the Irish Republic and commit acts in Northern Ireland?

James Brokenshire: The right hon. Gentleman, with his experience, will know about the cross-border work. I commend the work of the PSNI and the Garda Siochana in delivering security on the island of Ireland. Their very close co-operation points to a number of EU-related structures, which is why, knowing the significance and importance of deepening that relationship into the future, we want to see a new treaty established that is able to respond and address that co-operation.

Leaving the EU: Alignment

2. Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): What assessment he has made of the potential economic benefits to Northern Ireland of maintaining full alignment with the rules of the customs union and single market after the UK leaves the EU. [902964]

8. Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): What assessment he has made of the potential economic benefits to Northern Ireland of maintaining full alignment with the rules of the customs union and single market after the UK leaves the EU. [902970]

The Secretary of State for Northern Ireland (James Brokenshire): We have been clear that the UK as a whole will be leaving the customs union and single market. We want our future relationship with the EU to be a deep and special partnership that works for all parts of the UK, while recognising Northern Ireland’s unique circumstances.

Preet Kaur Gill: If, at the end of this process, Northern Ireland remains aligned with the single market and customs union while the rest of the UK is not, what impact do the Government believe that will have on the Northern Irish economy?

James Brokenshire: As the joint report highlighted last week, there are three steps: reaching a free trade agreement; then providing responses that meet the unique
circumstances of Northern Ireland; and, finally, the issue of alignment. We believe that it is possible and that we will address all these issues to ensure that we have not a hard border but a frictionless border that maximises the trading relationship without creating any new barriers between Northern Ireland and Great Britain, where there is a reliance on trade, which is so important to the economy.

Gerald Jones: Has the Secretary of State's office shown more diligence than the Department for Exiting the European Union in producing impact assessments on the effects to the Northern Ireland economy of all eventualities of leaving the European Union—and if not, why not?

James Brokenshire: I know this issue of impact assessments has been debated in this House previously. There are no formal impact assessments. Obviously, the Department for Exiting the European Union has provided detailed reports for the Select Committee, and it will be for the Committee to determine what happens with them. I can assure the hon. Gentleman of the commitment of the joint working across government of assessing the implications and informing those negotiations, so that we get the right deal for Northern Ireland and for the UK as a whole.

Mr Philip Hollobone: Will the Secretary of State confirm that trade between Northern Ireland and Great Britain within the UK single market is worth five times as much as trade between Northern Ireland and the Republic?

James Brokenshire: Yes, trade—economic activity—between Northern Ireland and Great Britain is several times more than that in relation to Ireland. But the point is that we look to strengthen the whole economy. Indeed, as the UK leaves the European Union, we want to see the Irish economy equally having that access to Great Britain. A reliance is placed upon that. We want to succeed and prosper as we leave the European Union.

Mr Mark Harper: Is the Secretary of State not right to highlight that Northern Ireland’s rightful place is to make sure it is aligned with the rules of the rest of the UK, which is why Conservative Members had a clear manifesto commitment to do nothing to damage the single market of the United Kingdom?

James Brokenshire: I absolutely agree with my right hon. Friend on that. Indeed, that principle was firmly enunciated through the provisions in the joint report, and that is the approach we will take as we move into phase 2 of the negotiations.

Nigel Dodds: As we prepare to exit the EU, it would be far better if the Northern Ireland Assembly were in place. In the light of that, will the Secretary of State comment on the report by Trevor Rainey on the pay of Members of the Legislative Assembly? Secondly, will the Secretary of State bear in mind that the same principles that apply to MLA pay should also apply to Members of Parliament who do not fulfil their functions in this place?
payments in relation to those arrangements through to 2020. Indeed, if the hon. Gentleman wants to look back at what the Prime Minister said about maintaining the same arrangements during the implementation period, that will answer his question.

Owen Smith: That cannot be correct. It cannot be right both that we will be under exactly the same EU rules and regulations, which is what the Prime Minister said in Florence, and that we will be leaving the common agricultural policy. If it is true that we are leaving the common agricultural policy, those 30,000 Ulster farmers and their families need to know how they are going to pay their mortgages and meet their other commitments in just 15 months’ time. This is a complete shambles. The Prime Minister is going to be here in a minute—can the Secretary of State tell him to sort this out?

James Brokenshire: The only shambles is the Opposition’s approach to Brexit. At this time of the year, many people will mark the 12 days of Christmas; we have had at least 12 different approaches to Brexit from Labour. Yes, we will be leaving the common agricultural policy, as the Prime Minister said on Monday, but she also underlined clearly our commitment in respect of those direct payments and, as I say, the transition and the need to provide certainty. The hon. Gentleman’s scaremongering does nothing to add to this—

Mr Speaker: Order. The trouble with these answers is that they are too long.

Marriage (Same Sex Couples) Act 2013

3. Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): If the Government will bring forward legislative proposals to amend the Marriage (Same Sex Couples) Act 2013 to provide that same sex marriages issued in England, Wales and Scotland are recognised as marriages in Northern Ireland.

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): My position on this issue is clear: I voted in support of same-sex marriage in England and Wales and, like the Secretary of State and the Prime Minister, I hope that this can be extended to Northern Ireland in future. I believe marriage should be a common right across the UK. However, the fundamental position remains that same-sex marriage is a devolved issue in Northern Ireland.

Ged Killen: If my husband and I stick to our plans to retire one day to his home town in Northern Ireland, upon my death, my better half would lose a husband in every sense of the word. The registry confirms that no reference to the marriage will be included on any certificate issued and my husband would be recorded simply as a surviving civil partner—years of marriage wiped out by the stroke of a pen. Does the Minister agree that, if the Democratic Unionist party is so keen on having no regulatory divergence from the UK, this is a good place to start?

Chloe Smith: I very much sympathise with this issue and share the frustration encapsulated in the letter to which the hon. Gentleman refers. However, this is not the time to be unpicking the devolution settlement on this issue. It is, rightly, an issue for a future Executive to return to and look at. We hope that the Executive can be brought back to do that and deal with many other important issues.

Lady Hermon (North Down) (Ind): I would welcome assurances from the Minister that she and the Secretary of State have already met the leaders of the four main Churches in Northern Ireland to discuss the sensitive issue of the recognition of same-sex marriage in Northern Ireland. That assurance would be very helpful.

Chloe Smith: I can certainly confirm that my right hon. Friend the Secretary of State and the Department have regular contact with Church leaders. As I said, it is an important issue, but it really is an issue for a future devolved Government to look at.

Leaving the EU: Border Discussions

4. Tony Lloyd (Rochdale) (Lab): What recent discussions has he had with the Irish Government on a frictionless border on the island of Ireland to inform the UK’s negotiations with the EU.

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): We speak regularly with counterparts in the Irish Government on a range of issues. As the Prime Minister has said, we will maintain the common travel area, there will be no hard border between Northern Ireland and Ireland and no new borders within the United Kingdom.

Tony Lloyd: I am grateful both to the Secretary of State and to the Minister for making it very clear that there will be no hard borders within the island of Ireland and no hard borders between Northern Ireland and the United Kingdom. Will she make it very clear that a hard Brexit for the United Kingdom would be incompatible with the statement that she has just made? It is important that we have that clarity.

Chloe Smith: The Prime Minister has given that clarity. She was at this very Dispatch Box only earlier this week saying that we need not speak in terms of hard or soft Brexit. What we are out to do is to get the best possible deal for all parts of the United Kingdom.

Michael Fabricant (Lichfield) (Con): Is it not the case that there already are different tariffs, for example, on petrol and diesel, and yet there is an open border? Surely the best way to ensure that there is an open border is to have a comprehensive free trade agreement with the rest of the European Union.

Chloe Smith: My right hon. Friend; I mean my hon. Friend—

Michael Fabricant: It should be right hon.

Chloe Smith: Quite right. My hon. Friend is correct on two counts. The first is that, of course, there is already co-operation across the border. He mentions the way that we need to be able to deal with fuel, for example, on the two sides of the border. He is also absolutely correct that what we want is a free trade agreement—a comprehensive deal—which is laid out in the agreement that the Prime Minister brought back from Brussels. That is the work ahead.
Paul Girvan (South Antrim) (DUP): Minister, in recent comments, the Irish Prime Minister, Mr Varadkar, and the Deputy Prime Minister, Mr Coveney, have indicated that they will draw a border down the middle of the Irish sea. May I say that those sorts of comments do not give much confidence back to the people of Northern Ireland and the Unionist community that I represent, who want to see an integral part of the United Kingdom?

Chloe Smith: I can reassure the hon. Gentleman that we in this House want to see no new borders inside the United Kingdom. We think that the Union is a precious thing that must be preserved. I will also just note, as I did to the hon. Member for Rochdale (Tony Lloyd), that the relationship that we have with the Irish Government and that we want to continue to have with them should be one of close partners. We should work together to ensure the prosperity of the people in Northern Ireland, and I shall leave it to the Irish Government to continue to hold that strong relationship with us.

Bob Blackman (Harrow East) (Con) rose—

Mr Speaker: Order. I will call the hon. Gentleman on the understanding that his question consists of a single short sentence.

Bob Blackman: Given that the vast majority of trade goes from the Republic to the north in terms of coming to the UK, can my hon. Friend confirm that we will have no need for a hard border and that the only prospect of a hard border is if the EU sets one up in southern Ireland?

Mr Speaker: Well done.

Chloe Smith: To keep the answer short, this should be a shared endeavour to ensure a future trade deal that has benefits for the people of the entirety of the United Kingdom. That is what we want to see.

Leaving the EU: Free Trade Agreement

5. Kerry McCarthy (Bristol East) (Lab): If his Department will provide the evidential basis that a free trade deal similar to the one that Canada negotiated with the EU will maintain the border on the island of Ireland under its current terms after the UK leaves the EU.

The Secretary of State for Northern Ireland (James Brokenshire): As the Prime Minister has made clear, we are seeking a bold and ambitious free trade agreement that is of greater scope and ambition than any existing agreement. We are determined to reach a deal that works for the people of Northern Ireland and the UK as a whole.

Kerry McCarthy: At the Select Committee on Environment, Food and Rural Affairs this morning, the Environment Secretary made it clear that the plus-plus-plus-plus-plus agreement in a Canada-plus-plus-plus-plus agreement ought to include agri-foods, which is obviously really important to Northern Ireland. What steps is the Secretary of State for Northern Ireland taking to try to ensure that that is included in any future deal?

James Brokenshire: I agree with what the hon. Lady has said: agriculture is a key part of the economy within Northern Ireland. It is something that we highlighted very firmly in our August paper and will want to take forward in the phase 2 negotiations.

Kevin Foster (Torbay) (Con): In assessing the evidence around a potential trade deal of this nature, did the Secretary of State conclude, as I have, that for decades we have successfully operated the common travel area between ourselves and Ireland and we will be able to do so under a similar deal, and that any hard border in Ireland will be the responsibility of Dublin and Brussels, not London and Belfast?

James Brokenshire: We are pleased that the joint principles on the continuation of the common travel area after the UK leaves were very firmly highlighted in the joint report. I believe that there is that joint endeavour, and that is what we have been pursuing.

Gavin Robinson (Belfast East) (DUP): On the Canada-EU trade deal, Bombardier in my constituency is a company that greatly benefits from that trading relationship. Will the Secretary of State not only continue his support for Bombardier, but ensure that any future trade agreements do nothing that will injure such an important part of our local economy?

James Brokenshire: I agree with the hon. Gentleman’s comments about Bombardier and commend his work to highlight this important issue. Clearly the protection of the Northern Ireland economy and jobs will remain a focus of our attention.

The Economy

6. Jo Churchill (Bury St Edmunds) (Con): What steps the Government are taking to strengthen the Northern Ireland economy.

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): This Government are committed to building an economy that is fit for the future right across the United Kingdom. That is clear from our industrial strategy and from the benefits for Northern Ireland in the Chancellor’s Budget. Ultimately, though, the key requirement for stronger growth is political stability, and I return to the theme that we should see devolution restored.

Jo Churchill: Will the Minister join me in welcoming the recent labour figures for Northern Ireland showing 3.9% unemployment, which is down from over 7% in 2010? Does she agree that yesterday’s CBI study, which exemplifies the fact that this country is ready to grow and provide jobs, is a testament to Northern Ireland businesses growing a strong economy?

Chloe Smith: I join my hon. Friend in remarking on the important figures. The unemployment rate in Northern Ireland is now down to 3.9% from over 7% in early 2010. Indeed, it is lower than the rate for the UK as a whole. That is, indeed, thanks to many businesses in Northern Ireland creating jobs, but it is also down to a
Government who take a balanced approach to public spending, unlike the Labour party, and we wish to see more of that.

Ian Paisley (North Antrim) (DUP): A strong economy requires stable politics. Does the Minister agree with this week’s editorial in the News Letter—Britain’s oldest running newspaper—which states categorically that Her Majesty’s Government need to “slap down” Mr Coveney, the Deputy Prime Minister of the Republic of Ireland, because the comments he is making are destabilising the economy of Northern Ireland?

Chloe Smith: The simplest thing to say is that we stand fully behind the Belfast agreement. We do have a strong relationship with the Irish Government that we wish to continue. My hon. Friend is right that political stability is required for a strong economy. As I said to my hon. Friend the Member for Bury St Edmunds (Jo Churchill), the Government are committed to building an economy that works for everyone. We would like to see a devolved Administration in Northern Ireland who are able to do the same.

Mr Speaker: I call Stephen Pound—get in there, man.

Stephen Pound (Ealing North) (Lab): Thank you very much indeed, Mr Speaker.

Well, this is all very well, but the Secretary of State referred to yesterday’s statement by the Northern Ireland civil service that is casting a dark pall over Northern Ireland. Will the Minister take this opportunity to say that, when the Government suggest ways of balancing the books by February, they will rule out scrapping the free bus pass, scrapping education maintenance allowance or even—heaven forfend—reintroducing prescription charges?

Chloe Smith: There are indeed important challenges to be faced in order to secure sustainable finances in Northern Ireland for the long term. Tackling those challenges requires political decisions, which is why we should all wish to see a restored Administration in Stormont.

Leaving the EU: Customs Officers

7. Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What estimate the Government have made of the number of customs officers that will be required to conduct border checks in Northern Ireland as a result of the UK leaving the EU.

9. Peter Grant (Glenrothes) (SNP): What estimate the Government have made of the number of customs officers that will be required to conduct border checks in Northern Ireland as a result of the UK leaving the EU.

The Secretary of State for Northern Ireland (James Brokenshire): Customs is a matter for phase 2 of the withdrawal negotiations with the EU. The Government are committed to ensuring that the border remains open with no physical infrastructure, as set out in the joint report agreed with the EU on 8 December.

Stuart C. McDonald: When even the Government accept that their proposals for a frictionless border are untested and go beyond existing precedents, we can see why businesses read that as undeliverable, unless ongoing membership of the single market and customs union are involved. Given that the Minister insists that such membership is not necessary, will he tell us what progress has been made in exploring and designing alternative solutions?

James Brokenshire: The joint report highlights the progress that has been made. It sets out the framework that will take us into phase 2, with customs and other arrangements to ensure that there is no physical infrastructure on the border and to see that open trading relationship.

Peter Grant: The Exiting the European Union Committee visited Northern Ireland a few weeks ago, and everyone we spoke to was very anxious to press on us the fact that any change at all to the status of the Irish border would be seen as a backward step. Does the Secretary of State agree that the reddest of all red lines in the Brexit negotiations must be the maintenance of the integrity of the Good Friday agreement and the peace process that depends on it?

James Brokenshire: I do agree in terms of the maintenance of the Good Friday agreement—the Belfast agreement—and, very firmly, in terms of not seeing any hard border re-emerging, and that is what has been reflected in the joint report.

Mr Speaker: I think we should hear from the former Chair of the Select Committee. The final inquiry in this section today—Mr Laurence Robertson.

Devolution Settlement

10. Mr Laurence Robertson (Tewkesbury) (Con): Whether he plans to propose changes to the devolution settlement in Northern Ireland; and if he will make a statement. [902973]

The Secretary of State for Northern Ireland (James Brokenshire): I have no current plans to propose any changes to the devolution settlement. This would be matter for discussion between the main Northern Ireland parties and the UK Government in accordance with the Belfast agreement.

Mr Robertson: I thank the Secretary of State for that answer, but given that the failing of the Executive and the Assembly to exist is detrimental to Northern Ireland, and given that it is only one party in Northern Ireland that is refusing to allow them to function, is it not time to look at the Belfast agreement to see whether we can evolve it so that, in future, the Assembly and the Executive will continue to serve the people of Northern Ireland? [Interruption.]

Mr Speaker: Order. I am rather disappointed that the former Chair of the Select Committee was not heard in hushed and reverential tones, but we may have to wait until 2018 for that.
James Brokenshire: I agree with my hon. Friend in terms of the need to see devolved government restored. That is where the focus needs to remain and it is why the Government will be doing all that we can, and re-injecting further momentum into the process, so that we see that Executive re-established and devolved government functioning for all the people of Northern Ireland.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [903048] Dr Rosena Allin-Khan (Tooting) (Lab): If she will list her official engagements for Wednesday 20 December.

The Prime Minister (Mrs Theresa May): May I start by wishing all Members and staff a merry Christmas and a happy new year? I am sure that the whole House will want to join me in sending our warmest Christmas messages and wishes to all our armed forces who are stationed overseas. We owe them a great debt of gratitude for the sacrifices that they make on our behalf.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Dr Allin-Khan: In 2009, the Prime Minister said it was "a tragedy that the number of children falling into the poverty cycle" was "continuing to rise." Every child deserves to have a roof over their head and food on the table, yet on her watch, in Wandsworth alone, the number of families forced to survive on food banks is continuing to rise, and 2,500 children—yes, children—will wake up homeless on Christmas day. So my question is simple: when will this austerity-driven Government say enough is enough and put an end to this tragedy?

The Prime Minister: The hon. Lady should note that, in fact, this Government have lifted hundreds of thousands of children out of absolute poverty. But it is important for all those who have heard her question to be aware of this: she talks of 2,500 children in Wandsworth waking up homeless on Christmas day; anybody hearing that will assume that what that means is that 2,500 children will be sleeping on our streets. It does not. [Interruption.] It does not mean that.

Mr Speaker: Order. Hon. and right hon. Members

Mr Speaker: Order. Hon. and right hon. Members are accustomed to these exchanges taking somewhat longer. So be it. The questions will be heard, and the answers from the Prime Minister will be heard. I am in no hurry at all.

The Prime Minister: It is important that we are clear about this for all those who hear these questions because, as we all know, families with children who are accepted as homeless will be provided with accommodation. I would also point out to Opposition Members that statutory homelessness is lower now than it was for most of the period of the last Labour Government.

Q4. [903051] Sir Paul Beresford (Mole Valley) (Con): Perhaps I could draw my right hon. Friend away from Brexit, which is about to crop up, I suspect. I believe it is common knowledge that the Conservative party is the party that strives to protect our green belt. It was therefore a shock to me and a vast number of my constituents in the Guildford wards of Mole Valley when Guildford Borough Council submitted its draft local plan. The council seeks to build 57% of the houses in its plan on green belt. Does my right hon. Friend agree that local authorities should focus their imaginations on developing buildings of sufficient height, density and imagination on brownfield sites, not green belt?

The Prime Minister: My hon. Friend is right to raise this issue on behalf of his constituents. As he will know, a local authority may alter a green belt boundary only in exceptional circumstances. In our housing White Paper, we were very clear that this means “when they...have examined fully all other reasonable options for meeting...identified development” needs. Of course, that includes looking at and building on brownfield sites. In the case of Guildford, I understand that the local plan was submitted for examination earlier this month, and of course it will be examined by an independent inspector for soundness in due course. I can assure my hon. Friend that he is absolutely right that we want to ensure that green belt is protected.

Jeremy Corbyn (Islington North) (Lab): Could I take this opportunity, Mr Speaker, to wish you, all Members of the House, all our public servants and all our armed forces a very happy Christmas and all best wishes for 2018?

I pay tribute to our very hard-working national health service staff, many of whom, unlike us, will not get a break this Christmas. Is the Prime Minister satisfied that the national health service has the resources it needs this winter?

The Prime Minister: First of all, I join the right hon. Gentleman in his comments about those NHS staff who will not get a break a Christmas and will be working very hard. Of course, it is not only our NHS staff who will be working hard this Christmas; it is also those in our emergency services and many others who go to work on Christmas day so that others can enjoy their Christmas day. We thank all of them.

The right hon. Gentleman asks about preparations for winter. I can say this to him: "The health service has prepared more extensively for this winter than ever before. These plans are helping to ensure safe, timely care for patients".

As it happens, those are not my words—they are the words of the chief executive of NHS Providers.

Jeremy Corbyn: Well, Simon Stevens did say that the NHS needs £4 billion next year just to stand still, and the reality is that the Government have given the NHS less than half of what he asked for.

The Prime Minister talks about the money that the NHS needs, but 50,000 people were left waiting on trolleys in hospital corridors last month. Last week, more ambulances were diverted to other hospitals because of A&E pressures, and 12,000 patients were kept waiting
there are nearly 6,500 people alive who would not have getting their hip operations. And it means that today treatment they need. It means more elderly people what does that mean? It means more people getting the operations, and survival rates for more diagnostic tests than seven years ago, 2.2 million happening in the health service? We see now 7 million in the health service. Can I just tell the House what is to this House and complains about what is happening to the NHS over the coming years.

The Prime Minister: The right hon. Gentleman knows full well that NHS funding is at record levels, and in the autumn Budget we put some extra funding into the NHS for this winter, in addition to the £6.3 billion extra that is going into the NHS over the coming years.

Time and time again, the right hon. Gentleman comes to this House and complains about what is happening in the health service. Can I just tell the House what is happening in the health service? We see now 7 million more diagnostic tests than seven years ago, 2.2 million more people getting operations, and survival rates for cancer at their highest ever level. Those are figures, but what does that mean? It means more people getting the treatment they need. It means more elderly people getting their hip operations. And it means that today there are nearly 6,500 people alive who would not have been if we had not improved our cancer care.

Jeremy Corbyn: In the first three weeks of this winter, 30,000 patients were left waiting in the back of ambulances for more than half an hour. These delays risk lives. If the NHS had the resources it needed, we would expect it to be meeting its key treatment and waiting time targets. Can the Prime Minister give us a cast-iron pledge that all those targets will be met in 2018?

The Prime Minister: In 2018, we are looking, yes, to improve the standard of care that we provide in our health service, and to ensure that we improve on the figures that I have just given the right hon. Gentleman so that more people are treated in our health service and we have better survival rates for cancer. That is why we have been putting the extra money into the national health service. But it is not just about putting extra money into the national health service; it is about the proper integration of health and social care at grassroots level. That is what the sustainability and transformation partnerships in many areas are about—opposed by the Labour party. That is why we have lifted the cap so that there are more nurse training places—opposed by the Labour party. It is about ensuring that our NHS has the staff and the capability to deliver the first-class, world-class service that is our NHS. We should be proud of our NHS. We are, and we are going to make it even better.

Jeremy Corbyn: A&E waiting time targets have not been met for two and a half years. Cancer treatment targets have not been met for two years. Our A&E departments are bursting at the seams because the Government have failed to ensure that people can get a GP appointment when they need one. The Government promised to recruit an extra 5,000 GPs by 2020. Where are they?

The Prime Minister: We are seeing more training places for our GPs. The right hon. Gentleman talks about A&E, and if he wants to look at targets, let us talk about what has happened in Wales. The standard on A&E in Wales was last met in 2008. Let me just think: which party is in government in Wales? Is it the Conservatives? No, it is the Labour party. On cancer care, the standard was last met in June 2008 in Wales. The right hon. Gentleman should look at what the Labour party is actually delivering before he comes to this House and complains.

Jeremy Corbyn: The Welsh Government rely on a block grant from England that has been cut by 5% to 2020. Despite that, 85.5% of cancer patients in Wales start their treatment within 62 days, which is a rate higher than that achieved in England.

My question was about GPs. Perhaps the Prime Minister is not aware that there are 1,000 fewer GPs than there were on the day she became Prime Minister. It is not only the lack of GPs; another issue that is driving people into A&E is the £6 billion of cuts made to social care budgets. Some 2.3 million older people have unmet care needs. Does the Prime Minister regret the fact that the Chancellor—he is sitting right next to her—did not put one penny in his Budget into social care?

The Prime Minister: We put £2 billion of extra money into social care in the spring Budget. The right hon. Gentleman started his question by referencing the record of the last Labour Government on health. The last Labour Government’s NHS legacy was described as a “mess”, and we are clearing that up and putting more money into the NHS. Who described Labour’s NHS legacy as a “mess”? It was the right hon. Gentleman. When he is running for leader, he denounces the Labour party, but now he is leader of the Labour party he is trying to praise it.

Jeremy Corbyn: I can quote something the Prime Minister might be familiar with: “If government wants to reduce the pressures on the health service and keep people out of hospital in the first place, then it needs to tackle the chronic underfunding of care and support services in the community, which are at a tipping point.”

Who said that? Izzi Seccombe, the Conservative leader of Warwickshire County Council.

The question was on social care, but the issue is about the NHS as a whole. It is there to provide care and dignity for all if they fall ill, but our NHS goes into this winter in crisis: nurses and other workers—no pay rise for years; NHS targets—not met for years; staff shortages; and GP numbers falling. The reality is mental health budgets have been cut, social care budgets have been cut and public health budgets have been cut. The Prime Minister today has shown just how out of touch she is. The truth is our NHS is being recklessly—I repeat, recklessly—put at risk by her Government. That is the truth.

The Prime Minister: The right hon. Gentleman is wrong because NHS funding has gone up. He is wrong because social care funding has gone up. But not that long ago, he was saying that he would be Prime Minister by Christmas. Well, he was wrong; I am, and the Conservatives are in government. Not that long ago, he said we would not deliver on phase 1 of the Brexit negotiations. Well, he was wrong; we have made sufficient progress and we are moving on to phase 2 of the Brexit negotiations. And not that long ago, he predicted that the Budget would be a failure; in fact, the Budget was a success, and it is delivering more money for our national health service. Labour—wrong, wrong, wrong,
Conservatives—in government, delivering on Brexit, with a Budget for homes and the health service: Conservatives delivering a Britain fit for the future.

Q7. [903054] Mr Mark Harper (Forest of Dean) (Con): Gloucestershire College is building a brand-new campus in my constituency, made possible by millions of pounds of Government support. May I thank the Prime Minister for that investment, and does it not show that this is a Government committed to investing in the skills necessary to make this an economy and a country fit for the future?

The Prime Minister: I am very pleased to welcome the development that is taking place in my right hon. Friend’s constituency, and I am also pleased to agree with him—I know he believes very strongly in this—on the importance of skills and training for the future; and that is a good commitment of this Government. It is more important than ever that people in this country are developing the skills they need to get the highly skilled, well-paid jobs of the future. That is what we are doing with our money going into technical education, and the college in his constituency will play an important part in that.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I take this opportunity to wish you, Mr Speaker, all Members, staff and of course our armed forces and emergency personnel a merry Christmas and a good new year when it comes? We also, I am sure, wish for a peaceful election tomorrow in Catalonia.

In 2013, the then Chancellor of the Exchequer, George Osborne, when reflecting on his position in representing the majority interest in the Royal Bank of Scotland on the departure of its then chief executive, said that “of course my consent and approval was sought.” Was the Government right to intervene in the departure of the chief executive of the Royal Bank of Scotland?

The Prime Minister: Obviously, decisions have been taken in the past in relation to Royal Bank of Scotland; the key decision was taken at the time of the financial crisis in relation to the support that the Government provided to Royal Bank of Scotland. If the right hon. Gentleman is going to raise branch closures, as he did last week, I am afraid I have to tell him that he will get the same answer as he got last week. This is a commercial decision for Royal Bank of Scotland, but the Government do ensure, through the protocol that is in place and the work that has been done with the Post Office to provide extra services, that services are available for people.

Ian Blackford: It is supposed to be Prime Minister’s questions; the Prime Minister is supposed to at least try to answer the question. If it was right in 2013 for the Chancellor of the Exchequer to intervene on the departure of the chief executive officer, then of course it is quite right that the Government shoulder their responsibilities when the last 13 branches in town are going to be closed in Scotland. Prime Minister, show some leadership: stand up for our communities. Bring Ross McEwan into 10 Downing Street and tell him that you are going to stand up for the national interest and stop these bank closures.

The Prime Minister: The decision on individual bank branches is, of course, an operational decision for the bank. The right hon. Gentleman talks about standing up for communities and standing up for people across Scotland. I have to say to him, that is a bit rich, coming from an SNP which, in government in Scotland, is going to increase taxes for 1.2 million Scots. The Conservative Government are reducing tax for 2.4 million Scots. There is only one clear message to people in Scotland: “Conservatives back you; SNP tax you.” [ Interruption. ]

Mr Speaker: Order. I wish the hon. Member for Filton and Bradley Stoke (Jack Lopresti) and his hon. Friend the Member for Morley and Outwood (Andrea Jenkyns) all the best for their wedding on Friday of this week, which I look forward to attending.

Q9. [903056] Jack Lopresti (Filton and Bradley Stoke) (Con): Thank you very much, Mr Speaker. I look forward to seeing you there.

I am sure the Prime Minister agrees that defence of the realm and the protection of our people is the first duty of the Government. Would she further agree that any future Government who failed to support our armed forces, who wanted to abolish our nuclear deterrent and who sympathised with terrorists, would endanger our security as well as placing hundreds of thousands of jobs at risk up and down the country, as well as 12,000 in my constituency?

The Prime Minister: Mr Speaker, I join you in congratulating my hon. Friends on their forthcoming wedding, which unfortunately, because of my travels, I will not be able to attend. I wish them all the very best.

My hon. Friend raises a very important issue, and I absolutely agree with him that defence is the first duty of the Government. That is why we are committed to our NATO pledge to spend at least 2% of GDP on defence every year. We have a £36 billion defence budget, which will rise to almost £40 billion by 2020-21, and we are spending £178 billion on equipment over the next 10 years. He is absolutely right: a party like the one opposite, which wants to get rid of our nuclear deterrent, cut our armed forces and pull out of NATO, would not strengthen our defences; it would weaken them.

Q2. [903049] Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Prime Minister will be aware of the strong affection and support for Gibraltar across this House. In the light of the guidelines published this morning, will she give a commitment not to enter into any agreement with the European Union that excludes Gibraltar from the transitional or implementation arrangements and periods?

The Prime Minister: We and the EU have been clear that Gibraltar is covered by the withdrawal agreement and our article 50 exit negotiations. Just to confirm what I said on Monday, as we negotiate this, we will be negotiating to ensure the relationships are there for Gibraltar as well. We are not going to exclude Gibraltar from our negotiations for either the implementation period or the future agreement. I can give the right hon. Gentleman that assurance.

Q12. [903069] Scott Mann (North Cornwall) (Con): As the Prime Minister will be aware, dairy is very important for growing children and as part of a healthy diet. The sector is integral to Great British food and
drink. As the chairman of the dairy all-party parliamentary
group, may I ask whether she will support our campaign
next year to rebrand milk, to ask supermarkets to
include it as part of their meal deal selections and as
part of a healthy diet to promote drinking milk in
schools? Will she join me this Christmas in raising a
glass to our fabulous dairy farmers?

The Prime Minister: I am very happy to join my hon.
Friend in commending the work of our dairy farmers.
He talks about the importance of dairy. He is, rightly,
a great advocate for rural issues. It is one of the most
efficient, innovative and high-quality dairy industries in
the EU. I am sure my right hon. Friend the Environment
Secretary will be very happy to discuss the particular
points he raises, but I join him in recognising the
importance of our dairy industry.

Q3. [903050] Ronnie Cowan (Inverclyde) (SNP): Eight
European countries, plus Australia and Canada, have
introduced drug consumption rooms. The result has
been a reduction in the spread of HIV and hepatitis C,
and a reduction in crime. It is also worth noting that
while drug-related deaths have in the past four years
continued to increase in the UK, there has never been a
drug overdose in a supervised drug consumption room.
In the interests of public health, will the Prime
Minister introduce DCRs in the United Kingdom, or,
if not, will she devolve the relevant powers to the
Scottish Parliament, so that the Scottish Government
can do so?

The Prime Minister: First, as I am sure the hon.
Gentleman is aware, the Home Office recently published
the Government’s updated drugs strategy. I have
a different opinion to some Members of this House.
Some are very liberal in their approach to the way that
drugs should be treated. I am very clear that we should
recognise the damage that drugs do to people’s lives.
Our aim should be to ensure that people come off
drugs, do not go on drugs in the first place and keep
clear of drugs. That is what we should focus on.

pay tribute to the Prime Minister for listening to me so
carefully on issues relating to women’s health and in
particular pregnancy, including Primodos, valproate and
mesh implants, all of which have been accused by my
constituents? Like my right hon. Friend, they feel very
strongly about tackling female health issues and are
very grateful to be heard. Will she assure me that she
will continue to listen, so that women do not feel they
are left behind or forgotten when it comes to health
equality?

The Prime Minister: I was very happy to meet my
hon. Friend and other right hon. and hon. Members to
discuss these important issues that have a real impact
on women’s lives. Women want answers to what has
happened, and I can assure her that the Government
and I will continue to listen on these issues. We will
continue to look to see what we can do to ensure that
women do not suffer in the way that they have in the
past. We will keep that clear focus on women’s health.

Q5. [903052] Clive Efford (Eltham) (Lab): Mr Speaker,
happy Christmas. Last year, the Prime Minister told the
Radio Times that on Christmas day she likes to
prepare and cook her own goose. In the spirit of
Christmas, may I suggest that to extract the maximum
pleasure from the messy job of stuffing her goose, she
names it either Michael or Boris? [Interjection.]

Mr Speaker: Order. I am sure the Prime Minister has
better taste than that.

The Prime Minister: I think I will be having to resist
the temptation to call the goose Jeremy.

Mr Christopher Chope (Christchurch) (Con): On
Thursday last week, there was a very important local
referendum in Christchurch. The result was that 84% of
the people of Christchurch want to keep it as an
independent sovereign borough and are against its abolition. [Interjection.]

Mr Speaker: Order. I cannot understand this atmosphere.
I want to hear about the views of the good burghers of
Christchurch.

Mr Chope: Will my right hon. Friend ensure that the
Government respect the views of the people of Christchurch
and give sufficient time—for the
council to draw up alternative proposals that properly
reflect the wishes of the people of Christchurch?

The Prime Minister: As my hon. Friend obviously
knows, being very close to this, local councils have been
considering this issue over a significant period, as has
the Department for Communities and Local Government.

Conor Burns (Bournemouth West) (Con): And there
is a lot of support!

The Prime Minister: As an hon. Friend says from a
sedentary position, other councils in the area support a
change to the governance structure. Of course, DCLG
will be looking very carefully at the views of the councils
to ensure that the best result is achieved for the people
of Dorset.

Q6. [903053] Laura Pidcock (North West Durham) (Lab): We
in North West Durham have some of the best
schools—[Interjection.]

Mr Speaker: Order. It might be moderately good
natured, but nevertheless it is disruptive. The hon. Lady
is entitled to be heard. For as long as she is in the House
and I am in the Chair, she will be heard, and that is the
end of it.

Laura Pidcock: We in North West Durham have
some of the very best schools, but whatever the new
funding formula, they are dealing with deficits after
years of real-terms cuts and feeling the corrosive effect
of academisation. On collaboration, school staff are
working for longer for less pay. Please, Prime Minister,
do not say there is more money in our schools. The fact
remains that a significant proportion of schools in
North West Durham will see totally unjust reductions
in their funding. We have run out of ways to meet the
Government’s cuts. Will she tell us what they should
do next?

The Prime Minister: The hon. Lady asks me not to
say that there is more money going into our schools, but
of course there is more money going into our schools.
That is the reality. The figures are that funding for our
schools will rise by over £1.4 billion next year and
almost £1.2 billion the year after, and we have protected the pupil premium, which is worth nearly £2.5 billion to support those who need it most. If we listen to the Labour party, education seems only to be about the amount of money put in, but actually parents are looking at the quality of education provided, and I notice that there is an increase of over 12,000 children in the County Durham local authority now in good or outstanding schools. That is because of this Government.

Suella Fernandes (Fareham) (Con): The year 2017 has been an excellent one for Fareham College: rated outstanding by Ofsted, shortlisted by The Times Educational Supplement for college of the year and successful in its bid to the local enterprise partnership to deliver its civil engineering provision. Will my right hon. Friend join me in wishing the principal and his staff a happy Christmas, congratulating them on supporting our young people into work and—because it is Christmas—creating a Britain fit for the future?

The Prime Minister: I am very happy not only to send Christmas wishes to the principal, staff and students at Fareham College, but to congratulate them on working hard to achieve such excellent results. My hon. Friend is absolutely right. This is about ensuring that young people have the skills, training and education they need for the jobs of the future. It is about building a Britain fit for the future.

Q8. [903055] Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): For many terminally ill people on universal credit, this will be their last Christmas. Does the Prime Minister agree that it can never be appropriate for terminally ill people to be forced to meet work coaches or to fit into an arbitrary six-month prognosis to claim support? Will she listen—finally—to the experts at the Motor Neurone Disease Association and Macmillan CAB and remove these conditions to help those who need it most?

The Prime Minister: The hon. Gentleman is right that we have to deal with cases where somebody has a terminal illness with the utmost sensitivity. These issues have been raised before. The conditions and principles applied to terminally ill people claiming universal credit are in fact the same as those for people claiming employment and support allowance, and have remained the same for successive Governments. A number of approaches can be taken, and there are several options for how people progress through the system, but he is right that we should deal with terminally ill people with sensitivity. That is what the system intends to do.

Mr Nigel Evans (Ribble Valley) (Con): This morning I met Liam Allan, the young student whose life was put on hold for two years and who had to endure torture until his case collapsed last week. This week another case collapsed because of a lack of disclosure. Does the Prime Minister agree that when allegations are made there should be a full investigation, and that full disclosure should be made to the Crown Prosecution Service and to both lawyers?

The Prime Minister: My hon. Friend has raised an important point. The issue of disclosure has come to a focus of concern as a result of the case that he has cited and, I understand, another case which is in the press today. I can tell him that, even before these cases arose, my right hon. and learned Friend the Attorney General had initiated a review of disclosure. I think it important that we look at the issue again to ensure that we are truly providing justice.

Q10. [903057] Lucy Powell (Manchester Central) (Lab/Co-op): According to the Prime Minister’s own Social Mobility Commission, social mobility in Britain is stalling, and for many it is “getting worse not better.” According to her former chief of staff, the social mobility action plan released last week was “disappointing. Full of jargon but short on meaningful policies, it would have been better left unpublished.” Does she agree with him?

The Prime Minister: The social mobility action plan “will play an important role in enabling less advantaged young people to get on in life.” That is not what I have said; it is what the Sutton Trust has said, and the Sutton Trust has a fine record in helping disadvantaged young people to get on in life. If the hon. Lady wants some more quotes, the Association of Colleges has said:

“The plan sets out an ambitious agenda to tackle longstanding and deep-seated inequalities which the education system struggles to overcome.”

It is a good plan, and it will make a real difference to young people’s lives.

Alec Shelbrooke (Elmet and Rothwell) (Con): In the 1980s, Mrs Thatcher famously commented to the Vietnamese—[Interruption.]

Mr Speaker: Order. This is very discourteous, and very unfair on the hon. Gentleman. Let us hear the fella.

Alec Shelbrooke: Thank you, Mr Speaker. As I was saying, in the 1980s Mrs Thatcher famously asked why, if Vietnam was so wonderful, millions of people were getting into boats to leave it. With that in mind, may I ask my right hon. Friend, as she enters the second phase of the Brexit negotiations, “If World Trade Organisation rules are so wonderful, why do so many countries seek WTO trade agreements?”

The Prime Minister: Of course countries around the world can trade. The question is, on what terms are they trading? We want to see a free trade agreement negotiated with the European Union. We also want to see free trade agreements negotiated with countries around the rest of the world. We are believers in free trade, because we believe that it brings growth, prosperity, jobs and a secure future to this country.

Q11. [903058] Steve McCabe (Birmingham, Selly Oak) (Lab): May I wish the Prime Minister a merry Christmas? As she sits down to her Christmas dinner, will she spare a thought for the 1 million youngsters who, the Children’s Society calculates, are set to lose their school dinners because of the Government’s universal credit plans? In the season of good will, why does she not offer to fix that?
The Prime Minister: I wish the hon. Gentleman a merry Christmas too, and a happy new year. In fact, the introduction of the Government’s proposed arrangements for free school meals under universal credit will lead to more children having access to them.

Geoffrey Clifton-Brown (The Cotswolds) (Con): May I wish you and everyone else a very happy Christmas, Mr Speaker?

Does not Michel Barnier’s claim that UK banks will lose their passporting rights post-Brexit—as opposed to the Bank of England’s statement that EU banks will be able to continue to operate here—vindicate my right hon. Friend’s principled and strong stance in negotiating reciprocity for EU and UK citizens?

The Prime Minister: We value the important role that the City of London plays, not just as a financial centre for Europe but as a financial centre for the world, and we want to retain and maintain that. Mr Barnier has made a number of comments recently about the opening negotiating position of the European Union. Both the Bank of England and the Treasury have today set out reassurance about ensuring that banks will be able to continue to operate and the City of London will continue to retain its global position. That will, however, be part of the negotiations on phase 2 of Brexit, and we are very clear about how important it is.

Q13. [903060] Graham P. Jones (Hyndburn) (Lab): Mr and Mrs Walker from Great Harwood in my constituency have a son with learning difficulties. In 2014, he was knocked down by a driver who was over the limit, had taken drugs, had no lights and was speeding. Mr Walker is 69, and he is now quadriplegic. He is not entitled to the personal independence payment, and he and Mrs Walker are now paying £400 per calendar month for a hire car. I wrote to the Department for Work and Pensions about this case on 21 November and have not heard a reply. It is shocking that this country and this Government cannot look after the elderly and the disabled. Will the Prime Minister look into this case urgently?

The Prime Minister: First, may I give our best wishes to Mr Walker and his family and say how sorry we are to hear of what has befallen him? The hon. Gentleman references a letter to the DWP and I will ensure that case is investigated and he receives a response.

Chris Green (Bolton West) (Con): Will my right hon. Friend join me in praising the work of Fortalice, which has provided domestic abuse support in Bolton for 40 years? Will she consider under the current reforms the benefits of a new funding structure for domestic abuse refuges separate from the supported housing sector, so that refuges can continue to deliver their specialist support?

The Prime Minister: I thank my hon. Friend for raising the question of refuges, and I am also very happy to join him in praising the work of Fortalice and services like it across the country. He mentions the reforms that we are putting in place. Indeed, that is because we feel that at the moment the system is not responsive to the needs of vulnerable women in local areas. That is why we want to put the funding in the hands of local authorities, but bring in new oversight to make sure we are delivering the right support for the right people. It is trying to ensure that we are focusing the support on those who need it and that the system is more responsive to the needs of vulnerable women.

Q15. [903062] Bill Esterson (Sefton Central) (Lab): The inappropriate treatment of smaller businesses by the Royal Bank of Scotland destroyed businesses, ripped families apart and saw people take their own lives. RBS is owned by the Government, so will the Prime Minister set up the full independent inquiry which is needed to deliver justice for the victims?

The Prime Minister: My understanding is that this issue is being properly looked into. Of course, I recognise the concerns that have been expressed by the hon. Gentleman, and indeed will have been expressed by other Members of this House, and the Government are looking into that.

Stephen Kerr (Stirling) (Con): Does the Prime Minister share my dismay that the Scottish National party Government are planning on raising taxes on hard-working Scots when they could raise the same amount, if not more, by just getting their own house in order and improving efficiencies?

The Prime Minister: What the Scottish Government are proposing means that there are 1.2 million Scots earning over £26,000 who will be paying more tax than people in England. [Interruption.] I was not aware of the fact that my hon. Friend has given this House, which is very important—[Interruption.]

Mr Speaker: Order. I apologise for interrupting the Prime Minister, but may I ask her to face the House, because some of us cannot hear fully, and I would like to hear fully?

The Prime Minister: I was making the point that my hon. Friend has made an important addition to the knowledge of this House, which is that if the SNP Government got their own house in order, they could save the same amount of money that they will be raising by raising taxes, and not put that extra tax burden on people earning over €26,000.

Nigel Dodds (Belfast North) (DUP): In light of the very loose, inaccurate and misrepresentative language coming from politicians outside Northern Ireland who should know better, will the Prime Minister take this opportunity to repeat to the House and the public in Northern Ireland—both sides of the community—the well established three-stranded approach to Northern Ireland, which makes it clear that the internal arrangements and decisions on Northern Ireland are a matter for the United Kingdom Government and the parties in Northern Ireland?

The Prime Minister: I am very happy to make that clear to the right hon. Gentleman, and to confirm what he says. We are very clear about the position and the decisions that will be taken about Northern Ireland. What we of course want to see is a Northern Ireland Executive restored so that devolved decisions can be taken by that Northern Ireland Executive. The right
hon. Gentleman also wants to see that Executive restored, and we will continue to work with his party and other parties across all communities to see that happen.

Dr Julian Lewis (New Forest East) (Con): As one of the signatories to amendment 400 to the European Union (Withdrawal) Bill, may I seek an assurance from the Prime Minister that its provisions to change the date of our leaving the EU will be invoked only in extremely exceptional circumstances, if at all, and only for a very short period?

The Prime Minister: I am happy to give my right hon. Friend and others that reassurance. We are very clear that we will be leaving the EU on 29 March 2019 at 11 pm. The Bill that is going through does not determine that the UK leaves the EU; that is part of the article 50 process and a matter of international law. It is important that we have the same position legally as the European Union, which is why we have accepted the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), but I can assure my right hon. Friend the Member for New Forest East (Dr Lewis) and the House that we would use that power only in exceptional circumstances for the shortest possible time, and that an affirmative motion would be brought to the House.

Rosie Cooper (West Lancashire) (Lab): The Government, the Ministry of Justice, NHS England and the Lancashire Care NHS Foundation Trust should be thoroughly ashamed of their part in the national disgrace that is HMP Liverpool. Will the Prime Minister assure the whole House that those responsible for the deplorable conditions, for the lack of care and harm that has led to the suicide of some prisoners, and for the harm that has been caused to staff and prisoners will be held to account, that proper disciplinary action will be taken, and that they will not be allowed simply to move to other jobs? We need accountability for this tragedy.

The Prime Minister: As I understand it, the Lord Chancellor and Secretary of State for Justice, my right hon. Friend the Member for Aylesbury (Mr Lidington) said yesterday that he expects the report on HMP Liverpool to be published early in the new year. I understand that a number of actions have been taken, including changes to prison management. Overall, of course, we are increasing frontline staff in our prisons by putting more money into that, and we are increasing the support available to vulnerable offenders, especially during the first 24 hours of custody. We have also invested more in mental health awareness training for prison officers. But of course my right hon. Friend the Justice Secretary will look carefully at the report when it is published.

Mr John Baron (Basildon and Billericay) (Con): As one of the signatories to amendment 400, may I seek an assurance from the Prime Minister that its provisions to change the date of our leaving the EU will be invoked only in extremely exceptional circumstances, if at all, and only for a very short period?

The Prime Minister: I thank my hon. Friend for seeking further clarification on that point. As I said to my right hon. Friend the Member for New Forest East, we are going to leave on 29 March 2019. That is what we are working to, but we want to ensure that we have the same legal position as the European Union, which is why amendment 400, tabled by my right hon. Friend the Member for West Dorset, has been accepted. I can assure my hon. Friend the Member for Basildon and Billericay that, if that power were to be used, it would be only in extremely exceptional circumstances and for the shortest possible time. We are not talking about extensions—[Interruption.]

Mr Speaker: Order. We would hear better if the Prime Minister faced the House, but we would also hear better if Members did not keep wittering from a sedentary position. Let us have a new year’s resolution that there will be an end to sedentary chuntering, wittering and hollering.

The Prime Minister: Mr Speaker, I apologise for not facing the Opposition, but I was hoping to ensure that my hon. Friend the Member for Basildon and Billericay heard my response. I can assure him that we are talking about the shortest possible time, should that power be used. I am clear that we are leaving the European Union on 29 March 2019.

Rachel Reeves (Leeds West) (Lab): Last Friday, Jo Cox’s sister Kim, the hon. Member for South Ribble (Seema Kennedy) and I published the Jo Cox loneliness commission manifesto. Will the Prime Minister join us in urging everybody to look out over Christmas for neighbours, family and friends who are struggling with the pain of loneliness? Will the Government also play their part by publishing a strategy on loneliness and by responding fully to our recommendations in the new year?

The Prime Minister: I know that the hon. Lady has worked extremely hard on this important issue together with my hon. Friend the Member for South Ribble (Seema Kennedy). We are getting more and more awareness of the impact of loneliness on people, and we all recognise that social isolation is an issue. The matter is of importance to the Government, and we are looking at a number of things that we can do to help reduce loneliness. However, this is not just about what the Government can do; as the hon. Lady says, it is about what communities and neighbours can do. In my constituency of Maidenhead, I am pleased to say that the churches work together on Christmas day to bring elderly people who would otherwise be on their own together for a community lunch. That is just one small example of what we can all do in our communities to help to overcome the problem of loneliness.

Andrew Selous (South West Bedfordshire) (Con): It is very welcome that the Prime Minister is taking personal
charge of building the homes that this country needs, which is such an important social justice issue for our country’s future. How does the Prime Minister see our doing that at the necessary scale and speed?

The Prime Minister: My hon. Friend is right that we need to build more homes and that we need to build them at scale. I am pleased to say that we saw 217,000 new homes built last year, which is a level of house building that has not been seen, apart from in one year, over the past 30 years, but we need to go further. That is why we have proposed several changes in terms of support for affordable housing, for councils and for people trying to get their foot on the housing ladder. We are also working with local authorities in a number of ways to ensure that land is released and that builders build out the planning permissions that they have.

Mr Speaker: Finally, I call Tim Farron.

Tim Farron (Westmorland and Lonsdale) (LD): Thank you, Mr Speaker—[Interruption.]

Mr Speaker: Order. That was not a very seasonal response from the hon. Member for Sefton Central (Bill Esterson).

Tim Farron: Thank you for your characteristic greeting, Mr Speaker. I wish everyone a merry Christmas, especially the hon. Member for Sefton Central (Bill Esterson).

The Prime Minister will be aware that NHS England has extended the deadline for its consultation on the allocation of radiotherapy services into the new year. Will she therefore take this opportunity to ensure that one of the criteria is shortening the distances that people have to travel—travel time has a massive impact on outcomes—so that people who live in places such as south Cumbria can access this life-saving, utterly urgent treatment safely and quickly?

The Prime Minister: We are of course all aware of the need to ensure not only that people are able to access the treatment that they need, but that they can access it in an appropriate way. We recognise that in some rural areas that means travelling longer distances than in other parts of the country. As the hon. Gentleman says, there is a consultation, and NHS England will be looking closely at the issues. I am sure that he will have made representations.
Points of Order

12.54 pm

Nick Smith (Blaenau Gwent) (Lab): On a point of order, Mr Speaker. In the Budget debate, I raised the issue of steelworkers transferring out their pensions. Some financial advisers are fleecing steelworkers, and the regulators have been unco-ordinated and complacent. The Exchequer Secretary to the Treasury promised me a response to my speech, but none has been forthcoming. Mr Speaker, do you know whether the Government will be making a statement on this urgent matter?

Mr Speaker: I thank the hon. Gentleman for giving me notice of his intention to raise that point of order. I recognise that the matter is of considerable concern to him, to many other Members and, indeed, to their constituents. The simple fact is that, as things stand, I have received no indication of any intention on the part of a Minister to make a statement on this matter. Therefore, I am not at present expecting a Minister to offer to do so before we rise for the Christmas recess. However, it is open to the hon. Gentleman to raise the matter at business questions tomorrow, and he is sufficiently experienced in the House to know that a range of mechanisms is open to him to try to secure the attendance in the Chamber of the responsible Minister. I am sure that he will apply what Hercule Poirot would describe as his “little grey cells” to seeking satisfaction on the matter.

Robert Halfon (Harlow) (Con): On a point of order, Mr Speaker. Since 2010, my staff have worked in the lower basement—otherwise known as the dungeons—of the House of Commons. On a number of occasions since 2010, they have had valuables and computers stolen, and I have had my valuables stolen when they have been kept there. I have raised the matter with the authorities several times, but little has been done. There has been a recent theft in which valuables were stolen not just from my staff but from other staff, and those other staff have approached me. My staff have also come in in the morning to find somebody sleeping under a desk and clothes just thrown in the middle of the floor. When I raised that with the authorities recently, one suggestion to deal with the issue was for staff to move into the offices of MPs.

It is unacceptable that my staff’s privacy should be invaded in that way and that there are constant thefts of valuable things, even when they are locked in drawers. We keep getting told to lock stuff in drawers, but things are already locked away. Something should be done about that, there should be proper security, and my staff and the others who work in the basement should be protected.

Mr Speaker: I thank the right hon. Gentleman. I have known him for probably 25 years, so I understand the sincerity as well as the seriousness of purpose with which he addresses the Chair. I note that a number of the matters have been reported to the police and—I say this is in no contentious spirit, but on the basis of advice that I received during his point of order—in respect of at least some of the matters of which it is said we did not have knowledge we need a proper and comprehensive report. Certainly, reference to Members sleeping in offices—

Hon. Members: Strangers.

Mr Speaker: Strangers sleeping in offices—no further elaboration is required—is news to me. I had not known of that, and my understanding is that the authorities had not known of that. If there is a fuller picture to be provided, let it be provided, but I hope that the right hon. Gentleman will understand if I say that I cannot have a kind of Second Reading debate on the matter here on the Floor of the House now. He has aired his concern and should add to it in writing if necessary, and I assure him that I will give it my attention and so will the head of the House service. I wish the right hon. Gentleman a merry Christmas. [Interruption.] And a happy Hanukkah, as the right hon. Member for New Forest West (Sir Desmond Swayne) chunters from a sedentary position. [Interruption.] I am against chuntering, but I cannot stop it overnight.
Immigration Detention of Victims of Torture and Other Vulnerable People (Safeguards)

Motion for leave to bring in a Bill (Standing Order No. 23)

12.58 pm

Joan Ryan (Enfield North) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision about immigration detention safeguards for victims of torture and other vulnerable people, including those that have suffered from severe physical, psychological or sexual violence; and for connected purposes.

The treatment of victims of torture and other vulnerable people in our country’s immigration detention system is unacceptable. Long-standing Home Office policy has been that vulnerable people, including those with “independent evidence of torture”, should not be detained other than in exceptional circumstances, but in practice many are. We know from extensive medical evidence that immigration detention can seriously harm the mental health of detainees, particularly those who have previously suffered ill treatment.

The conditions of immigration detention can be appalling. Six court cases in recent years have reported inhuman and degrading treatment of detainees. In 2017 alone, 11 people died in custody. Detainees are dying at a faster rate in immigration detention than we have seen before. When the then Home Secretary, now Prime Minister, commissioned the former prisons and probation ombudsman, Stephen Shaw, to conduct a review of the welfare of vulnerable persons in detention last year, his damning report found that safeguards for vulnerable people were inadequate, and that detention was used too often and for too long.

The Government’s response to Stephen Shaw’s recommendations has made a bad situation even worse. The Home Office’s flagship adults at risk policy, launched in September 2016, was intended to help to reduce the number of vulnerable people detained, and to cut the duration of detention, but according to the charity Medical Justice, the policy “fundamentally weakens protections for vulnerable detainees leading to more rather than fewer being detained, for longer.”

This analysis was borne out in October 2017 by the High Court’s ruling in a case brought against the Home Office by Medical Justice and seven detainees. The Court found that the adults at risk policy unlawfully imprisoned hundreds of victims of torture as a result of the Home Office’s deeply regrettable decision to narrow the definition of torture so that it refers only to violence carried out by state actors and so excludes vulnerable survivors of non-state abuse. Given that the High Court ruled that the Home Office must review and reissue the adults at risk policy, this Bill provides a timely opportunity to ensure that we properly protect victims of torture and other vulnerable people.

My Bill would require all future policy to be inclusive, preventive and effective—inclusive by ensuring that the definition of torture used is broad enough to cover all those who are most likely to suffer from harm in detention, including all those who have suffered severe ill treatment at the hands of both state and non-state actors; preventive by protecting victims of torture and vulnerable people before harm occurs; and effective by ensuring that we actually see the release of those unfit for detention, and that victims of torture and other vulnerable people are not detained for immigration purposes except in very exceptional circumstances.

I thank Freedom from Torture for all its advice and assistance with the Bill. At one of their events that I attended in September, I met Jonathan, a torture victim working with the campaign group Survivors Speak OUT. Jonathan provided harrowing testimony of the torture inflicted on him in his country of origin, and spoke of his experiences in fleeing to the UK, seeking asylum, and having medical evidence of his ill treatment initially disbelieved by the Home Office. While working on issues relating to human rights and the Tamil people in Sri Lanka, I have met other survivors of torture who suffered a similar fate when they arrived in the UK.

The Home Office’s decision to narrow the definition of torture in its adults at risk policy is a prime example of the flaws of the system. That decision gave rise to a perverse situation whereby victims of sexual and physical abuse, trafficking, sexual exploitation and homophobic attacks were excluded from being recognised as torture victims by this Government, because the crimes perpetrated against them were carried out by non-state agents. The judge presiding in the High Court case ruled that the narrowing of the definition of torture lacked a “rational or evidence base”, and that the exclusion of “certain individuals whose experiences of the infliction of severe pain and suffering may indeed make them particularly vulnerable to harm in detention.”

Torture is torture, whether carried out by a state or non-state actor.

In its initial 10 weeks of implementation, the adults at risk policy was applied incorrectly in almost 60% of 340 cases. One of the seven detainees who challenged the Home Office’s policy in the courts was Mr P. O. He was beaten, knifed and flogged in homophobic attacks in his country of origin. Fleeing to the UK, he was unlawfully detained, and his mental health deteriorated while he was imprisoned. He said that while he welcomed the High Court’s decision,

“it is still upsetting that the Home Office, who should protect people like me, rejected me and put me in detention which reminded me of the ordeal I suffered in my country of origin.”

It was not just the narrowing of the definition of torture that put Mr P. O. and others like him in such a terrible position. Medical Justice has said:

“For those detainees excluded by the narrower definition of torture, the policy required specific evidence that detention is likely to cause them harm—described as an ‘additional hurdle’ in the judgment. Not only does the policy lack effective mechanisms for obtaining such evidence, it also weakened already ineffective safeguards, encourages a ‘wait and see’ approach where vulnerable people were detained and allowed to deteriorate until avoidable harm has occurred and can be documented. As such, the policy effectively sanctioned harm to vulnerable detainees.”

Sadly, this situation could have been avoided if the Home Office had listened to and acted on concerns when the policy was written. Freedom from Torture was clear that the policy’s implementation

“could…weaken…standards protecting vulnerable people.”

It was correct, but its views, like those of many other organisations, such as the Royal College of Psychiatrists, were ignored.
Parliament was marginalised, too. Medical Justice noted:

“The policy was laid before parliament the day before summer recess and came into effect one week after recess with little opportunity for meaningful debate. Parliamentarians’ attention was not drawn to the intention to narrow the definition of torture”.

I question the Government’s commitment to the principle of parliamentary sovereignty if Members are not given adequate time to debate issues, such as the adults at risk policy, that are fundamental to our human rights and our common humanity.

The UK has a proud history of providing sanctuary to people fleeing violence and persecution. We have both moral and legal obligations to victims of torture and other vulnerable people who seek asylum. The UK must set an example as a country that respects and upholds human rights commitments. The torment faced by many individuals in the Government’s immigration detention system runs counter to this country’s proudest traditions.

It is the day before Parliament rises for the Christmas recess. It is the season of good will, and there can be no group more in need of our consideration, care and compassion than victims of torture and other vulnerable people who have come to this country seeking refuge. In the spirit of good will, I call on the Prime Minister to take a personal interest in addressing this issue. As Home Secretary she ordered the Shaw review, and the Home Office’s woefully poor response to his report happened on her Government’s watch. Now, as Prime Minister, she has the power to right this wrong. For all those reasons, I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Joan Ryan, Tom Brake, Paul Blomfield, Dr Lisa Cameron, Yvette Cooper, Caroline Lucas, Siobhain McDonagh, Dr Matthew Offord, Jim Shannon, Gareth Thomas, Tom Tugendhat and Catherine West present the Bill.

Joan Ryan accordingly presented the Bill.

Bill read the First time: to be read a Second time on Friday 23 November 2018, and to be printed (Bill 146).

European Union (Withdrawal) Bill

[8TH ALLOCATED DAY]


Further considered in Committee

[DAME ROSIE WINTERTON in the Chair]

New Clause 21

PLAIN ENGLISH SUMMARY OF RETAINED DIRECT EU LEGISLATION

“HM Government shall ensure that the publication of copies of retained direct EU legislation as set out in the provisions of section 13 and schedule 5 is accompanied wherever possible by a summarising explanatory document setting out in terms that are readily understandable the purpose and effect of that retained direct EU legislation.”—(Mr Leslie.)

This new clause would require Ministers to publish copies of retained direct EU legislation accompanied by ‘plain English’ and readily understandable summarising explanatory documents.

Brought up, and read the First time.

1.10 pm

Mr Chris Leslie (Nottingham East) (Lab/Co-op): I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): With this it will be convenient to discuss the following:

Amendment 77, in clause 13, page 9, line 9, at end insert—

“(3) A Minister of the Crown may by regulations—

(a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or

(b) provide for the admissibility in any legal proceedings of—

(i) a relevant matter, or

(ii) instruments or documents issued by or in the custody of an EU entity.”

Clause 13 stand part.

Amendment 348, in schedule 5, page 36, line 9, at end insert—

“(c) any impact assessment conducted by Her Majesty’s Government that in any way concerns the economic and financial impact of in anyway altering, modifying or abasing any relevant instrument.”

This amendment would require the Government to publish its economic impact assessments of the policy options for withdrawal from the EU.

Amendment 76, in schedule 5, page 37, leave out paragraph 4.

That schedule 5 be the Fifth schedule to the Bill.

Mr Leslie: Merry Christmas to you, Dame Rosie, and to all hon. and right hon. Members.

Under the peculiar vagaries of the Government’s programme motion, we have ended up with a peculiar day 8 in Committee, with a potential four-hour chunk to debate amendments to schedule 5, which is quite a narrow area of concern—the publication of retained EU legislation and rules of evidence—and, in theory,
only four hours in the second half to debate the massive number of remaining amendments. The Committee will understand why I probably do not want to spend too much time on this first group, because I suspect a large number of Members will want to speak on the second group.

Nevertheless, I will have a crack at new clause 21 because it is always worth probing the Government on every part of a Bill. This new clause would ensure that, when Her Majesty’s Government publish EU retained legislation, they accompany it with a summarising explanatory document setting out, in terms that are readily understandable, its purpose and effect.

This might seem an obvious point, and someone might say, “Of course Ministers intend to do this. Surely, if we have all the legal gobbledygook we normally get in statute and in primary and secondary legislation, there will be a summary not just for Members of Parliament but for the public to read and understand so they know what they are talking about.” But that practice has only been in effect for a small number of years and, although it started with the good intention of providing explanatory statements and explanatory notes, it has slipped back a bit from the original intention. When hon. Members pick up a dense and complex proposal, they will often find that the explanatory notes basically say the same thing, perhaps with a few dots and commas changed here and there, and feel that the proposal is as impenetrable as it ever was.

The point is that clarity is needed if we are to transfer a great set of EU legislation into UK law. Such clarity is an important principle that Parliament should underline and establish, which is what new clause 21 seeks to do. More than that, when we legislate we should make it clear not just for the lawyers but for everyone so that all our constituents know and understand the consequences of the laws we are putting in place.

Such clarity was not always evident in the referendum campaign in the run-up to June 2016. In fact, many would still say that there was a lot of obfuscation and opacity, and that the consequences of Brexit were not clear at all. In my view, as much clarity and plain English as possible should be obtainable.

Several hon. Members rose—

Mr Leslie: Before I give way, I have to confess that I am a serial offender when it comes to not necessarily speaking in plain and clear terms, so I am not pretending in any way to be the world’s greatest simple communicator on such things. I am sure I will transgress this afternoon.

Mike Gapes (Ilford South) (Lab/Co-op): Another advantage of new clause 21 is that it would enable the Government to give us a clear explanation and perhaps say that “regulatory alignment” and “regulatory convergence” mean the same thing.

Mr Leslie: My hon. Friend takes the words out of my mouth. He has spotted that the famous paragraph 49 of the phase 1 agreement between the negotiators on the EU side and the negotiators on the UK side talks about maintaining regulatory alignment, which is a phrase that manages to span all sorts of different interpretations. The EU and Republic of Ireland side believes “full alignment” to mean full alignment and that we essentially have the same arrangements as we have now. But when the Prime Minister returned to the House of Commons, she sort of said, “Oh, no, it is a very narrow meaning in the terms set out in particular paragraphs of the Belfast agreement.” It is amazing how words can mean one thing to one listener and another thing to an entirely different listener.

John Redwood (Wokingham) (Con): I agree that clarity is usually an admirable virtue, but if the thing the Government are trying to describe is not very clear in itself—perhaps because it is very complicated and impossible to make clear, or perhaps because it is deliberately obfuscating—what happens then? We cannot have a dishonest account of what a complex clause is doing.

Mr Leslie: We should not assume that those watching our proceedings, or reading them in Hansard, entirely trust the Government or Members of Parliament simply to know and understand what is happening. People outside have a right to know, and of course we expect businesses and members of the public to interpret the legislation we pass.

This is a signal moment, and the right hon. and learned Member for Beaconsfield (Mr Grieve) rightly pointed out on, I think, day 2 in Committee that we are about to copy and paste a phenomenal body of legislation, which has accrued over decades, from the EU corpus of law into the British legal context. That requires us to pause for a moment to think about whether we are properly articulating to our constituents and others what exactly is happening in this process.

Tom Brake (Carshalton and Wallington) (LD): The hon. Gentleman refers to trust in the Government. Does he think our constituents will be reassured by the Prime Minister’s confirmation on Monday that the Cabinet’s discussions on our future trade deals do not involve the Cabinet having any assessment of the impact of different potential models?

Mr Leslie: Governments would normally be expected to have information and facts, with evidence being collected and presented and with an assessment made based on information that has been analysed and digested in a professional way, but it appears that, although we were told they exist, the impact assessments do not actually exist but are sectoral analyses. What is the difference between an impact assessment and a sectoral analysis? Well, we have been discussing that for quite some time.

Returning to EU retained legislation, the right hon. and learned Member for Beaconsfield rightly pointed out that we have lived with important legal understandings, such as on equalities law and environmental law, for a number of decades. Those understandings have been tenets of our expectations of the civilised society in which we live. Of course, they will now be transferred from European law into UK law. If they had originated in this House, they would have been enacted in primary legislation and any changes would have had to be made through primary legislation. But the Government’s proposal is to take this new category of EU retained law and bring it into UK law, and it will not have the same status as primary legislation. In many ways, it will be repealable or amendable, often by secondary legislation—by statutory
We are creating a new type of legislation. It is true that the hon. Gentleman should know that as we go forward longer part of the past 40 years, but that is my problem.

Group—is important.

Activity that is about to hit all hon. Members, and that is important enough to flag up to hon. Members more widely. That is a small point but it needs making. Other aspects to this—

Mr Bernard Jenkin: The hon. Gentleman is making an interesting and relevant point, although it is of course true that all this legislation came in via secondary legislation in the first place and Parliament will have considerably more control over the secondary legislation that amends it than we currently have over the method that created it. I would imagine, as I am sure he does and the Government do, that Acts of Parliament will become more important, particularly if we want to make sure that this is not challengeable in the courts, as secondary legislation is much more vulnerable to challenge through the courts than primary legislation.

Mr Leslie: Yes. Although we disagree on many things, I think we can agree that if we are going to do this exercise, it needs to be done thoroughly and robustly, making sure that the intent of Parliament and the laws we are transposing are robust enough to withstand the test of time. Having explanatory statements to accompany those is an important development that has helped us in our legislative process recently. If we are going to have a sifting committee—it is not really a sifting committee; the procedures committee will be doing this—looking through all these statutory instruments and picking out which ones it thinks should not be passed through the negative procedure, this explanatory process ought to be in place to help hon. Members figure out which of these hundreds or even thousands of aspects of legislation are important enough to flag up to hon. Members more widely. That is a small point but it needs making. Other issues arise relating to “tertiary” legislation and the powers the Bill is giving to agencies and regulators to make, or to amend or remedy, laws. Again, I would like these things to be flagged up in plain English, wherever possible, so that parliamentarians can know about them. In essence, new clause 21 is about transparency, clarity and shining a light on this complicated bandwidth of activity that is about to hit all hon. Members, and that is important.

The only other point I wanted to make on this group—

Craig Mackinlay: The hon. Gentleman has been a Member of this place for far longer than I have. We have lived through 40-odd years of what he is now describing as “dense and complex” legislation which applies to the UK, but only at this stage does he seem to be concerned about what that legislation really means. Why has he not been so similarly vexed and exercised these past 40 years?

Mr Leslie: I have been vexed and exercised for quite a long part of the past 40 years, but that is my problem. The hon. Gentleman should know that as we go forward we are creating a new type of legislation. It is true that many of the European directives and regulations have been adopted over the years in different ways, but we are now importing this great body of EU retained law. It is going to affect him and his constituents, as well as my constituents. The first point to make is: can we understand what it is? That provides a useful opportunity in this exercise—

Mr Dominic Grieve: The hon. Gentleman may agree with me that if there are deficiencies in the way EU law has been imported into our law, the last thing we want to do is to perpetuate them by keeping the uncertainties after we have gone. Yet schedule 5 raises a number of uncertainties, which this House would do well to address.

Mr Leslie: We are doing our duty by at least trying to comb over these issues now.

I wish to commend the Labour Front-Bench team on their amendment 348, which seeks to ensure that impact assessments are made properly and thoroughly before we take many of the decisions in this whole Brexit process. We already know enough about what has happened with the Brexit Secretary promising impact assessments and their turning out to be sectoral analyses. Many of us will have gone to the reading room and looked at the hastily written 50-odd documents, which would be good if someone was writing a master’s degree dissertation on the aviation sector—they are full of facts and information—but do not really provide much more analysis than people can already get off Google.

Where we did get an insight, although it may have been a slip of the tongue, was when the Chancellor of the Exchequer appeared before the Treasury Committee on 6 December and said that he has “modelled and analysed a wide range of potential alternative structures between the European Union and the United Kingdom” and that “it informs...our negotiating position”.

So obviously there does exist within government some level of impact assessment and analysis that has not yet been placed in the public domain. It might be that the Brexit Committee wishes to explore that further or that the Treasury Committee wishes to do so, but it is important that we know whether this is simply a reference to the pre-referendum work that was done under the former Chancellor George Osborne or whether further assessments have taken place, independently undertaken by the Treasury. We need to know what analysis the different Departments have undertaken and what sort of modelling on the different sectors of our economy has been done.

Mr Tanmanjeet Singh Dhesi: My hon. Friend is making an excellent speech. Does he agree that the Government produce assessments, whether or not they are “sectoral assessments”, on issues that are a lot more trivial than such an important thing befalling our country as Brexit? It is therefore imperative that we have detailed assessments on how this will affect our country.

Mr Leslie: Yes. That again gets to this question: are we accidentally bumbling our way through, where nobody has thought about doing an assessment, or, worse, is this work being done but then hidden, covered up and
held back from Members of Parliament and from the public at large? I suspect that any serious analysis worth its salt will show that there are some damning consequences of exiting the single market and customs union, and I think that needs to be shared with the wider public.

Mr Kenneth Clarke (Rushcliffe) (Con): Does the hon. Gentleman agree that the Brexit Secretary was rather lucky when he appeared before the Select Committee, because having agreed to produce papers, he got out of it by sticking to a narrow definition of “impact assessment”? It was semantics that enabled him to get away with just producing the new documents, which he had hastily produced in the past few weeks, containing bland descriptions of where we are. As the originals are important documents, as these questions have been looked at and as we were told a summary had been sent to the Prime Minister, does the hon. Gentleman agree that the House’s motion meant that whatever documents the Government had that bore on the subject, they should have been produced? The Brexit Secretary should not have been allowed to get away with saying, “Strictly speaking, they’re not impact assessments.”

Mr Leslie: I do agree with that. We should not just skim over this question. These are some of the most profound decisions that Parliament will make for a generation and, if we are going to do our jobs correctly as Members of Parliament, having the right facts, getting the evidence, assembling the analysis, making sure we can weigh up the pros and cons of all these matters, and getting readily understandable, plain English explanatory statements of what is actually being proposed are prerequisites. They should be there to make us do our jobs properly.

Sir Desmond Swayne (New Forest West) (Con) rose—

Mr Leslie: I will give way one last time, and then I will conclude.

Sir Desmond Swayne: How does the hon. Gentleman imagine that the assessments are going to be any less divisive than the issue that we are seeking to assess? The assessments are based on assumptions, and we profoundly disagree about the assumptions.

Mr Leslie: That is getting us into this question about experts again and whether there is such a thing as a fact or whether everything in this world is an opinion. It is important to make sure that if there are facts and if we can prove cause and effect—for example, if we know that the introduction of inspections or a hard border is going to slow down lorries going through a particular port—we can, QED, prove that there is going to be a particular consequence for the economy. That sort of analysis ought to be shared with the wider world.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op) rose—

Mr Leslie: I did say I was trying to finish, but my hon. Friend tempts me.

1.30 pm

Stephen Doughty: I wanted to give my hon. Friend an example before he concludes. Last week, the Prime Minister claimed that the UK would make “significant savings” as a result of our leaving the EU, but I have asked questions and Treasury Ministers have not been able to explain what those savings will be or to put a figure on them. Yet Financial Times analysis suggests that we will lose £350 million per week, which contrasts with what was on the side of that red bus.

Mr Leslie: That is right. That Financial Times analysis was worth sharing and should be shared, but we should not rely on journalism alone to do the job. We have a professional civil service; let us not gag it or try to lock it under the stairs somewhere. We should let that expertise come out so that we can all see and hear it.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con) rose—

Mr Leslie: Members are enjoying new clause 21 so much! I thought it was a simple one.

Mr Duncan Smith: I only want to help the hon. Gentleman. Does he think it would have been a lot easier had the Exiting the European Union Committee asked the Secretary of State for the impact opinions that he may well have had?

Mr Leslie: Again, when is an assessment an opinion? In some ways, it diminishes and slightly denigrates the professionalism of our civil service to suggest that its output is merely conjecture or opinion. There are some things in this world that are facts, from which we can draw conclusions and which any rational observer would not really question.

Mrs Madeleine Moon (Bridgend) (Lab) rose—

Mr Leslie: I give way for the final time.

Mrs Moon: May I read my hon. Friend the steel sector view? It says that “it will be a lengthy and potentially very costly process for UK manufacturers to break into new markets...Returns on sales to new markets will frequently be poorer than from existing contracts with customers in neighbouring countries.” Is not that something that the British people need to know?

Mr Leslie: That is the level of analysis and assessment that deserves to be shared and that was not available to the public prior to the referendum. It should not be dismissed but made more widely available. Members, and beyond them voters, can weigh up the different opinions. Some Members might rubbish representatives of the steel sector and say, “What do they know? I know better,” but we can weigh these things up and bring them into balance. We have the opportunity to debate transparency. Let us allow sunlight to flood over this issue and make sure that we are better informed going forward than we were before the referendum.

Mr Grieve: It is a pleasure to participate in the Committee’s consideration of schedule 5 and clause 13, although the reality is that the clause says very little and the schedule says a great deal.

As we have just heard, part 1 of schedule 5 provides for the publication of retained direct EU legislation by the Queen’s printer, which should be completely
uncontroversial because its purpose is to promote transparency and access so that people in the United Kingdom can know what the law is. That is not some slight matter. One of the points that has been gently canvassed in the debate so far is the extent to which EU law may have created, in the way it has been brought into UK law, a degree of uncertainty as to what it is, in which case that is the last thing we should retain when we carry out this retention of the law. One of the central principles of the rule of law is that the law must be “accessible…intelligible, clear and predictable”.

That is one of Lord Bingham’s principles of the rule of law, and it should matter to the House very much with respect to how it legislates. People need to be able to understand what activity is prohibited and therefore discouraged, and what their rights are so that they are able to claim whatever rights they have.

The interesting thing about part 1 of schedule 5 is that paragraph 2 empowers Ministers to make exceptions to the duty to publish retained direct EU legislation by “giving a direction to the Queen’s printer specifying the instrument or category of instruments that are excepted.”

There appear to be no limitations on that power and no guidance on when such instruction might or might not be appropriate. My first question to my colleagues on the Treasury Bench, and particularly my hon. and learned Friend the Solicitor General, is: what is the Government’s intention in respect of that exception? Why is it there—we need to understand why it has been included in the Bill—and how will it be used in practice? It seems to me that it is desirable that the entirety of retained direct EU legislation should be made available through the Queen’s printer, so what is the intention as to the circumstances in which a Minister might remove himself from the duty and give a different direction? There is, perhaps slightly to my regret, no amendment to address that question—had I focused on it slightly better at an earlier stage and not been diverted by other matters, I might have tried to tease it out by tabling an amendment—but as we are also debating whether the clause and schedule should stand part of the Bill, it is important that we give the matter some consideration. Indeed, it ties in exactly with what the hon. Member for Nottingham East (Mr Leslie) said in introducing new clause 21, which is on exactly the same principle or philosophical issue of providing certainty.

My second question is about part 2 of schedule 5, which provides for Ministers by regulations to enable or require judicial notice to be taken of retained EU law or EU law. There are no limitations whatsoever on this delegated legislative power to enable or require judicial notice to be taken and, as far as I can see, nor are there any provisions to require that a Minister can make such regulations only under certain circumstances—for example, regulatory harmonisation might be a legitimate reason for making such regulations. This is a classic Henry VIII power, as paragraph 4(3) provides total Henry VIII powers, and is only limited, under paragraph 4(4), to primary legislation made or passed before the end of the Session in which this Bill is passed.

All that takes me back to an interesting debate the Committee had on a previous day—which one has rather faded out of my memory—in which my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and I raised our continuing concerns about the judiciary having a lack of clarity about how they were supposed to interpret and apply retained EU law. Lord Neuberger and Lady Hale have expressed concern that the Bill is insufficiently clear about how retained EU law should be interpreted by the courts post exit. Lord Neuberger in particular was concerned by the prospect of the courts having to determine questions of regulatory harmonisation against divergence between UK and EU law—an essentially political topic, with possible economic consequences to the interpretation. As it happens, regulations made under part 2 of schedule 5 might address the judiciary’s anxiety about the need for better guidance on retained EU law, but what troubles me is that this provision again subtly sidelines Parliament from any role in providing guidance, as it is a matter of Executive discretion.

I must say to my hon. and learned Friend the Solicitor General, and to my other colleagues on the Treasury Bench, that I do understand the Government’s difficulties. The whole Bill is about an accretion of power to a Government who do not really know how they are going to have to use that power and are fearful that something will come up that will require them to act swiftly, and who therefore think that they have to maximise the tools at their disposal.

Forgive my repeating this—I think that the Bill has been quite well improved as it has gone through the House and, indeed, some of the assurances that have been given will lead to further improvements, I have no doubt, on Report—but it was this sort of thing that made me describe the Bill as a monstrosity on Second Reading. It is so contrary to the normal way in which one would expect to legislate for Parliament both to grant the powers that a Government need, including, where necessary, powers of secondary legislation, and at the same time to make sure that these cannot run out of control. On the plain face of the Bill, this is really one of the immense Henry VIII powers. The Government have decided to resolve this issue by taking a very big sledgehammer to the normal structures.

Anna Soubry (Broxtowe) (Con): During last Wednesday’s debate, I specifically asked whether the Bill was first drafted before the June general election. My view—I do not know whether my right hon. and learned Friend shares it—is that this Bill was all about delivering a quick and hard Brexit, and the reason for these extraordinary powers is that they were needed by Ministers to execute that process in quite a short period of time. Does he think that there is any merit in that?

Mr Grieve: I think I might be a little kinder to my hon. Friends on the Treasury Bench, because it seems to me that at the time the Bill came into being, the Government still thought that it was all that was required to take us out of the EU. I think that that is where its genesis and origin lie. In actual fact, one of the supreme ironies is that for all the heat that has been generated—we have carried out some proper scrutiny as well, but certainly, last Wednesday, there was a lot of heat—much of what we are doing here might well turn out in practice to be completely academic. In fairness to the Government, once they were landed with this immense problem, I am not sure that they were wrong to proceed in this way, but it just so happens that that is where we are going to
end up. However, that is not a reason why we should not pay attention to the powers that the Government are seeking to take—we do have to pay attention to them.

John Redwood rose—

Mr Grieve: I will give way to my right hon. Friend in just a second, because I do not wish to speak for very much longer.

For that reason, I do hope that a bit of focus can placed on schedule 5. I do not have any amendments tabled. I am not about to create difficulties for the Government or to divide the House on schedule 5, but I will, if I may, just ask a question as we approach Report, because I cannot believe that this will not be looked at in the House of Lords. It would be quite nice for the Christmas period to be used for quiet reflection on just how wide these powers are and whether, yet again, the Government might, on reflection, be able to circumscribe them a little bit, so that they appear to be slightly less stark in terms of the power grab that they imply. That is quite apart from the fact, to come back to my first point, that the exception in paragraph 2 giving Ministers the power not to print strikes me as very, very odd.

John Redwood: Does my right hon. and learned Friend agree that the Henry VIII powers, as he calls them, in the Bill are much more modest than the Henry VIII powers in the European Communities Act 1972 that it replaces? This is about only transferring existing law into UK law. Where and when we wish to amend, improve or repeal, that will require a full parliamentary process, which it did not need when it came from Europe.

Mr Grieve: I understand my right hon. Friend’s point. Of course, I am mindful of it—it has been raised on numerous occasions during the passage of the Bill—but the system that we had to follow as a result of our EU membership implied that that law, having been agreed by the Council of Ministers and translated into directives, had direct effect in this country and was then applied, not usually through primary legislation but by means of secondary legislation, or indeed directly sometimes. I understand all that, but it does not provide a justification for taking unnecessary powers in trying to effect our departure.

As I said, there is something a bit odd about schedule 5. There must be legal certainty, so why are the Government taking for themselves a power to create legal uncertainty if they so wish? Let us be clear about this: if guidance is a matter of Executive discretion, it is a very unusual state of affairs indeed. There is guidance and guidance. There may be general guidance that Parliament might give as to how it intends retained EU law to be treated. I do not have difficulty with that. Indeed, I think that it may be something that we will have to do. As we have discussed—my right hon. Friend the Member for West Dorset and I were in agreement about this—we think that Parliament might want to explain how it wishes this matter to be approached generally. That, if I may say, is a rather different thing from saying that Ministers can suddenly wake up one morning and decide, “I want the law to be interpreted in a different way on some specific matter, and I am going to lay a statutory instrument before Parliament that will enable me to do that.” It is a very unusual thing to do, and the Government must be in a position to justify it. It slightly troubles me that the law can be tinkered around with in this form. Obviously, Parliament can decide what it likes about changing law. Occasionally, we change laws by statutory instrument, through regulatory change, but it is not something that we should do lightly.

1.45 pm

Mr Jenkin: Clause 13 is confined to the publication and rules of evidence. The schedule itself is about publishing what is retained direct EU legislation. Can my right hon. and learned Friend describe to me what latitude the Government would have that could do so much damage, or be so capricious, within the powers of the Bill, and can he give an example of what would be so damaging and outrageous?

Mr Grieve: As I have explained, this is a Henry VIII power, so within the period in which this power is operational—this is on my reading, but perhaps my hon. Friends on the Treasury Bench will correct me—a Minister of the Crown may, by regulation, essentially change the way in which retained EU law is handled by requiring “judicial notice to be taken of a relevant matter, or...provide for the admissibility in any legal proceedings of specified evidence of...a relevant matter”.

That is a very extensive power. Effectively, it gives a power to rewrite how legislation should be interpreted.

Mr Jenkin: Give us an example.

Mr Grieve: The examples could be endless—[Interruption.] Well, if there is an established rule by which, for example, EU law is currently being applied, a Minister could say that, in future, that should be disapplied because notice should not be taken of its previous application.

Wera Hobhouse (Bath) (LD): Does the right hon. and learned Gentleman agree that it is not correct to compare the direct application of EU law with Henry VIII powers? When EU law is made, we all sit around the table. EU law is not other people’s law but our law. We sit at the table when EU law is being made, so it is an incorrect comparison.

Mr Grieve: I do actually agree with the hon. Lady and, I am afraid, disagree with my hon. Friend the Member for Harwich and North Essex (Mr Jenkin). Of course, membership of the EU implies a pooling of sovereignty, but the decision-making process by which law has been created in the EU is one that is done not by faceless bureaucrats, but by the Council of Ministers. There is absolutely no doubt about that at all—

Mr Jenkin: In secret.

Mr Grieve: I do not wish to be dragged off into some new polemical argument. My hon. Friend says in secret, but, if I may say, we are signed up to hundreds of treaties other than that with the EU in which we pool our sovereignty to come to common positions with our fellow treaty makers.
Lady Hermon (North Down) (Ind) rose—

Mr Duncan Smith rose—

Mr Grieve: I think that I am about to take up much more time than I wanted to. I give way to the hon. Member for North Down (Lady Hermon).

Lady Hermon: I am extremely grateful to the right hon. and learned Gentleman for allowing me to intervene. I agree entirely with his eloquent points about the power that schedule 5 transfers to Ministers of the Crown. Will he spend a moment reflecting on the definition of a Minister of the Crown that is set out in clause 14? The definition comprises not just Ministers, but “also includes the Commissioners for Her Majesty’s Revenue and Customs”. The power in schedule 5 is being given to a very broad range of individuals.

Mr Grieve: The hon. Lady is right. [Interruption.] Next to me, from a sedentary position, my hon. Friend the Member for Harwich and North Essex is saying, “It’ll only be used for technical matters.” Indeed—let us be clear about this—I strongly suspect that that is the intention, but this is a very extensive power and, as it is worded, it goes way beyond technical amendments. As we are in Committee, it seems perfectly proper for me, as a Back-Bench Member of Parliament—it does not matter which side of the Chamber I am sitting on—to ask my hon. Friends on the Treasury Bench to explain to the Committee how the power will be used. I gently say to my hon. Friends that the problem with this debate is that the heat that starts to come off very quickly goes into issues of principle about what has been going on over the past 50 years. Could we just gently come back to focus on the issue at hand?

Mr Duncan Smith rose—

Mr Grieve: As much as I would like to give way to my right hon. Friend, I am actually now going to sit down.

Mr Duncan Smith: Just for a second.

Mr Grieve: All right, I will give way.

Mr Duncan Smith: I want to take up my right hon. and learned Friend on one small point. After agreeing with the hon. Member for Bath (Wera Hobhouse) and justifying the past 40 years by saying that decisions were agreed by Ministers sitting together to make law, he knocked down his own argument as to why he cannot support what Ministers are doing because, of course, they would use this power as Ministers who have been elected to implement change and make law. My right hon. and learned Friend cannot have it both ways. Either he thinks that the last 40 years were wrong, which is why one defends the idea of change, as he did originally; or he thinks that the last 40 years were fine, in which case there is no attack on this particular aspect of the Bill.

Mr Grieve: I am afraid that I disagree totally with my right hon. Friend. In the last 40 years, we decided to pool sovereignty as a matter of national interest and necessity. This is a totally different issue; it is about our domestic law. When it comes to matters of domestic law, this House does not have the necessary constraint, which is the very reason why I have asked these questions. I am quite confident that my hon. Friends on the Treasury Bench will be able to provide some cogent answers to the points I have raised.

Mike Gapes: Will the right hon. and learned Gentleman give way?

Mr Grieve: All right, but this is the last one.

Mike Gapes: Is there not also another difference, which is that decisions within the European Union are not just taken by meetings of the Council of Ministers, as there is a co-decision process that involves elected Members of the European Parliament representing all 28 member states?

Mr Grieve: The hon. Gentleman is absolutely right. I do not want to get dragged into revisiting the way in which the European Union works. The European Union has many flaws, and there are many issues on which I have seen fit to criticise it during my years in the House—including, sometimes, the way it goes about its business. Having said that, this constant conflation of the two issues when we are carrying out scrutiny of what will be domestic legislation is, in my view, not helpful. We need to focus on what we are doing. If we do, we will come up with the right answers.

Paul Blomfield (Sheffield Central) (Lab): It is a real pleasure to follow the right hon. and learned Member for Beaconsfield (Mr Grieve), who made a characteristically thoughtful and reasonable contribution. It is always remarkable to see how such thoughtfulness and reasonableness can be so provocative to some Government Members.

I wish to speak to amendments 348 and 349 in my name and the names of my hon. and right hon. Friends. I hope, in doing so, to build on the agreement across the Committee that was evident last Wednesday, when we made the decision that Parliament should have a meaningful vote on the final Brexit deal.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Just for clarification, amendment 348 is in the first group of amendments and amendment 349 is in the next group.

Paul Blomfield: Thank you for that clarification, Dame Rosie, although I think that the points that I am making stand regardless.

Following on from the decision last Wednesday, let us be clear that an overwhelming majority of Members respect the result of the referendum, as was reflected in the vote on article 50, but there is also a clear majority who reject the deep rupture with our friends and partners in the EU that is advocated by some of the more extreme Brexiteers. In the months ahead, that clear majority needs to find its voice. Most Members—many more than reflected in last Wednesday’s vote—recognise that our future lies in a close and collaborative relationship with the EU. [Interruption.] I am sorry if that was provocative to some Government Members. The Prime Minister describes that relationship as a “deep and special partnership”. It is a relationship based on
maintaining common EU standards and regulations necessary for our future trading relationship, and it is vital in protecting jobs and the economy.

It is also a majority of the House who recognise that the referendum was a close vote—not the unprecedented mandate that some have suggested. Yes, 17.5 million people voted to leave the EU in 2016. That is roughly the same number as voted to remain in 1975, although that represented 67% of voters in 1975. It was a clear decision, but a close vote, and one that we should be implementing in a way that unites the country, not in a way that drives a further wedge between the 52% and the 48%.

Richard Graham (Gloucester) (Con): I absolutely agree with the hon. Gentleman that we should be trying to bring people together, rather than separating them. In that context, will he explain his definition of Brexiteer? He used the word earlier in the phrase “more extreme Brexiteers”. In his definition, is every Member who voted for article 50—I think that five-sixths of the House did so—characterised as a Brexiteer?

Paul Blomfield: Clearly not. Like hon. Members across the House, including the overwhelming majority of the Opposition, I campaigned to remain in the European Union because I thought it was right thing to do economically and politically for our country and our continent. But I voted for article 50. That clearly does not characterise me as an extreme Brexiteer. Since I was elected in 2010, it has startled me that a small number of Members seem to define their politics by their ambition to leave the European Union at any cost and at any price; that is what I would describe as extreme.

Richard Graham: Again, just for clarification, Members who voted for article 50 are not Brexiteers, but presumably those who did not vote for article 50 are also not Brexiteers. Therefore, none of us is a Brexiteer; or are we actually all Brexiteers and just trying to resolve the issue?

Paul Blomfield: I am not really sure where the hon. Gentleman is trying to go with that argument. My point is that an overwhelming majority in the House wish to see us implement the decision of 2016 sensibly, and in a close and collaborative relationship with the EU 27. There are others—a small number, whose voices I expect to hear shortly—who would see us leave at any cost, and I regret that.

2 pm

Kate Hoey (Vauxhall) (Lab): My hon. Friend says a number of extreme Brexiteers in this House want to leave at any cost. Does he accept that a small number of Members will do anything—anything—to stop the United Kingdom carrying out the wishes of the British people to leave the European Union?

Paul Blomfield: No, I do not, and it is unfortunate that some people have been characterised in that way, as the right hon. and learned Member for Beaconsfield (Mr Grieve) and others were by some of their colleagues last week. If I can now make some progress—

Mr Jenkin: Will the hon. Gentleman give way?

Paul Blomfield: Well, while we are talking about extreme voices, I am happy to give way.

Mr Jenkin: There are right hon. and hon. Members who say they want to honour the result of the referendum, but who actually want the European Union to carry on controlling our laws. I call them Brexinos—people who want Brexit in name only. There may well be a majority of them in this House, but that would not be respecting the result of the referendum, would it?

Paul Blomfield: The hon. Gentleman is a good example of those who see conspiracy in any corner. I note the article he wrote in The Guardian on 8 October under the title “It’s a sad truth: on Brexit we just can’t trust the Treasury.” He went on to say:

“There is no intrinsic reason why Brexit should be difficult or damaging, but the EU itself has so far demonstrated it wants to make it so...it has co-opted the CBI...the City and...the Treasury to assist.”

Well, I think that the majority of Members take a more rational view.

The decision taken in 2016 was not a mandate for driving over a cliff edge with no deal or for having no transitional arrangement in place. It was not a vote for leaving all the agencies and partnerships from which we have benefited over the years and which could continue to benefit or for turning our back on the single market, walking away from the customs union or—I say this with an eye on the contribution made in the last debate by the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), who is paying more attention to his phone than to the debate—turning our back on the Court of Justice of the European Union.

Mr Duncan Smith: Would the hon. Gentleman let me intervene?

Paul Blomfield: I was hoping the right hon. Gentleman would.

Mr Duncan Smith: Is the hon. Gentleman not guilty himself, however, of attempting to interpret what the vote was for? On the ballot paper was the issue of whether to leave; the rest is down to negotiation. So, surely, his position is as absurd as that of anyone who says they know these things. He does not know. He knows only one thing: that the British people voted to leave. The rest is for negotiation.

Paul Blomfield: I thank the right hon. Gentleman for his intervention. The rest is indeed down to negotiation, and it is down to this Parliament to make the final decisions.

In the right hon. Gentleman’s contribution to, I think, the debate on day one, he sought to interpret the mandate by saying that the primary reason, from the research he had done, for leave voters voting as they did was their antipathy to the Court of Justice of the European Union. I was quite surprised by that, because I talked to hundreds of people on the doorstep who told me they were voting to leave, and the jurisdiction of the CJEU was not one of the regular issues raised.

Therefore, after day one, I took the time to look at the right hon. Gentleman’s research, which was carried out in partnership with the Foreign Secretary’s and the
Environment Secretary’s favourite think-tank, the Legatum Institute. I located the report, and I read it with interest. Unusually, it did not include data on the full results, only the final weighted results, but the interesting thing was the question itself. Whereas the other choices were value-neutral—the economy, immigration, national security or the NHS—one option was “The ability for Britain to make its own laws”—a leading question if ever I heard one. [Interruption.] If the question had been “Jurisdiction of the Court of Justice”, the right hon. Gentleman may well have found a different answer. Other research, with larger samples—

Mr Duncan Smith: Perhaps the hon. Gentleman can skip that and go to the point that was in that pamphlet, which made it clear that when people were asked what their primary reason was for voting to leave, it was “Take back control”—control of our laws, our borders and our money. He can debate that as much as he likes, but the public knew about that when they voted.

Paul Blomfield rose—

Wera Hobhouse: Are we not in a discussion about who interprets what? Is it not therefore time that we come to it—which seek the publication of any impact assessment conducted by the Government, should be as uncontroversial as the idea that Parliament should have a say.

Clearly, events have moved on since these amendments were tabled, but real issues do remain. We obviously brought a motion on the issue to the House on 1 November, asking that impact assessments should be passed to the Exiting the European Union Committee. We did that for the same reason that the House voted last week: we want proper transparency and accountability in this process, but that is not what we got.

The Government neither amended nor opposed our motion, but they hoped to sidestep it. When Mr Speaker confirmed it was binding—

Richard Graham: On a point of order, Dame Rosie. My understanding of the advice you gave earlier is that amendment 348, which is about impact assessments, is not being discussed at this moment. I think that you told us that this debate is supposed to be about new clause 21, which is about clear English. That is why I asked the question about the shadow Minister’s definition of the word “Brexiteer”. However, I have not heard anything about new clause 21, and I think that you said we are going to take amendment 348 later.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): No, I think the hon. Gentleman misheard. I actually said that amendment 349 was in the second set and that amendment 348 is in this set, as is clause 13 stand part and schedule 5—hence why the debate is a little wider than the hon. Gentleman might wish it to be.

Paul Blomfield: Thank you, Dame Rosie.

The point I was making was that when Mr Speaker confirmed that our motion was binding and, indeed, that the Government should comply urgently, they clearly found themselves in a bit of a fix. Three weeks later, they finally produced something, although it was not what we voted for. I was really keen to read the papers that had been described by the Secretary of State for Exiting the European Union as offering “excruciating detail” on the impact of the various options we faced as a country when leaving. So I, like a number of other Members, booked my slot for the DExEU reading room at the earliest opportunity.

On 5 December, I turned up at 100 Parliament Street and reported to reception. I was accompanied, closely, to the room. When I arrived, I was required to hand over my mobile phone. Having been sat at the table, two lever-arch files were brought to me from a locked cabinet, and as I read them I was supervised by two civil servants. So what did I find? Nothing that could not have been found in a reasonable internet search—which is presumably what the civil servants had been doing over the preceding three weeks in order to prepare them.

Kevin Brennan (Cardiff West) (Lab): I went through the exact same experience. I visited the Cabinet Office and gave in my mobile phone, and made my written notes on the various tables in the section I was interested in. Afterwards, I found that I was given the identical information by submitting written parliamentary questions—so why all the secrecy?
Paul Blomfield: My hon. Friend makes the point very well. Why all the secrecy for what was available in that room, because there was certainly no assessment—or analysis, if we are playing with words—of the impact of the policy choices facing the Government and the country?

Lloyd Russell-Moyle: (Brighton, Kemptown) (Lab/Co-op): The education section starts by saying, “We will not touch on the effects on Horizon 2020 or Erasmus.” It does not touch on all on non-higher education. There is no impact assessment on summer schools or language teaching in this country. Clearly, the work was not really done even with an internet search.

Paul Blomfield: We are probably straying on to dangerous territory if we start talking about the content, such are the rules surrounding the documents until such time as they are made public, but those of us who have been there know that they provide no analysis and no impact assessment. So it was no surprise when the Secretary of State told the Brexit Committee last Wednesday that the Government had undertaken “no quantitative assessment” of the impact of leaving the customs union—just one of the policy choices we face. Just a few hours later, in a room just a few yards away, the Chancellor told the Treasury Committee that the Government had “modelled and analysed a wide range of potential alternative structures between the EU and the UK, potential alternative arrangements and agreements that might be made.”

The Chancellor’s answer was developed in oral questions last Thursday by the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), who is in his place. He said:

“Our sectoral analysis is made up of a wide mix of qualitative and quantitative analyses examining activity across sectors, regulatory and trade frameworks and the views of stakeholders.”—[Official Report, 14 December 2017; Vol. 633, c. 588.]

Let us bear in mind that the Secretary of State had said that no quantitative assessment has been undertaken on the impact of leaving the customs union. So in this “qualitative and quantitative analysis of regulatory and trade frameworks” have the Government for some reason exempted the customs union?

Tom Brake: Is the hon. Gentleman confused, as I am, about the reasons why the Government seem to have this problem—I do not know whether it is an ideological objection—with conducting impact assessments? We heard from the Prime Minister on Monday that Ministers are sitting down to discuss our future trading relationship with the European Union without having in front of them any impact assessments on what the different economic impacts of these models might be. How irresponsible is that?

Paul Blomfield: The worry is that either they are not conducting them or they are conducting them and not sharing them in the way that was required.

Mike Gapes: Could not there be another, far more simple, explanation—that the Secretary of State is heading a Department that should be renamed “the Department for Winging It”?

Paul Blomfield: That is probably the sort of phrase that the Secretary of State might use on some occasions.

On 2 February 2017, the Secretary of State told the House:

“We continue to analyse the impact of our exit across the breadth of the UK economy, covering more than 50 sectors—I think it was 58 at the last count—to shape our negotiating position.”—[Official Report, 2 February 2017; Vol. 620, c. 1218.]

Was he right? Or was the hon. Member for Harwich and North Essex (Mr Jenkin) right when he said recently that the Secretary of State

“has never actually referred to impact assessments… These were a fiction of the media and the Labour party”?

If the Government are playing with semantics, claiming that assessments of impact and impact assessments are not the same thing, they should be aware that they are at serious risk of misleading the House. Even more worryingly, have they, as we have heard suggested, actually not undertaken this work at all? Are they hiding these assessments in semantics—hiding them from the House and from the Select Committee—or do they not even have any work to hide?

2.15 pm

We will not press the amendment to a vote. It would, after all, replicate the vote on the decision that the House took on 1 November—we have seen how the Government responded to that—but that should not be interpreted by those on the Treasury Bench that this signals an end to the matter. We will continue to press for accountability and transparency throughout the negotiations and hope that that will find support across the House.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I want to speak briefly on new clause 21 and amendment 348. I also want to make some points in response to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), because I agree with him on half of what he says and not on the other half. I will keep that stored up for the end to try to persuade him to stay; otherwise, I am sure that cups of tea may beckon for many.

I think that new clause 21, tabled by the hon. Member for Nottingham East (Mr Leslie), is the great confession that we have been waiting for from the pro-Europeans in this House. The new clause has been given the support of some of the most luminous pro-Europeans known to the nation: the right hon. Member for Tottenham (Mr Lammy), the right hon. Member for Exeter (Mr Bradshaw), and that great panjandrum of pro-Europeanism, the distinguished gentleman the leader of the Liberal Democrats, the right hon. Member for Twickenham (Sir Vince Cable). All have signed this new clause. It says what we Eurosceptics have been saying all along: that the European Union produces its law in a form of gobbledegook—stentorian, sesquipedalian sentences that nobody can ever understand—and that when it is brought into British law, it should therefore be brought in in a plain English translation. The title of the new clause is “Plain English summary”.

Mr Kenneth Clarke: I agree with my hon. Friend’s description, actually. Does he agree that a lot of these things are almost as bad as the drafting of the Finance Bills that the Government bring before the House of Commons year after year?
Mr Rees-Mogg: I am extremely grateful for the humility being shown by my distinguished right hon. and learned Friend, a former Chancellor of the Exchequer, who admits that some of the Bills brought forward by his own former Department are incomprehensible to the lay reader. It is a broader problem of legislation, but it has been a particular problem of European legislation. That is why I have some sympathy for the new clause. As EU law is brought into UK law, which is widely accepted as the right starting point for when we leave the European Union, the Government ought to seek to do it in a form that is intelligible and easy to understand. This is one of the areas where I agree with my right hon. and learned Friend the Member for Beaconsfield, who said that that is one of the principles of the rule of law. As we do this, we should of course be sticking to principles of basic constitutional fairness.

It is glorious that the second argument of the Eurosceptics has been accepted in this new clause. The first argument is the basic one of taking back control, but the second is that the fundamental nature of the way in which the EU created law, and the whole body of the acquis communautaire, was not comprehensible to most people, was not subject to satisfactory democratic control, and was a bureaucratic monster that rolled on and on regardless.

Wera Hobhouse rose—

Mr Rees-Mogg: Of course I give way to the hon. Lady, whose constituency I encircle.

Wera Hobhouse: I thank the hon. Gentleman, my constituency neighbour, for giving way. Has he ever tried to put any legislation in front of an ordinary constituency neighbour, for giving way. Has he ever had ordinary people. We have only exceptional, brilliant and talented individuals of the highest and finest calibre. I have a serious point to make in that: we, as politicians, should never use the term “ordinary people”, implying that we are some priestly caste who understand the mysteries of legislation, whereas ordinary people do not.

Wera Hobhouse: I apologise for the use of the term “ordinary people”. I accept that it is possibly not a very good way of describing the people who elect us.

Mr Rees-Mogg: In North East Somerset, we do not have ordinary people. We have only exceptional, brilliant and talented individuals of the highest and finest calibre. I have a serious point to make in that: we, as politicians, should never use the term “ordinary people”, implying that we are some priestly caste who understand the mysteries of legislation, whereas ordinary people do not.

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Mr Rees-Mogg: Of course I give way to the hon. Lady, whose constituency I encircle.

Wera Hobhouse: I thank the hon. Gentleman, my constituency neighbour, for giving way. Has he ever tried to put any legislation in front of an ordinary person and ask him or her whether it is comprehensible? Our discussion demonstrates our difficulty, as parliamentarians, in making comprehensible to the people who elect us what we are actually about.

Mr Rees-Mogg: In North East Somerset, we do not have ordinary people. We have only exceptional, brilliant and talented individuals of the highest and finest calibre. I have a serious point to make in that: we, as politicians, should never use the term “ordinary people”, implying that we are some priestly caste who understand the mysteries of legislation, whereas ordinary people do not.

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asked for something that did not exist. I think that technicalities in this field are important, and it is rational for Governments to follow them.

I happen to think that that is a lesson for the Opposition. If they are to call for Humble Addresses, they must make sure that those Humble Addresses are correctly—even pedantically—phrased to ensure that they are asking for something that really exists. I feel that the hon. Member for Sheffield Central was being unfair when he criticised the Government for failing to produce information that did exist. The Government did as much as they could to produce the two folders—the 800 pages—of sectoral analysis. When we look through the record, we see that that is what the Government always admitted existed. The Government were careful to answer questions by referring to sectoral analyses, even if the questioner asked for impact assessments. That, I think, is where the misunderstanding developed that such impact assessments existed.

Dr David Drew (Stroud) (Lab/Co-op): I do not know whether the hon. Gentleman has been in to read the documents, but by no stretch of the imagination are they an analysis or an assessment. They are purely descriptive. Either they have come from Wikipedia or—I think this is more likely—they are a bad piece of GCSE coursework, which would get a fail if it was supposed to contain analysis.

Mr Rees-Mogg: I did go to see the documents, as a member of the Exiting the European Union Committee. I was lucky; I was not told that I had to hand over my mobile telephone, my secret spyclothes or whatever other kit I might have borrowed from James Bond and brought with me so that I could try to take these secret bits of information out to the wider world. I did not have to suffer the great indignity that some other hon. Gentlemen have suffered. I was allowed to sit down and plough through the documents.

I must confess that on that afternoon, I would have been happier reading a P.G. Wodehouse or a similarly entertaining document. I also confess that there was not a great deal in the bit that I read that could not have been found out by somebody with an able researcher or competence in the use of Google. None the less, the information had all been brought together in a usable fashion in one place, and it was an analysis of the sectors covered. It may not have been exciting, it may not have been the read of the century and it may not have won the Booker prize. None the less, it was a detailed sectoral analysis and it more than met the requirements laid down by the Humble Address, which asked for something that did not exist.

Wera Hobhouse: The hon. Gentleman is extremely generous to give way again to me. I asked the Secretary of State in the Select Committee where and when he thought the misunderstanding had arisen, but I do not think I got a very satisfactory answer. He had plenty of opportunities in the House to correct us and say, “These are not impact assessments; they are sectoral analyses.” He never chose to do that, and I am still waiting for the answer. Why does the hon. Gentleman think that the Secretary of State did not have the opportunity to clear up that misunderstanding?

Mr Rees-Mogg: I do not agree with the hon. Lady. I think the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker), made the situation clear from the Dispatch Box. He said in no uncertain terms that there were not impact assessments, but there were sectoral analyses. Dare I say that there are none so deaf as those who will not hear? I think the House did not particularly hear that those impact assessments did not exist, and therefore rode over the information that was given from the Dispatch Box.

Stephen Gethins (North East Fife) (SNP): I am grateful to the hon. Gentleman for being so generous. I brought up the issue with the Secretary of State in October 2016, when he told me:

“We currently have in place an assessment of 51 sectors of the economy.”—[Official Report, 20 October 2016; Vol. 615, c. 938.]

The hon. Gentleman knows as well I do that there are only 39, and they do not look like assessments of sectors of the economy. Will he join me in asking Front Benchers whether they will clarify their position on that issue?

Mr Rees-Mogg: The hon. Gentleman is moving away from the Humble Address, which asked for impact assessments, not assessments of the economy by sector. He is asking about another piece of information, which he is quite entitled to do. It is perfectly legitimate to ask for that information, but it in no sense represents a breach of the Humble Address; nor is it covered by amendment 348. Does the hon. Gentleman wish to intervene again? No?

Sir Desmond Swayne rose—

Stewart Malcolm McDonald (Glasgow South) (SNP) rose—

Mr Rees-Mogg: Let me be bipartisan and take our friend from Scotland first.

Stewart Malcolm McDonald: In fairness to my hon. Friend the Member for North East Fife (Stephen Gethins) on the SNP Front Bench, he was referring to his own question, not the Humble Address, so will the hon. Gentleman address his point?

2.30 pm

Mr Rees-Mogg: Yes, but I was saying that the terms of the question asked by the hon. Member for North East Fife (Stephen Gethins) and the Humble Address were different. The Humble Address is a binding motion, but although the hon. Gentleman’s questions are very important and deserve to be taken seriously—and treated, as all questions should be, properly and diligently—they are not binding in themselves. It might be a great thing if the hon. Gentleman’s questions were to become binding and have the force and weight of the whole House of Commons behind them, but that is not yet the situation. I will now happily give way to my right hon. Friend.

Sir Desmond Swayne: We are rehearsing matters that I thought had been thoroughly covered, but the reality is that had the Secretary of State not addressed the requirements of the Humble Address, he would have been guilty of a contempt, and Mr Speaker has made it absolutely clear that that was not the case.
Mr Rees-Mogg: My right hon. Friend has put the matter so well that I can move on to my final point.

I wish to make a point about the speech of my right hon. and learned Friend the Member for Beaconsfield and Henry VIII powers, where we have come from and where we are going to in relation to new laws being implemented in the United Kingdom. The part on which I agree with him is that we in this House should always treat Henry VIII powers with the deepest suspicion. The job of the House of Commons is to protect the powers of the House of Commons against an over-mighty Executive. Dare I say to those on the Government Front Bench that all Executives seek to be over-mighty? It is in their very nature, whether our side or Labour is in power. Those of us on the Government Back Benches should always remember that we will not be in government forever. [HON. MEMBERS: “Shame.”] I am sorry to say that, but I take a very long view of history, and I can see that at some point in the next millennium we may, with heaven help us, have an SNP Government—

Patrick Grady (Glasgow North) (SNP): We have already got one.

Mr Rees-Mogg: But not for the United Kingdom as a whole—no, not yet. I will wait for the SNP to put up a candidate in North East Somerset, and we will see how well that goes down.

Philip Davies (Shipley) (Con): Would my hon. Friend concede that some of us are always in opposition whichever party is in government?

Mr Rees-Mogg: My hon. Friend puts the point beautifully. That is actually the historical and traditional job of Back-Bench Members of Parliament. We should be here to protect the interests of our constituents and the interests of the constitution, and to hold the Government—of whichever party—to account.

That is why I am in such agreement with my right hon. and learned Friend the Member for Beaconsfield about the undesirability of Henry VIII powers. However, I said I would diverge from him at some point. The point on which I diverge from him is the perhaps slightly academic one about where we have started from. I think it is inconsistent to say that Henry VIII powers exercised by the British Government, subject to the normal parliamentary procedures of this House and another place, are worrying, but that the Henry VIII powers used under the European Communities Act 1972 were not.

Mr Grieve: My hon. Friend makes a perfectly reasonable point, and there is an argument that this House should not concede Henry VIII powers without very good reason indeed. I suggest that the difference is that the 1972 Act carried the clear implication that this was a necessity in order to meet our international obligations. The question I have asked this afternoon is whether these powers are required to meet some domestic necessity. My hon. Friends on the Front Bench may be able to reassure me that they are, but as the powers are so extensive, it is right that we should question them.

Mr Rees-Mogg: It is always right that we should question such powers. That issue was about meeting our international obligations, but we volunteered to take on those international obligations by treaty without allowing the House to have the final say on the regulations that would come in. A political decision was made for the convenience of the then Government to do this in such a way to get that treaty agreed, but that was just as much a power grab from this House as what is currently proposed. Indeed, to my mind, it was a very much greater power grab because of the way in which laws in the European Union are introduced. The key is not co-decision making, which we have heard about—that is marginal, and came in at a later stage—but the fact that the right to present a new law rests with the Commission, which is the least democratic part of the European Union.

One of the glories of this House is that any right hon. or hon. Member may at any point, after the first few weeks of a new Session, go up to the Public Bill Office and seek to bring in a new Bill. The right of initiation of legislation lies with all of us, not just people who win the lottery or have ten-minute rule Bills. It lies not just with the Government; any right hon. or hon. Member has that right. It is such an important part of our ability to represent our constituents and to seek redress of grievance. The highest form of redress of grievance is an Act of Parliament; interestingly, Acts of Parliament emerged at the beginning of the 14th century from the presentation of petitions to this House that Members then turned into Acts. This is at the heart of our democratic system, but it was immediately denied by the basis on which laws are introduced within the European Commission.

Kevin Brennan: The hon. Gentleman is of course right about the ability of Members to introduce a Bill, but glorious though the right is, is he not slightly exaggerating its force? Given the Executive’s control of the timetable, the likelihood of any Bill introduced in such a way being able to make it into law is pretty minimal.

Mr Rees-Mogg: The likelihood is minimal because it would be fairly chaotic if we had 650 Bills coming through each day—understandably, there has to be a means of making this House work; none the less, we have such a right. When Members bring forward really important Bills that are of fundamental significance and have support across the nation, they do eventually get through, despite the efforts of my hon. Friend the Member for Shipley (Philip Davies), as well as of me and one or two others, to talk out rotten Bills. When Bills are of high quality and have support, they do get through, and that is very important.

Kevin Brennan: Will the hon. Gentleman name one that has got through via that procedure during the last Session?

Mr Rees-Mogg: In the last Parliament, we got through a major reduction in prejudice against people suffering from mental health disorders—for example, allowing them to become Members of this House. That very important Act of Parliament was carried by pressure from individual Members. Nobody sought to talk it out—it had very widespread support—and it was taken through by a Back Bencher.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my hon. Friend agree that the Autism Act 2009 was such an example, as was the legislation creating
marine protection zones that was brought in by our former hon. Friend the Member for Uxbridge and South Ruislip?

Mr Rees-Mogg: My right hon. and learned Friend is absolutely right. Such Bills do come through—[Interruption.] The hon. Member for Cardiff West (Kevin Brennan) is saying that they were not presentation Bills. It is fair to say that a presentation Bill very rarely gets through in the first instance, but it can often go on to become a ballot Bill or to receive Government support, so it is the beginning of the process. I certainly would not advocate that each of us should have the right to get a Bill made into law, but we have the right to initiate the process. That is at the heart of the democratic process, but the EU lacks such a system, which is why the 1972 Act created a worse set of Henry VIII powers than the set now being created. Overall, however, as it is nearly Christmas, I am in happy agreement with my right hon. and learned Friend the Member for Beaconsfield.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I have the results of today’s deferred Divisions—I know you have all been anxiously awaiting them—which I will now announce. In respect of the question relating to local authorities (mayoral elections), the Ayes were 317 and the Noes were 231, while of those Members representing constituencies in England and Wales, the Ayes were 293 and the Noes were 221, so the Ayes have it. In respect of the question relating to combined authorities (mayoral elections), the Ayes were 317 and the Noes were 231, while of those Members representing constituencies in England, the Ayes were 285 and the Noes were 195, so the Ayes have it.

[The Division lists are published at the end of today’s debates.]

Joanna Cherry: It is always a little daunting to follow the hon. Member for North East Somerset (Mr Rees-Mogg). I thank him for his gracious offer that an SNP politician might wish to stand in his constituency, but I can inform him that the only Scottish politician looking for a safe seat in England at the moment is the leader of the Conservative and Unionist party. The rest of us are quite happy with our seats in Scotland, safe or otherwise.

I wish to speak to amendments 77 and 76, in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and other SNP Members. Clause 13 and schedule 5 deal, as we have heard, with rules relating to publication and rules of evidence. SNP Members are less concerned with the rules relating to publication, although I would be interested to hear the Government’s response to the pertinent questions raised, as always, by the right hon. and learned Member for Beaconsfield (Mr Grieve). We are very happy with the idea—in the terms of schedule 5, paragraph 1—that:

“The Queen’s printer must make arrangements for the publication of”

these relevant instruments, but we share the concern that he very ably articulated as to why there might be certain instruments that would fall into a category that should not be published. It seems most odd.

We also welcome the amendments tabled by the hon. Member for Nottingham East (Mr Leslie) and in the name of the Labour Front Bench. We absolutely support any amendments that seek to achieve transparency and clarity. We also very much support amendment 348, which seeks to revisit the issue of impact assessments, because we share the concerns that have been raised from the Labour Front Bench, and by others who have intervened, about the sorry saga of the impact assessments. As my hon. Friend the Member for North East Fife (Stephen Gethins) explained in relation to a question he asked in 2016, there were occasions when the impression was given on the Floor of the House that economic impact assessments existed, no matter what might have been said in response to the Humble Address.

It is also worth bearing in mind that the Humble Address related only to sectoral impact assessments. It did not relate to the impact assessment that has been made in relation to the Scottish economy. It is worth reminding ourselves that both the Secretary of State for Exiting the European Union, in response to a question I asked when he gave evidence before the Exiting the EU Committee, and the Secretary of State for Scotland, in response to questions raised by the hon. Member for Edinburgh West (Christine Jardine), said that impact assessments in relation to the Scottish economy do exist, and that they will be shared with the Scottish Government.

Stephen Gethins: My hon. and learned Friend makes a powerful point. Will she put it to the Minister that the Secretary of State for Exiting the European Union told me in October 2016 not only that there were 51 sectors rather than 39—there was some confusion, and I thank the hon. Member for North East Somerset (Mr Rees-Mogg) for giving way to me on that—but that there was also an assessment that was promised to the Scottish Government back in 2016?

Joanna Cherry: Indeed. And more recently than 2016, following up on that, evidence has been given to two Select Committees of this House that impact assessments relating to the Scottish economy exist, and will be shared with the Scottish Government. I can tell the House that they have not as yet been shared with my colleagues in the Scottish Government, and we have not as yet had any clear backtracking as to the existence of these documents. No doubt that is something that will be pursued in the new year, but I very much welcome the commitment of Labour Front Benchers to continuing to pursue the issue of impact assessments because, as others have said, either they exist and they are not being shared with us—and we know that they do exist in relation to Scotland because we have been told that by two Government Ministers—or they have not been carried out, which is an extraordinary dereliction of duty by the Government if they care at all about protecting the economies of the various nations of these islands.

In relation to the SNP’s amendments to clause 13 and schedule 5, we are very much indebted to the expert assistance we have received from briefings prepared by the Law Society of Scotland for the benefit of all SNP Members, and we have worked closely with the society to inform some of our more leglastic amendments. Those amendments—76 and 77—stem from written evidence that the society has provided to various Committees of this House and the other place.

In the society’s response to the White Paper “Legislating for the United Kingdom’s Withdrawal from the European
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Union”—which many of us have now forgotten about; it seems a lifetime ago—the society recommended that once the process of identifying European Union-derived UK law was complete, that body of law should be collected in an easily identifiable and accessible collection. We believe that schedule 5, paragraph 1 is a significant step forward in that direction, and will be of significant assistance to those to whom this body of law will apply and their advisers, but we agree with the hon. Member for Nottingham East that matters would be assisted if they were published in plain English. We also agree with the right hon. and learned Member for Beaconsfield that the Government need to tell us why they want to give themselves the power to withhold publication of some of these instruments. It is hard to imagine what reason there could possibly be.

2.45 pm

In connection with schedule 5, part 2, which concerns the rules of evidence, we are in accord with paragraph 3, that where it is necessary in legal proceedings to decide a question as to, “the meaning or effect in EU law of any of the EU Treaties or any other treaty relating to the EU, or the validity, meaning or effect in EU law of any EU instrument,” it is very important that that should be treated as a question of law rather than a question of fact. We think that is a sensible provision, which will save time and money and the expense of clients in litigation concerning the EU or the validity or meaning of EU instruments. I shall return to the issue of how retained EU law is interpreted in a moment.

Like the right hon. and learned Member for Beaconsfield, in relation to schedule 5, paragraph 4, we question why it is necessary to give Ministers quite such sweeping powers. I would also be very interested to hear from the Solicitor General why, if quite such sweeping powers are to be granted, they are tucked away in a schedule, not a clause.

Returning briefly to schedule 5, part 2, paragraph 3 and the issue of how retained EU law is interpreted, I and my friends on the SNP Benches continue to share a number of concerns, which I think are widely shared in the House, about the Bill’s lack of clarity in relation to how retained EU law will be interpreted by courts in the United Kingdom after exit day. They are not just concerns shared by MPs. They are shared by the judiciary, as we have heard in other hon. Members’ speeches and in evidence before various Committees of the House. It all really goes back to clause 6, which deals with interpretation of retained EU law, and with the rules governing the extent to which UK courts may have regard to decisions of the European Court of Justice after exit day.

Much earlier on in Committee—I think it was day 2—we debated an amendment that I tabled to clause 6(2), which was rejected only narrowly. I was very grateful for cross-party support for that amendment; it was just unfortunate that the Government did not support it. But I do believe that the Government will have to return to that issue, because even if they do not return to it on Report in this House, I have no doubt that it will be returned to in the other place, particularly in the light of evidence that was given to the House of Lords EU Justice Sub-Committee by a panel of former senior judges on 21 November. My amendment 137 sought to provide that: “When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision” of the European Court. It was defeated only narrowly. But very interestingly, now that we have reached the end of the first phase of the negotiations, the Prime Minister and the UK Government, in relation to the protection of EU citizens’ rights, have signed up to a very similar wording. They have said that courts in the UK “shall...have...regard to relevant decisions of the Court of Justice of the EU” in future in relation to citizens’ rights.

I am quoting from the joint report on the progress of negotiations, which states: “The Court of Justice of the European Union is the ultimate arbiter of the interpretation of union law. In the context of the application or interpretation of those rights, UK courts shall therefore have due regard to relevant decisions of the CJEU after the specified date”.

The UK Government have therefore now accepted that, in relation to citizens’ rights, UK courts will continue to have regard to relevant decisions of the Court of Justice of the European Union. I urge them to reconsider, in relation to all our rights and all our rights in retained EU law, whether the courts of the United Kingdom should be able to pay due regard to relevant decisions of the CJEU in future.

Huw Merriman (Bexhill and Battle) (Con): The hon. and learned Lady is making a very interesting speech. Retained rights for EU citizens perhaps go that little bit further, because they are specific to EU citizens in this country—hence the reference, perhaps with a little more certainty, to the European Court of Justice—but she is seeking to imply that same strict standard for all retained EU law.

Joanna Cherry: The point I am seeking to make is that having vigorously resisted my amendment, which I tabled for the benefit of everybody living in the UK in relation to issues of certainty about the interpretation of retained EU law after exit day, the Government have now conceded some ground—they are going to provide that certainty for EU citizens living in the UK—so why, if it is good enough for EU citizens living in the UK, is it not good enough for UK citizens living in the UK? Perhaps even more importantly—this adds force to my argument—senior members of the judiciary, both current and retired, have very serious concerns that the wording in the Bill as it stands will involve them in having to make political decisions.

In the past few days, we have seen the kind of vicious opprobrium that can be levelled at those who are seen to have made political decisions on the constitution where the EU is concerned, and earlier this year we saw the level of opprobrium directed at senior members of the judiciary for applying the law. The judiciary’s concern, therefore, is very real. I am not here just to advocate for the judiciary; I am here to advocate for democracy, the separation of powers, and the protection of the constitution. I may well have, as my ultimate goal, an independent Scotland with its own written constitution, but as long as Scotland remains part of the United Kingdom I am very interested in preserving UK citizens’ rights and democracy in the UK as a whole and protecting the notion of separation of powers within the constitution.
The Government do not have to take my word for it. They should look very closely at the evidence given to the House of Lords EU Justice Sub-Committee on 21 November. Lord Hope ofCraighead pointed out that clause 6(2), as presently drafted, gives them a discretionary freedom rather than an obligation. Lord Neuberger, the former President of the Supreme Court, said:

“Clause 6(2), as drafted—it is a matter for a judge whether, and if so in what way, to take into account a decision of the Court of Justice on the same point in the regulation or directive, rather than in our statute. The problem for a judge is whether to take into account decisions, political or economic factors when deciding whether to follow the decision of the CJEU. These are normally decisions for the legislature, to either make or to tell judges what to do. We talked about our system in this country of judges being given a wide discretion, but this is an uncomfortably wide discretion, because a judge will have to take into account, or in some cases will be asked to take into account, factors that are rather unusual for a judge to have to take into account and that have political implications. It would be better if we did not maintain this system of judges being free to take decisions into account if they saw fit, if they were given some guidance as to the factors which they can and cannot take into account. Otherwise we are getting judges to step into the political arena.”

The issue of how the judiciary are to be given guidance on the interpretation of retained EU law arises directly from the wording of schedule 5 and takes us back to the wording of clause 6(2).

The Solicitor General (Robert Buckland) indicated dissent.

Joanna Cherry: The Solicitor General is raising his eyebrows at me, but if he looks carefully at schedule 5, as I am sure he has, he will see that it talks about the procedure for interpreting retained EU law. That is why I am revisiting these issues. I am also revisiting them because former Supreme Court judges Lord Neuberger and Lord Hope gave evidence to the House of Lords Justice Sub-Committee on clause 6(2) in this House. It is new evidence that the Government really should take away and look at before Report.

Huw Merriman: In a former career, I would take cases and seek direction from the courts on what they believed the law, or previous cases, were intending. Courts and judges are used to exercising discretion. Clause 6(2) makes it quite clear that they may do so if they consider it appropriate, in the same way they can refer to Commonwealth judgments if they believe that to be appropriate. I do not recognise the picture of the judiciary that the hon. and learned Lady is painting.

Joanna Cherry: I recognise it, because in my former career I appeared regularly in the Supreme Court of the UK and the supreme courts of Scotland. The hon. Gentleman may not recognise my concerns, but if he shares my professional background, he should recognise the concerns of senior members of the serving judiciary and the retired judiciary. These are very real concerns. They are telling us that clause 6(2), as currently drafted, on how they will be directed to interpret retained EU law after exit day, does not give them the clarity they will be paying very careful regard to what current senior judges and retired judges are saying.

I would like to conclude by quoting what Lord Thomas said to the House of Lords Committee after Lord Neuberger and Lord Hope had given their evidence. He said that he entirely agreed:

“It will be a very real problem for future judicial independence and the rule of law if this" the guidance—

“is not clarified.”

Put briefly, the problem is that leaving domestic courts free to make independent judgments on such crucial constitutional issues raises the prospect of politicising the judiciary’s institutional role in the Brexit process, resulting, potentially, in further regrettable attacks on the integrity of UK judges like those we saw earlier this year and last week. I therefore ask the Minister to address this problem before Report. I have no doubt that it will be addressed in the House of Lords, but I think it should be addressed in the elected House. The elected House should sort this out and not leave it to their lordships.

The Solicitor General: Given the spirit in which the hon. Member for Nottingham East (Mr Leslie) moved new clause 21, I was anticipating some form of Christmas truce, and that we would perhaps emerge from our trench lines and play football. As the debate went on, however—this is inevitable on such issues—divisions soon emerged. We have had quite a fierce debate on aspects of the policy surrounding our exit from the EU.

First, there was the question of when an impact assessment is not an impact assessment. We then—I am not criticising the hon. and learned Member for Edinburgh South West (Joanna Cherry)—started down the road of, in effect, reopening the debate on clause 6(2). I did raise my eyebrows at her. I take the point that there is a link with schedule 5, but she will immediately recognise that the schedule tries to answer the old question of whether the recognition or understanding of EU law for the purposes of judicial interpretation is a question of fact or a question of law. It is a mechanism to an end, rather than the means of interpretation itself, which is of course within clause 6.

Joanna Cherry: My point is that, having rightly conceded that it is a question of law, the Government need to address how that law is interpreted by the judiciary.

3 pm

The Solicitor General: I was about to say to the hon. and learned Lady that, tempted though I am to embark on a long debate with her about why it is important that those who criticise clause 6 come up with some sensible alternatives, I am conscious that the Mace is under the Table and that this is a debate in Committee last week, at which the very questions she raises were asked of me by Lord Judge and Lord Pannick. In discussion with them, I made the point that, for example, a check list of dos and don’ts for judges would not be an
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appropriate way forward. There was a measure of agreement with that assertion, but inevitably these issues will be considered in the other place. Having said that, I think that she is right to make no apology for airing these matters in this House, because it is vital, on a Bill as important as this, that we, as elected Members, inform the other place that we have not given it cursory examination, but considered it very carefully indeed. To that extent, I am extremely grateful to her.

There have been many interesting and important contributions to the debate, and I urge the Committee to agree to clause 13 and schedule 5. It is good to see the hon. Member for Nottingham East back in the Chamber. I took the spirit with which he moved his new clause to heart, and I hope that I can respond in kind to him, but there is one word that perhaps sums up the debate, and indeed my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who used it himself: sesquipedalian. It is a synonym for polysyllabic, and I am afraid that it is inevitable in such a debate that we will use words of more than two, three or, dare I say, four syllables. I will, however, try to curb my natural inclination to enjoy such diversions and to meet the hon. Gentleman’s argument that we speak in plain English.

On schedule 5, which is the meat of this debate, it is worth reminding ourselves—I say this particularly in response to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve)—that we are talking about something retained EU law; it is there merely to enable us to have a vote in this House. I will give my right hon. and learned Friend two examples of where the power to make a direction under paragraph 2 in part 1 on exceptions from the duty to publish. It is important that I gently remind hon. Members of that, lest we start to soar again into the stratosphere of constitutional debate and get unduly worried about the Government seeking to accrue massive power, when really we are talking about, first, how all this information can be presented to the public and, secondly, how the courts should be enjoined to take notice of it.

I will go through the points raised by my right hon. and learned Friend, particularly with regard, first, to paragraph 2 in part 1 on exceptions from the duty to publish. It is important to note that the direction power under paragraph 2(2) does not allow a Minister to make something retained EU law; it is there merely to enable the Government to ensure that legislation that is obviously not retained EU law does not have to be published. We are trying to minimise the potential for confusion, but we have to be realistic. It will not be possible to ensure without exception that only retained EU legislation is published. We do not think—quite properly, in my opinion—that it is the place of the Queen’s printer to decide the status of the long preambles to EU legislation. It is important not only that we formally examine, but considered it very carefully indeed. To that extent, I am extremely grateful to her.

I shall move on to paragraphs 3 and 4. Paragraph 3, as the keenest Members will have observed, is based on section 3(1) of the 1972 Act, which provides that “any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any EU instrument, shall be treated as a question of law”. And, of course, when something is a question of law, a court can determine the meaning of that law for its own purposes. Foreign law is normally a question of fact to be pleaded and then proved, often by recourse to expert evidence. Quite rightly, however, we want to allow a question of EU law to continue to be treated as a question of law after exit day, for certain purposes, such as when it is necessary to decide the question of EU law for the purposes of interpreting retained EU law in legal proceedings here.

Lady Hermon: Will the Solicitor General take a moment to explain the status of the long preambles to EU regulations and directives? We are taking all this back, so what is their status to be? How will the courts interpret the preambles to regulations and directives that become part of retained EU law?

The Solicitor General: Like any other part of a document, it will, of course, have effect. A preamble is an important statement. It is different from, say, an explanatory note or accompanying document—it is part of the measure and therefore will have force. We are seeking to download that documentation and make it part of our domestic law so that when we read it across, people will know that it is part of our domestic law, albeit in that category of retained EU law.

Lady Hermon: The hon. and learned Gentleman, like everyone in the House, will be well aware that our legislation does not have long preambles. I think that the judges need further guidance. He has indicated from the Dispatch Box that the preambles will have force. What weight should the judiciary across the UK give to those preambles, as they are not accustomed to them in British legislation? What does “force” actually mean?
The Solicitor General: To be fair to our judges, they already have the task of interpreting and applying EU regulations and all EU legislation that has direct effect. With respect to the hon. Lady, it will not be a new task for them, and I trust Her Majesty’s judges to get it right. As I said in response to the hon. and learned Member for Edinburgh South West, it is tempting for the House to try to set out a list of judicial dos and don’ts, but I do not think that that is an appropriate approach. I trust and respect the judiciary to get this right, as they almost invariably do. They answer the question that is put to them, and deal with it in a robust and independent way. As one of the Law Officers responsible for upholding the rule of law, I am happy to reiterate on the Floor of the House that I have the utmost confidence in our domestic judiciary to get it right.

Paragraph 4 is based on subsections (2) to (5) of section 3 of the 1972 Act. Those subsections distinguish between EU-related matters which are to be judicially noticed—such as EU treaties, judgments of the Court and the Official Journal of the European Union—and other matters which, in theory, fall to be proved to the Court, such as EU instruments. For the latter category, rules are provided about how such matters are to be admissible to our courts. It is worth noting that the power in paragraph 4 to make evidential rules is again subject to the affirmative procedure, as it will be used to replace rules commonly found in primary legislation. I think it is important for all Members to note the context in which these powers are to be used.

Mr Grieve: My hon. and learned Friend is giving a very helpful explanation of the powers in paragraph 4. He may agree that my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) should listen to it with care. There he was, expressing his great concern about the way in which legislation and EU law was handled in this country—and is still being handled before we leave the EU—but here the Government are replicating the process for when we have left. I am not allowed to speak in French in the Chamber, but plus ça change, plus c’est la même chose.

The Solicitor General: My right hon. and learned Friend is not just a lawyer but an historian. He will know that a previous Solicitor General, the late Lord Howe, steered the Bill that became the 1972 Act through the House of Commons. I nod to his memory. He knew what he was about, and he helped to produce an extremely important and effective piece of legislation. I make no apology for replicating aspects of it in this Bill.

Let me reassure the hon. and learned Member for Beaconsfield (Mr Grieve)? These are extremely sweeping powers, but they are tucked away in a schedule.

The Solicitor General: I take the hon. and learned Lady’s point with the utmost seriousness, as I hope I always do, but, with respect to her, I think there is no real significance to be attached to the fact that the provision is in a schedule. This is hardly the longest piece of legislation that the House will have seen, but it will certainly be one of the most pored over—and rightly so. The hon. and learned Lady is doing justice to that through her interventions.

Let me now deal directly with new clause 21. Of course I recognise the concerns raised by the hon. Member for Nottingham East, but I do not consider it feasible to impose a statutory duty requiring summaries of all retained direct EU legislation. The scale of that task would be hard to overstate. I have used the word Sisyphean before, and I think that it applies in this case.

According to EUR-Lex, the EU’s legal database, there are currently more than 12,000 EU regulations in force. To impose a statutory duty of requiring plain English summaries of them would, I think, be disproportionate, given that many explanatory materials have already been issued by the EU about EU law—and, indeed, by UK bodies, including the Health and Safety Executive. One example is documentation on the registration, evaluation, authorisation and restriction of chemicals regulations published by the European Chemicals Agency. That measure has been mentioned many times in the Committee. I believe that, at present, the law is accessible.

3.15 pm

I am, however, sympathetic to the spirit of the new clause. The Government will explain how we correct the law so that it works in our domestic statute book. As Members will know, it is established practice for an explanatory memorandum to accompany every statutory instrument that is made, and that is what will happen in this instance. Last week, a Government amendment was agreed by the House to provide that a Minister must make statements containing certain information before making statutory instruments under clauses 7 to 9. It includes a requirement that statements include additional information explaining what any relevant EU law did before exit day, and what changes we will make in that law and why. I think that that, in large measure, deals with the hon. Gentleman’s concerns and helps to provide clarity.

Mr Leslie: I am grateful to the Solicitor General for addressing new clause 21 in that way, which will be useful to the poor members of the committee that has been given the task of sifting what should and should not be negative statutory instruments. The commitment to provide explanatory memorandums that are readily understandable is very helpful. Dealing with perhaps 12,000 regulations is, of course, a massive task, but does the Solicitor General not agree that that might be one of the unforeseen consequences of Brexit?

The Solicitor General: I think that there are many consequences on which the hon. Gentleman and I could dwell on another occasion. The fact is, however, that it is my task to try to ensure, as one of the Law Officers,
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that the principles of the rule of law to which my right hon. and learned Friend the Member for Beaconsfield referred in his speech—accessibility, clarity and certainty—are adhered to. We will deal with the issues so that we uphold those important principles, which were set out by the late Lord Bingham.

Lady Hermon: I am grateful to the Solicitor General for his generosity in giving way again. As he knows, we do not currently have a functioning Assembly in Northern Ireland, so we do not have Ministers who can abide by his direction about explanatory memorandums that will be issued when EU regulations and directives are brought back, in this context to Northern Ireland. Will he confirm that the Departments in Northern Ireland will have an obligation—a duty—to provide explanatory memorandums in that connection?

The Solicitor General: I think it must follow that when there is no Executive functioning in Northern Ireland and the Northern Ireland Office is carrying out functions as a substitute for the Executive, the duty will apply to that department. I assure the hon. Lady that when we introduce statutory instruments, there will be explanatory memorandums from one source or another. Various Departments will have different responsibilities for the drafting and publication of the statutory instruments, and it will be their duty to produce the explanatory memorandums for Members to consider. I cannot envisage an exception being made. Northern Ireland will be covered in the way in which the hon. Lady wants it to be.

Paragraph 1(4) of schedule 5 enables the Queen’s printer to make arrangements to publish documents that may be considered useful in connection with anything else published under the schedule. That, I think, allows for the approach that the hon. Member for Nottingham East is requesting. We are committed to ensuring that the law remains accessible and comprehensible after exit day, and on that basis, I ask the hon. Gentleman to withdraw the new clause, which I think he said was a probing measure. He will have noted my comment, and I understand his position.

Amendments 76 and 77 have been addressed in particular by the hon. and learned Member for Edinburgh South West. Amendment 77 seeks to place the power for a Minister to make provision about judicial notice and the admissibility in legal proceedings of specified evidence of certain matters into the Bill. Judicial notice is a term that covers matters that are to be treated as already within the knowledge of the court, and are therefore not required to be “proved”, as other evidence would be, in the usual way. Amendment 76 would remove that power from schedule 5, while not replacing the provisions that clarify the scope of that power.

The power in part 2 of the schedule covers a limited, technical area, and the affirmative procedure will apply. My worry is that, with the removals that amendment 76 would make, we will lose clarity on how those powers are to be applied. I imagine that the intention of those who support the amendments is that those clarifying provisions would be inserted underneath the power, but I think that we achieve greater clarity by putting them in this schedule in the way that we have, so I respectfully ask the hon. and learned Lady and the other Members who have tabled the amendments not to press them.

Finally, I will deal with amendment 348. It is tempting for me to plunge into the debate about impact assessments and regulatory and sectoral analyses, but this is an amendment about this Bill, of course, and I remind all Members that an impact assessment for this Bill was published when it was introduced. That is in line with the general practice of Governments of different parties in recent years of publishing impact assessments alongside legislation. We want to continue pursuing that approach, but it must be done in a proportionate and appropriate way.

Amendment 348 would impose an open-ended requirement on the Queen’s printer to publish impact assessments, and could, I fear, create a duty it could not meet. The Queen’s printer does not have a responsibility to decide what should be published alongside legislation; it merely publishes what the Government ask it to, and quite rightly so, we might think. At the same time, Ministers have a specific responsibility, endorsed by Parliament, not to release information that would expose our negotiating position. This amendment would risk doing precisely that in a way that would put the responsibility on to a non-ministerial department—the Queen’s printer—which, with respect to it, is in no place to know what analysis has been undertaken, or to make a judgment about what can be published appropriately, safely and proportionately.

In the context of those remarks, I ask the hon. Member for Nottingham East to withdraw the new clause, and I support the passage of clause 13 and schedule 5 and beg that they stand part of the Bill.

Mrs Moon: I rise to speak in support of amendment 348 and new clause 21.

Today, I took the short and wide pavements over to the Department for Exiting the European Union; what a waste of my time that was. I went because I wanted to read what was written in relation to the workforce impacts for the large numbers of my constituents from Bridgend who work in the Ford engine factory and with Tata Steel. So I went to look in particular at the automotive sector and the steel sector reports.

The Ford engine plant is the largest engine works in Europe, and Tata next door in Port Talbot employs the largest number of people in steelworks in the UK. It was interesting that when I got there—having gone through the whole palaver of not taking my phone with me and being walked up to the Department, being asked to sign myself in and being handed the two big files—I found that the document started off by telling me what it was not: the first page I had to wade through contained what it was not: the first page I had to wade through told me that 58 sectorial impact assessments do not exist. So what I had gone there to see did not exist.

Instead I was told that the paperwork consisted of qualitative and quantitative analyses in a range of documents developed at different times since—that is an important word—the referendum, so this was going to be new information; it was going to be information and analysis not available before the referendum and therefore, sadly, not available to the voters in my constituency or indeed to Members.

The 38—not 58—sector documents consist of descriptions of the sector, comments on EU regulations, existing frameworks for how trade is facilitated between countries and sector views. In the end, they are sector views, and nothing the Government had collected together
was worth going there to read. They did not contain commercial, market or negotiation-sensitive information, as the documents told me, so why on earth could it all not just have been emailed to all MPs? There was nothing there that would upset anybody; all it would have done was insult people, not worry them. Apart from the sector views, it told us nothing that could not be found from a good read through Wikipedia.

There is no Government impact assessment, or indeed any assessment, even in the one part of the document worth reading: the sectoral view. The sectoral view is just there: the Government do not say what they are going to do about it, or even whether they think it is relevant—they just ignore it.

Sir David, what I was greeted with at DExEU would, in all honesty, have insulted us when we were both serving on the Select Committee on Defence; if that had come to us from the Ministry of Defence, we would have sent it back and said, “Do it again.” It was insulting. Members of the NATO Parliamentary Assembly would have been confused by such pathetic information being placed before them. So perhaps that is why we are not making it public.

I read the report relating to the automotive and steel industries. The report admits that automotive is central to the UK economy and a key part of our industrial strategy, so we would think that the Government would want to make sure that whatever they were going to do would protect it. The industry employs 159,000 people, with a further 238,000 in the supply chain. I did like one line, which said that the UK is a global centre of excellence for engine design, and offered the example of Ford; that is us down in Bridgend. Automotive earns us £40.1 billion in exports, and the EU is the UK’s largest export market, so we would think this is pretty important stuff.

What were the sectoral view and the concerns? Again, there was nothing new; my hon. Friend the Member for Ogmore (Chris Elmore) and I could have written this ourselves. In fact, we could probably have written a better sectoral analysis than anything the Government have produced; it was pathetic.

Dr Drew: Anyone could have written it.

Mrs Moon: I agree with my hon. Friend.

The sector has said that World Trade Organisation rules and current EU third country tariff schedules will bring a 4.5% tariff on components and a 10% tariff on cars; I think we already knew that. We were also informed that Japanese and Ford motor manufacturing make the UK their base because of access to the EU market. There is a major statement and recommendation there: it will be devastating for motor manufacturing in the UK if we do not continue to have access to the EU markets.

We were also told that automotive is a high-volume, low-margin industry operating a just-in-time process. It was said that customs checks would add to administrative costs, delay production and shipments and create the need for increased working capital and that they would increase the cost of production in the UK. Concern was expressed about access to key engineering staff if higher immigration controls were in place, exacerbating skills shortages where a significant skills shortage already exists, with 5,000 job vacancies, especially in engineering design and production engineering.
however, that it would not be as keen if the US was subject to the European Court of Justice, because it would not want its companies to have such judicial oversight. I think that tells us everything we need to know about the importance of our remaining in the customs union and the single market and being subject to the European Court of Justice. That is how we will protect not only our workforce but the consumers who buy the products that they produce.

Richard Graham: It is a pleasure to follow the hon. Member for Bridgend (Mrs Moon), who has spoken so well today, and indeed throughout these debates. This is the first time that I have risen to speak on the European Union (Withdrawal) Bill, and I do so because I wish to add a little to what has already been said about amendment 348. I do not intend to revisit the arguments put forward in the previous Humble Address, or the decisions taken by our Select Committee. That issue has been dealt with, but since the shadow Minister hinted that the Opposition would come back to it, I want to focus on the substance of the amendment and on why I disagree with it so strongly.

It is my belief that what amendment 348 seeks to achieve is without precedent in the history of negotiations by our country. It would require the Government to publish their economic impact assessments of the policy options for withdrawal from the EU. However, the missing words at the end are “during our negotiations on withdrawal from the EU”. Those missing words matter, because this is a particularly important negotiation for our nation—nobody is any doubt about that—and because this is a particularly delicate time. The Government start negotiations on the implementation period and on our future relationship with the EU soon after the new year. On the other side of the negotiating table, the EU has made it absolutely clear that it will not be publishing all its research. We will therefore certainly not see any published analysis, let alone any impact assessments relating to, for example, what no deal would mean for specific ports in northern Europe, or to any potential drop in GDP for the town of Calais.

Peter Grant (Glenrothes) (SNP): Will the hon. Gentleman give way?

Richard Graham: Let me just develop my argument first, if I may.

It is therefore a curious affair that we should expect our own negotiating side to lay out in great detail what our own negotiating position should be. I tried to find precedents in our negotiating history, and I did some analysis of negotiations in which I was involved in the later stages. Those were the negotiations leading to the joint declaration on the future of Hong Kong in the early 1980s. Some Members will remember that there was considerable concern at the time about the sovereignty of communist China, and therefore about confidence—above all, economic confidence—in the territory. Were any economic analyses of the different scenarios published? No; not least because, had they been published, all of them would surely, at that time, have made the assumption that any change in the existing arrangements would have been negative to the economy of Hong Kong, and therefore probably to the UK as well.

In fact, today—20 years after the handover—whatever our concerns might be about the commitment to some of the freedoms guaranteed under the joint declaration, Hong Kong has surely made significant economic progress. My point is that any analysis at that time would have been done on the consensus assumptions of the early 1980s, which would have been substantially wrong and, if published, would almost certainly have been an impediment to the sensible, pragmatic, diplomatic negotiating compromise that was then achieved to everybody’s benefit. In the same way today, the range of assumptions behind trying to calculate which future road in the negotiations will be most economically beneficial makes that almost impossible to calculate, so let me give a few examples of the sort of questions that would have to be considered.

The latest statistics show that our current trade is 43% with the EU and 57% with the rest of the world. If our relationship with the EU did not change—if we were not leaving the EU—what would those figures be in five or 10 years’ time? The figure for EU trade has declined, but would that continue or reverse? Would the strong predictions for growth in Asia prove optimistic and accurate or would they underestimate what will happen? Right now, we are exporting more goods than services, which was unimaginable five years ago, but will that continue? How would different trends in goods and services affect our future trade across the world? Which countries would we benefit more from trading with if our goods were doing better than our services or vice versa? When we leave the EU, with whom will we reach free trade agreements? FTAs are just one of the tools available to us, so what other trading arrangements will we set up? How long will each of those agreements take, and what will their economic impact be?

Looking at south-east Asia—the area where I work for the Prime Minister—if we want to, will we be able to move on individual free trade agreements faster than the current progress of the EU? What about the US—the biggest of them all? We know that the US executes 25% of its trade with the European Union with the UK alone and that 50% of its financial services trade is with the UK. Its interest in having a separate FTA with us will largely depend on the degree to which we offer something different or the degree to which we converge, have equivalence or have mutual recognition of the regulations and laws in the EU. Given what I have just outlined, how can we possibly know the economic impacts of various aspects of future potential scenarios with the EU?

Peter Grant: I am grateful to the hon. Gentleman for giving way. He seems to be arguing not for or against the publication of information, but against the whole idea of any kind of economic impact assessment at all, which makes me wonder what the Chancellor’s last Budget statement was about. If he is being consistent, does he also think that none of the 16 economic impact analyses published by the Government on the run-up to the Scottish independence referendum were worth the paper they were written on? They were also based on surmise and speculation.
Richard Graham: I am grateful to the hon. Gentleman because, as a historian, I think he raises an interesting question: to what extent have economic forecasts ever been accurate? He might wish to study the assessments of the Office for Budget Responsibility, which have on the whole been consistently gloomy over the seven years that I have been in the House. He would be hard pressed to find a record of any Government being successful in economic forecasting, because all sorts of assumptions have to be made. As a previous Prime Minister once remarked, it is so often in life that events shape things, rather than our own forecasts of what the future might look like.

The hon. Gentleman helpfully takes me back to my point, which is that all these forecasts and assessments of potential impacts depend on a huge number of variables. They will alter by individual company, by sector, by technology and by much else besides. Whatever any Government trying to deliver such an assessment could come up with in terms of the net benefits for different scenarios, they will inevitably prove inaccurate. Therefore, arriving at impact assessments in the definition that the Government use—with clearly quantified conclusions and benefits—would almost certainly prove misleading.

To publish such assessments is to share them with every negotiating partner of the UK and would be a huge own goal. Instead, we should expect the Government to continue doing what they have been doing: setting out their strategy in broad terms, as the Prime Minister did in her Lancaster House and Florence speeches. In due course, a third speech may be needed to shed light on what our Government feel about those important terms, “convergence”, “alignment”, “equivalence” and “mutual recognition”; to highlight the benefits of our services to us and to Europe; and to say why a broad and deep partnership will benefit both us and Europe, including in regard to the sectors of defence, security, research, aerospace, nuclear energy, development, academia and many others besides.

Mr Dhesi: I rise to speak in favour of amendment 348 and new clause 21. The vote to leave the European Union was an unanticipated shock to the UK economy that increased uncertainty and reduced our governments’ expected future openness to trade, investment and immigration with our neighbouring partners, the EU. The pound depreciated by approximately 10% immediately after the referendum. The depreciation raised inflation by increasing import costs of both final goods and intermediate inputs.

Today, according to Citibank analysis, long-run inflation expectations are up to 3.3%, but by June this year the Brexit vote was costing the average household £7.74 per week through higher prices. That is equivalent to £404 per year. Higher inflation has also reduced the growth of real wages; that is equivalent to a £448 cut in annual pay for the average worker. To put it another way, the Brexit vote has already cost the average worker almost one week’s wages owing to higher prices—and we have yet to leave the EU. Amendment 348 refers to impact assessments. We need clear impact assessments to ascertain how such things as well as hard-fought workers’ rights, shared values and environmental protections will be safeguarded.

Several promises were made. Post Brexit, UK Governments will be expected to fulfil the promises made during the referendum campaign. Immigration was, without doubt, a major reason for the result, but at least half of immigrants to the UK every year are from south Asia, Africa and the Caribbean, and they are unaffected by EU laws. It would also be difficult to reduce the number of EU citizens in the UK unless there was a misguided programme to expel them and the UK was prepared to countenance similar expulsions of its citizens from the continent. The challenge will be not how to limit in-flows—something that featured so prominently in the leave campaign—but rather how to sustain the much needed flows of EU nationals to fill jobs in sectors such as agriculture, services and construction, an industry I have been involved in for over two decades.

Kate Hoey: I am following my hon. Friend carefully. Does he agree that my constituents’ relatives from the Caribbean should have the same opportunity to come here by right? That is part of the reason why many people from ethnic minorities voted leave: they saw that there would be a fair immigration system, not one that was biased towards 27 other countries.

Mr Dhesi: I have listened closely to my hon. Friend, but we will need to wait until the immigration Bill is introduced to see exactly how we will be affected. Many British voters believe that by favouring Brexit they were voting for greater spending on the national health service and the rest of the British welfare state. Those voters will become even more dissatisfied when they discover that Brexit will not, in fact, provide anything close to the additional £350 million a week for our NHS that was claimed.

New clause 21 refers to clear explanatory statements about what is happening across this entire process. After Brexit, the UK and devolved Governments will need to carry out many functions that are currently the responsibility of Brussels, including everything from customs checks to determining agricultural subsidies.
Before that happens, however, much of the civil service will be consumed by managing the leaving process between now and the end of any transition period.

Ultimately, the UK is undertaking an enormous administrative challenge in a very short space of time. The Government are reportedly seeking to employ an extra 8,000 staff by the end of the 2018 to help manage the process, with Departments recruiting heavily in recent months. However, it should be noted that they are starting from a very low base. Public sector employment, as a share of people in work, was below 17% in June 2017, the lowest level since records began in 1999, which suggests that the civil service will be unable to manage Brexit alone and will therefore increasingly need to rely on external actors to undertake many of its functions.

On amendment 348, if the Government cannot even compile impact assessments or sectoral analyses—take your pick—in “excruciating detail,” as the Secretary of State for Exiting the European Union said, how will they effectively manage the process? Our Parliament should be sovereign, and collectively we all need to take back control, but the implications for democratic accountability will be quite profound if and when outsourced services fail to meet public expectations.

If the 3 million EU nationals currently in the UK decide to apply to remain after Brexit and those applications are not processed properly by a private contractor, for example, who will be held accountable when people are wrongly forced to leave? On top of that, the sheer complexity of the Brexit process means there will be a range of convenient scapegoats whom the Government could blame when things go wrong.

Jessica Morden (Newport West) (Lab): I draw my hon. Friend’s attention to the National Audit Office report, published yesterday, on the Brexit work of the Department for Environment, Food and Rural Affairs. It is already clear that the Department is under pressure, and it is making significant use of external consultants. With no promise of finances, much of the work programmed for Brexit is at risk. Does he agree that could be a significant problem?

Angela Smith (Penistone and Stocksbridge) (Lab): I draw my hon. Friend’s attention to the National Audit Office report, published yesterday, on the Brexit work of the Department for Environment, Food and Rural Affairs. It is already clear that the Department is under pressure, and it is making significant use of external consultants. With no promise of finances, much of the work programmed for Brexit is at risk. Does he agree that could be a significant problem?

Mr Dhesi: My hon. Friend corroborates what I have been trying to outline.

Rather than taking back control of public services, Brexit is likely to result in more public services being run at arm’s length from directly elected representatives, who will seek to avoid being held responsible for poor performance. It is also vital that our trade agreement with the EU does not prevent economic growth and the growth in jobs and prosperity that comes with exporting our goods.

New clause 21 is all about information, but where is the information for businesses and workers in my Slough constituency? Large businesses in my constituency such as Mars, the confectionery producer, have interconnected sites and factories across Europe, making up an integrated network in which raw materials are moved across borders. Finished products made in one country are packaged, distributed and sold in others. Representatives of Mars are concerned about the return of barriers to the supply chain and about the possible impact on jobs. During visits to their factory in my constituency, I was told:

“It is a fact that Europe after Brexit will remain a critical market for UK exports and likewise the UK will remain an important market for goods produced and manufactured in other European states. There can be no economic advantage from either side restricting trade with a large market situated on its doorstep. In simple terms, if the UK and the EU fail to agree on a new preferential deal, it will be to the detriment of all.”

Ian Paisley (North Antrim) (DUP): Does the hon. Gentleman accept that a large company such as Mars is able to import cocoa, chocolate and nuts from African and Latin American states and get over all the trade complexities in that import business, so it is very easy for it to get over some minor issues that he is concerned about with regard to the EU trade?

Mr Dhesi: I thank the hon. Gentleman for that, but I would point out to him that we already have trade agreements, which is why in a previous exchange in Parliament I pointed out that we need to ensure that we have increased access arrangements and that we continue with the existing access agreements for developing countries.

Tom Brake: Does the hon. Gentleman share my concern that Mars is clearly able to make an assessment of the impact of the different types of economic arrangements we might have with the EU after we leave, whereas the Government are not? We heard this in an intervention from the hon. Member for Gloucester (Richard Graham), who is no longer in his place; he completely disregards any value in impact assessments whatsoever. Why can Mars do it but the Government cannot?

Mr Dhesi: I thank the right hon. Gentleman for making that intervention, because if Mars can do it, I am sure we can do it within Parliament. The Government’s approach is, in essence, keeping business in the dark.

In conclusion, a cliff edge scenario, with us sleepwalking into no deal, which is where this Government seem to be heading, would be severely damaging to us and our economy. We need to change course and avoid this fate of no deal. A starting point on that would be clear and detailed impact assessments.

Mr Leslie: I thank the House for going into much more detail than we perhaps initially expected on these clauses and amendments. It is has been a worthwhile investigation of schedule 5. The right hon. and learned Member for Beaconsfield (Mr Grieve), in particular, raised pertinent points about rules of evidence, and we have heard good speeches from many of my hon. Friends, too. The Minister says that schedule 5 allows those explanatory memorandums to be produced by Government to help the House to sift through these potentially 12,000-plus statutory instruments that are going to come, so I will take his word on that and we will hold him to account on it. In those circumstances, and as we have many other issues to discuss, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

Schedule 5 agreed to.
New Clause 13

Customs duties

“A Minister of the Crown may not make regulations to appoint exit day until Royal Assent is granted to an Act of Parliament making provision for the substitution of section 5 (customs duties) of the European Communities Act 1972 with provisions that shall allow the United Kingdom to remain a member of the EU common customs tariff and common commercial policy.” (Mr Leslie.)

This new clause would ensure that provisions allowing the UK to remain a member of the Customs Union, as currently set out in section 5 of the European Communities Act 1972 but set to be repealed by section 1 of this Act, will be enacted ahead of exit day.

Brought up, and read the First time.

Mr Leslie: I beg to move, That the clause be read a Second time.

The Temporary Chair (Sir David Crausby): With this it will be convenient to discuss the following:

Government amendment 399.

Amendment 349, in clause 14, page 10, line 46, leave out “for a term of more than 2 years”. This amendment would prevent Ministers using delegated powers to create criminal offences which carry custodial sentences.

Government amendment 400.

Clause 14 stand part.

That schedule 6 be the Sixth schedule to the Bill.

New clause 8—Committee of the Regions—

“Her Majesty’s Government shall—

(a) maintain a full consultative role for local authorities throughout the process of withdrawal from the European Union, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them, and

(b) provide for a formal mechanism in domestic law fully to replicate the advisory role conferred on local authorities via membership of the European Union Committee of the Regions.”

This new clause would ensure that the current consultative role that UK local government currently have via the EU Committee of the Regions would be replicated in the UK after exit day.

New clause 10—Transitional arrangements—

“Her Majesty’s Government shall, in pursuit of a new relationship between the United Kingdom and European Union after exit day, seek to negotiate and agree transitional arrangements with the European Union of sufficient duration to allow—

(a) the conclusion and coming into force of new trade agreements replicating as closely as possible all those trade agreements currently applying to the UK by virtue of its membership of the EU before exit day;

(b) an associate membership of the EU Single Market so that the regulatory settlement existing between the UK and EU before exit day can continue for the duration of transitional arrangements, which shall be not less than two years after exit day.”

This new clause would require the UK Government to seek transitional arrangements that would allow existing trade agreements currently applying to the UK to be negotiated and continued for the circumstances applying after the UK has exited the EU, and would seek transitional arrangements including an associate membership of the EU Single Market for not less than two years following exit day.

New clause 11—Ongoing regulatory requirements—

“After exit day the Secretary of State shall continue to assess all EU regulations, decisions and tertiary legislation and publish a report to both Houses of Parliament assessing the costs and benefits of each regulation and directive and whether HM Government should consider it expedient to propose a similar reform to UK domestic legislation in order to secure an ongoing regulatory alignment between the UK and the EU going forward.”

After exit day the European Union is likely to continue to produce legislation, regulations and decisions that would have applied to the United Kingdom if we had remained a member of the EU. This new clause would require Ministers to publish an assessment of new and developing EU laws and regulations and whether there would be benefits or costs for the UK in adopting similar legal changes to UK domestic legislation with a view to maintaining regulatory alignment with the EU as far as possible.

New clause 31—Promotion of the safety and welfare of children and young people following withdrawal of the United Kingdom from the European Union—

“(1) The Secretary of State shall make the arrangements specified in this section for the purposes of safeguarding children and promoting their welfare from exit day onwards.

(2) The Secretary of State shall lay before Parliament a strategy for seeking continued co-operation with—

(a) the European Union Agency for Law Enforcement Cooperation (Europol),

(b) Eurojust, and

(c) the European Criminal Records Information System on matters relating to the safety and welfare of children and young people.

(3) The Secretary of State shall lay before Parliament a strategy for seeking continued participation in the European Arrest Warrant, in relation to the promotion of the safety and welfare of children and young people.”

This new clause would require the Government to lay before Parliament a strategy for maintaining co-operation with certain EU bodies and structures after exit day for the purposes of promoting the safety and welfare of children and young people.

New clause 32—Programmes eligible until exit day for support from the European Social Fund—

“The Secretary of State shall bring forward proposals for a fund to support, on and after exit day, programmes and projects which—

(a) relate to

(i) the promotion of social inclusion amongst children and young people,

(ii) efforts to combat poverty and discrimination amongst children and young people, and

(iii) investment in education, training and vocational training or skills and lifelong learning for children and young people, and

(b) would have been eligible for funding up until exit day by the European Social Fund.”

This new clause seeks to maintain financial support after exit day for projects and programmes which would have been eligible for funding from the European Social Fund.

New clause 33—Mitigating any inflationary risks after exit day—

“(1) The Secretary of State shall lay before Parliament a strategy for mitigating any risks which withdrawal from the EU may present to low income families with children.

(2) The strategy set out in subsection (1) must include a commitment to assess each year whether rates of benefits and tax credits are maintaining value in real terms relative to costs of living as defined by the Consumer Prices Index.”

This new clause would require the Secretary of State to lay before Parliament a strategy for mitigating any potential risks which withdrawal from the EU might present to low income families with children.
New clause 40—European Neighbourhood Policy—
“The Secretary of State shall, by 30 September 2018, lay before Parliament a strategy for seeking to maintain a role for the UK in the EU’s European Neighbourhood Policy after exit day.”

New clause 41—European Development Fund—
“The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on future payments into the European Development Fund.”

New clause 42—EU Citizens’ Severance Payments—
“The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on EU citizens’ rights to severance payments at EU agencies based in the UK.”

New clause 43—Diplomatic Staff—
“The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on future arrangements for the UK to second diplomatic staff members to the European Union External Action Service.”

New clause 44—Duty to make arrangements for an independent evaluation: health and social care—
“(1) No later than 1 year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.

(2) The evaluation carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, must analyse and assess—
(a) the effects of this Act on the funding of the health and social care sector;
(b) the effects of this Act on the health and social care workforce;
(c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and
(d) any other such matters relevant to the impact of this Act upon the health and care sector.

(3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—
(a) the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department;
(b) providers of health and social care services;
(c) individuals requiring health and social care services;
(d) organisations working for and on behalf of individuals requiring health and social care services; and
(e) any persons whom the Secretary of State deems relevant.

(4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before Parliament.”

This new clause would require an independent evaluation of the impact of the Act upon the health and social care sector to be made after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department, service providers, those requiring health and social care services, and others.

New clause 46—Consultation assessing impact of no agreement with the EU for workers on withdrawal—
“Within six months of the passing of this Act, the Secretary of State must carry out a public consultation assessing the impact on—
(a) workers in the EU who are UK citizens, and
(b) workers in the UK who are EU citizens
if no agreement is reached with the European Union on the UK’s withdrawal.”

This new clause would require the Secretary of State to carry out a public consultation within six months of the passing of the Act, assessing the impact of not having an EU withdrawal deal on workers in the EU who are UK citizens, and on workers in the UK who are EU citizens.

New clause 47—Assessing the impact of leaving the EU on social and medical care provision for disabled people—
“Within six months of the passing of this Act, the Secretary of State must publish an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK.”

This new clause would require the Secretary of State to publish within six months of the passing of this Act an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK.

New clause 48—Mutual Recognition Agreements—
“(1) In the course of negotiating a withdrawal agreement, Her Majesty’s Government shall seek to maintain after exit day the full range of mutual recognition agreements with which the United Kingdom has obtained rights of product conformity assessments and standards by virtue of its membership of the European Union.

(2) In respect of mutual recognition agreements relating to the safeguarding of public health, within one month of this Act being passed, the Secretary of State must publish a strategy for ensuring that existing UK notified bodies, in accordance with provisions laid out in the EU Medical Devices Regulation, may continue to conduct conformity assessment certification for both UK and EU medical devices to ensure continuity within and beyond the European Union.”

This new clause would require the UK Government to seek to maintain existing mutual recognition agreements and to publish a plan for UK notified bodies (such as the British Standards Institute) to continue to perform conformity assessments for medical devices and public health-related products deriving both within the UK and from across the EU.

New clause 52—Duty to secure safe harbour—
“(1) It shall be the duty of the Prime Minister to seek to secure the United Kingdom’s continued membership of the Single Market and of the Customs Union until such time as the Prime Minister is satisfied that the conditions in subsections (2) and (3) are met.

(2) The condition in this subsection is that the United Kingdom and the European Union have reached an agreement on the future trading relationship between the United Kingdom and the European Union.

(3) The condition in this subsection is that the United Kingdom has developed a satisfactory framework for immigration controls in respect of nationals of European Union Member States not resident in the United Kingdom on the date on which the United Kingdom ceases to belong to the European Union.”

New clause 54—Implementation and transition—
“(1) Her Majesty’s Government shall seek to secure a transition period prior to the implementation of the withdrawal agreement of not less than two years in duration, during which—
(a) access between EU and UK markets should continue on the terms existing prior to exit day,
(b) the structures of EU rules and regulations existing prior to exit day shall be maintained,
(c) the UK and EU shall continue to take part in the level of security cooperation existing prior to exit day,
(d) new processes and systems to underpin the future partnership between the EU and UK can be satisfactorily implemented, including a new immigration system and new regulatory arrangements,
(e) financial commitments made by the United Kingdom during the course of UK membership of the EU shall be honoured.

(2) No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union.”
This new clause would ensure that the objectives set out by the Prime Minister in her Florence speech are given the force of law and, if no implementation and transition period is achieved in negotiations, then exit day may not be triggered by a Minister of the Crown. The appointment of an ‘exit day’ would therefore require a fresh Act of Parliament in such circumstances.

New clause 56—Saving of acquired rights: Gibraltar—

“(1) Nothing in this Act is to be construed as removing, replacing, altering or prejudicing the exercise of an acquired right.

(2) Any power, howsoever expressed, contained in this Act may not be exercised if the exercise of that power is likely to or will remove, replace or alter or prejudice the exercise of an acquired right.

(3) In subsection (2) a reference to a power includes a power to make regulations.

(4) In this section an acquired right means a right that existed immediately before exit day—

(a) whereby a person from or established in Gibraltar could exercise that right (either absolutely or subject to any qualification) in the United Kingdom; and

(b) the right arose in the context of the United Kingdom’s membership of the European Union and Gibraltar’s status as a European territory for whose external relations the United Kingdom is responsible within the meaning of Article 353(3) TFEU and to which the provisions of the EU Treaties apply, subject to the exceptions specified in the 1972 Act of Accession.

(5) Nothing in this section prevents the use of the powers conferred by this Act to the extent that acquired rights are not altered or otherwise affected to the detriment of persons enjoying such rights.

The purpose of this new clause is to ensure that the Bill does not remove or prejudice rights (for instance in the financial services field) which, as a result of the UK’s (and Gibraltar’s) common membership of the EU, could be exercised in the UK by a person from or established in Gibraltar, where that right existed immediately before exit day.

New clause 59—Mutual recognition of professional qualifications—

“(1) In the course of negotiating a withdrawal agreement, Her Majesty’s Government shall seek to maintain after exit day the mutual recognition of professional qualifications which the United Kingdom has obtained under Directives 2005/36/EC and 2013/55/EU by virtue of its membership of the European Union.

(2) HM Government shall ensure that competent authorities for the purpose of the European Union (Recognition of Professional Qualifications) Regulations 2015 may continue to recognise professional qualifications obtained in the European Union as equivalent to qualifications obtained in the UK after exit day to ensure continuity.

This new clause would (a) commit the Government to seeking to replicate in the withdrawal agreement the framework for mutual recognition of professional qualifications which the UK has at present and (b) allow competent UK authorities to continue to recognise EU qualifications as equivalent to their UK counterparts.

New clause 61—Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)—

“(1) The Secretary of State must take all reasonable steps to ensure that the United Kingdom participates in the standards and procedures established by the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (“REACH”) (Regulation (EC) No 1907/2006) after exit day.

(2) Subject to the provisions of the withdrawal agreement, steps under subsection (1) may include regulations under section 17, or another provision of this Act, providing for full or partial participation of the United Kingdom in REACH.”

This new clause would ensure that after withdrawal from the EU, the UK continued to participate in the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals.

New clause 71—Mutual market access for financial and professional services—

“(1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty’s Government in negotiating continued mutual access to markets in the EU and the United Kingdom for businesses providing financial or professional services.

(2) ‘Mutual access to markets’ means the ability for a business established in any member State to provide services in or into the United Kingdom and vice versa.

This new clause would require a Minister to report before exit day on the Government’s progress in negotiating mutual market access for financial and professional services.

New clause 72—Importation of food and feed: port health etc.—

“(1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty’s Government in negotiating—

(a) continued mutual recognition of standards, inspections, certifications and other official controls, and

(b) a continued basis for co-operation among public authorities, as between the United Kingdom and the EU in relation to food or animal feed—

(i) produced in, or imported from a third country into, the United Kingdom or a member State, and

(ii) subsequently exported from the United Kingdom to a member State, or vice versa.

(2) Any power of the Secretary of State or a Minister of the Crown (including a power under retained EU law) to make regulations requiring or authorising the charging of a fee or other charge in respect of the inspection of food or animal feed on its importation into the United Kingdom must, so far as reasonably practicable, be exercised so as to allow public authorities conducting such inspections fully to recover any costs incurred in the carrying out of such inspections.

This new clause would require a Minister to report before exit day on the Government’s progress in negotiating mutual recognition of controls on food and feed imports. It would also require the Government to permit, so far as possible, full cost recovery for authorities conducting border inspections of food or feed.

New clause 83—Strategy for UK wind energy sector—

“(1) Within six months of any vote in the House of Commons on the terms of withdrawal from the EU, the Secretary of State shall lay before Parliament a strategy for supporting the UK wind energy sector in its ability to export competitively to markets in the EU.

(2) The strategy set out in subsection (1) must assess the impact that—

(a) tariffs,

(b) quotas,

(c) customs checks, and

(d) other non-tariff barriers

arising from any withdrawal agreement with the EU will have on the UK wind energy sector’s ability to export competitively to EU markets over the next twenty years.

This new clause would require the Secretary of State to lay before Parliament a strategy for supporting the UK wind energy sector in its ability to export competitively to markets in the EU following exit day, and to do this within six months of any vote in the House of Commons on the terms of withdrawal.

New clause 84—UK higher education sector: participation in EU programmes—

“(1) Within six months of any vote in the House of Commons on the terms of withdrawal from the EU, the Secretary of State shall lay before Parliament a strategy setting out its intentions
regarding the nature of the UK higher education sector’s future participation in—
(a) the 2014-2020 Horizon 2020 programme,
(b) the Erasmus+ Exchange programme, and
(c) future EU research, collaboration and student exchange programmes.

(2) The strategy set out in subsection (1) must set out its intentions regarding the extent to which the UK higher education sector will be able to access existing and future EU programmes after exit day both—
(a) during any transitional period, and
(b) following any transitional period.

(3) The strategy set out in subsection (1) must also estimate the future impact that any withdrawal agreement will have on the UK higher education sector in terms of—
(a) the financing of future research,
(b) the quality of future research, measured according to the Research Excellence Framework, and
(c) the ability to participate in future EU-wide collaborative research programmes following exit day. This strategy would have to set out the long-term impact that the withdrawal agreement will have on the UK’s future participation, and set out the extent to which UK Government funds would mitigate this impact.

(4) The strategy set out in subsection (1) must also set out the extent to which UK Government funds will address any shortfalls identified from calculations and estimates made as a result of subsections (2) and (3)."

This new clause would require the Secretary of State, within six months of any vote in the House of Commons on the terms of withdrawal, to lay before Parliament a strategy setting out its intentions for the UK higher education sector’s future participation in current and future EU research, collaboration and student exchange programmes following exit day. This strategy would have to set out the long-term impact that the withdrawal agreement will have on the UK’s future participation, and set out the extent to which UK Government funds would mitigate this impact.

New clause 85—Strategy for economic and social cohesion principles derived from Article 174 of TFEU—

“(1) The Secretary of State shall, before 31 December 2018, lay before Parliament a strategy for developing principles for economic and social cohesion derived from Article 174 of the Treaty on the Functioning of the European Union.

(2) The strategy laid under subsection (1) shall state the principles derived from Article 174 of TFEU.

(3) The principles under subsection (2) shall form part of UK domestic law on and after the day of the UK’s withdrawal from the EU.

(4) The aims of the strategy under subsection (1) shall be—
(a) to reduce inequalities between communities, and
(b) to reduce disparities between the levels of development of regions of the UK, with particular regard to—
(i) regions with increased levels of deprivation,
(ii) rural and island areas,
(iii) areas affected by industrial transition, and
(iv) regions which suffer from severe and permanent natural or demographic handicaps.

(5) A Minister of the Crown may by regulations make provision for programmes to implement the strategy.

(6) Programmes under subsection (5) shall run for a minimum of ten years and shall be independently monitored."

This new clause would enshrine in domestic law the principles underlying Article 174 (Title XVIII) of the Treaty on the Functioning of the European Union.

Government amendment 401.

Clause 15 stand part.

Amendment 362, in schedule 8, page 49, line 4, after “document” insert “(not including a contract)”. The amendment would make clear that the Bill does not modify the interpretation of contracts relating to EU law.

Amendment 102, page 50, line 2, leave out paragraph 3

This amendment would remove the additional power provided in paragraph 3.

Amendment 103, page 50, line 41, leave out paragraph 5

This amendment would remove the future powers to make subordinate legislation in paragraph 5.

Government amendment 402.

Amendment 380, page 55, line 16, leave out subparagraph (1) and insert—

“(1) For the purposes of the Human Rights Act 1998, any retained EU legislation is to be treated as subordinate legislation and not primary legislation.”

This amendment would amend the status of EU-derived domestic legislation to subordinate legislation for the purposes of the Human Rights Act 1998.

Amendment 11, page 55, line 17, leave out “primary legislation and not”.

This amendment would remove the proposal to allow secondary legislation to be treated as primary for the purposes of the Human Rights Act 1998.

Government amendments 403 to 405

Amendment 291, page 58, line 31, leave out paragraph 28 and insert—

“(1) The prohibition on making regulations under section 7, 8, or Schedule 2 after a particular time does not affect the continuation in force of regulations made at or before that time, except where subparagraphs (2) and (3) apply.

(2) Regulations may not be made under powers conferred by regulations made under section 7, 8, or Schedule 2 after the end of the period of two years beginning with exit day.

(3) Regulations made under powers conferred by regulations made under section 7, 8, or Schedule 2 may not be made during the two year period in subparagraph (2) unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

This amendment would require all tertiary legislation made under powers conferred by regulations to be subject to Parliamentary control.

That schedule 8 be the Eighth schedule to the Bill.

That schedule 9 be the Ninth schedule to the Bill.

Clause 18 stand part.

Amendment 120, in clause 19, page 14, line 40, leave out subsection (2) and insert—

“(2) The remaining provisions of this Act come into force once following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the European Union.

(2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.

(2B) The question that is to appear on the ballot papers is—“Do you support the Government’s proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?”

(2C) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum.”

This amendment is intended to ensure that before March 2019 (or the end of any extension to the two-year negotiation period) a referendum on the terms of the deal has to be held and provides the text of the referendum question.

Amendment 82, page 14, line 40, at beginning insert “Subject to subsection (2A)”.

Subject to subsection (2A)
This amendment is a consequential amendment resulting from Amendments 78, 79 and 80 to Clause 1 requiring the Prime Minister to reach an agreement on EEA and Customs Union membership, gain the consent of the devolved legislatures and report on the effect leaving the EU will have on the block grant before implementing section 1 of this Act.

Amendment 85, page 14, line 42, at end insert—

“(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and
(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’s block grant.”

This amendment would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the powers under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

Amendment 86, page 14, line 42, at end insert—

“(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and
(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the Single Market and Customs Union on the Welsh economy.”

This amendment would require the UK Government to lay a report before Parliament and the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU Single Market and Customs Union before exercising the powers in section 1.

Amendment 219, page 14, line 42, at end insert—

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until the Secretary of State has published a report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty’s Government seeks to negotiate after the United Kingdom’s withdrawal from the European Union, and has laid a copy of the report before Parliament.”

This amendment would require publication of a Government report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty’s Government negotiates after the United Kingdom’s withdrawal from the European Union.

Amendment 220, page 14, line 42, at end insert—

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom’s withdrawal from the EU on Scottish businesses and laid a copy of the assessment before Parliament.”

This amendment would require publication of a Government assessment of the impact of the United Kingdom’s withdrawal from the EU on Scottish businesses.

Amendment 221, page 14, line 42, at end insert—

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom’s withdrawal from the EU on food and drink safety and quality standards, and has laid a copy of the assessment before Parliament.”

This amendment would require publication of a Government assessment of the impact of the United Kingdom’s withdrawal from the EU on food and drink safety and quality standards.

Clause 19 stand part.

Mr Leslie: We find ourselves in the last part of day eight of the European Union (Withdrawal) Bill Committee. Frankly, it has come around far too soon. Members might want another day before Christmas—I do not know whether that can be arranged at the last minute by the Leader of the House.

This group of new clauses and amendments relates to a set of incredibly important issues. I am particularly keen to speak to new clause 13, which relates to the customs union, but there are many other new clauses and amendments in the group that are worth dwelling on. Before I come to new clause 13, I shall point out a few of them.

4 pm

New clause 54, which was tabled by the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), would wisely put into law the commitment that the Prime Minister made in her Florence speech to a transitional arrangement—she prefers to talk about an implementation phase—such that exit day would not be authorised unless we had a transitional phase lasting “not less than two years”.

Personally, I think it would have to last for more than two years, although Michel Barnier suggested today that it should be less than two years—the European Commission announced today that it wants the transition phase to be done and dusted by 31 December 2020. I am interested to hear the Minister’s views on that.

The Prime Minister said in her Florence speech that she wants market access to continue on the terms existing prior to exit day; that existing structures need to be maintained; that we need to continue with security co-operation; that we need to agree any new processes to implement change and to have enough time to establish a new immigration system; and that we will honour our financial commitments. All those things are quite widely shared desires for the transition period, but we cannot simply rely only on a verbal commitment by Ministers or the Prime Minister. Given how significant this is, it is important that we enshrine in the Bill those objectives for the negotiating process. I commend the Father of the House for that.

Mr Kenneth Clarke: Does the hon. Gentleman agree that when he and I tabled new clause 54, we did so consciously trying to replicate Government policy as stated in the Florence speech? If the Minister would fairly promptly acknowledge and accept that, we should be able to save some time for the other important matters to be discussed in relation to this group.

Mr Leslie: That is an excellent suggestion. We could almost add new clause 54 to the copy-and-paste process, given that it is based on the Prime Minister’s own words. Obviously, I personally would like to go further, but the right hon. and learned Gentleman and I tabled the new clause in the spirit of compromise.

New clause 48 serves to highlight the important but often overlooked question of mutual recognition agreements. MRAs are another series of international obligations between countries. The UK has obtained rights for notified bodies to undertake conformity assessments to make sure that standards across the EU are complied with and that UK firms can certify assessments of conformity across that market of 500 million people by virtue of the process that they undertake in the UK. If we lose that MRA process, it could cause immense disruption to many businesses and sectors in the UK.
Melanie Onn (Great Grimsby) (Lab): I know that Ministers are already aware of REACH—the registration, evaluation, authorisation and restriction of chemicals—but the regulatory compliance of companies such as BASF in my constituency is essential to the continuation of effective trading across borders. I really do not want to see companies moving elsewhere, perhaps where regulations are easier to follow, because we will lose good jobs in research, development and manufacturing, and all in the incredibly important science, technology, engineering and maths sector. Does my hon. Friend agree that our leaving REACH will put that at risk?

Mr Leslie: I entirely agree and my hon. Friend is completely correct to stand up for her constituents and local businesses and to make that point, which is too often overlooked. We need mutual recognition arrangements like the REACH regulations. It is often said that big corporations want to get out of such regulations, but in this case they want to stay part of that framework because it allows them to access markets. If we sacrifice that access, they will lose out and jobs will go as a result.

On a related issue, new clause 59 concerns the recognition of professional qualifications throughout the EU. I have been talking to the Royal Institute of British Architects, which is very worried about British graduates in architecture and those already in practice who often have access, they will lose out and jobs will go as a result.

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on mainland Europe, fixed into a car in this country and then exported back out to Europe. I also believe that the planning application for the lorry park was rejected because the council failed to carry out an environmental impact assessment.

Mr Leslie: We will have to see what happens there. I think that about 2.5 million lorries a year go through the port of Dover; just think about the volume of traffic we are talking about.

Wera Hobhouse: The Brexit Select Committee actually visited Dover and we then met a representative of the port of Calais. Although this country is prepared to build a lorry park, the French side will not build a lorry park because it has a migrant crisis. The port of Calais will just close under these circumstances, so where will we export to and import from?

Mr Leslie: I know that the Minister will answer all these questions as soon as he sums up this debate. He has the answers in his pack and he is not one to shilly-shally; he will give us specific and detailed responses to these questions.

Angela Smith: May I turn my hon. Friend’s attention to Ireland? Freight traffic to Dublin has enjoyed a growth rate of 700% since the establishment of the single market, but the control zone of the terminal is no bigger than it was in the 1980s, thanks to the fact that it has enjoyed the dismantling of customs control and port health control. Is he aware of any preparations or investment to deal with this potential problem if we do abolish the customs union?

Mr Leslie: No, and preparations would be needed for all sorts of other checks, including sanitary and phytosanitary checks. This would be for every port around this country, and I think that more than 1 million containers come in through the port of Southampton alone.

Anna Soubry: Does the hon. Gentleman agree with my view that most people in this country do not understand the huge benefits of the customs union? Of course, a huge swathe of people have never had any experience of stuff being stopped in customs. I certainly remember those days because of my age. Has it been his experience that British businesses are in many ways even more concerned about the movement of goods and tariffs and not being in the customs union than the actual imposition of the tariffs themselves? Companies such as Rolls-Royce in neighbouring Derby hugely benefit from these large supply chains and they are really worried about our leaving the customs union.

Mr Leslie: The right hon. Lady and my hon. Friend the Member for Wakefield (Mary Creagh) are right to focus on supply chains. The tariff could be a problem. Who knows what that would be—3%, 4% or 5%—if we fell back on the World Trade Organisation? Think of the disruption to business planning. A lot of firms would almost need to have an insurance policy at their disposal for the warehousing just to cope with the flows. We could be on the brink of many manufacturers fundamentally having to move away from the just-in-time business models that they have developed; it is almost like “RIP JIT” in this circumstance. We could almost see a whole new business model—we could be stepping back into the 20th century and earlier—if we get this wrong.

Kate Green (Stretford and Urmston) (Lab): I am grateful to my hon. Friend, and indeed to the right hon. Member for Broxtowe (Anna Soubry), for drawing attention to this wider point, which greatly troubles manufacturers in my constituency, in particular. As things stand, they manufacture and ship immediately to customers in other parts of the European Union. We have a huge shortage of available space for new warehousing facilities in Greater Manchester, and it is really important that the Government understand that wider context—it is not just a question of problems at the ports.

Mr Leslie: We must not take these arrangements for granted. Many of our constituents have taken them for granted for decades now and thought, “Oh, well, this is all seamless,” so they would not understand, as the right hon. Member for Broxtowe (Anna Soubry) said.

It is worth just walking through what happens when we do not have this sort of seamless arrangement. If a country is outside the customs union, this is what happens to goods that are destined for elsewhere. Before departure, people have to complete an export declaration, which is often lodged with a freight forwarding company. At the port of exit, the goods need to be cleared by the authorities, who decide whether inspection is needed. If so, the goods are possibly placed into storage and checked. Then, once they have left and travelled to the port of entry in the destination country, they are presented to the authorities via another declaration process, and potentially placed in storage again. Then there are country-of-entry checks and risk assessments; there is revenue collection; there could be checks for smuggled, unlicensed goods; and there are things such as hygiene, health and safety measures, labelling, consumer protection checks, the administration of quota restrictions, agricultural refunds, and trade defence checks to ensure that things are not being dumped unfairly in the country. All these administrative processes will absolutely add to the export process for goods.

Melanie Onn: Great Grimsby is well known for its fish and fish processing. We have discussed extensively some of the issues around delays to things such as automotive sector products, but we also have fresh products, such as fish. Fish is caught in Norway and imported to Grimsby, and it is an essential part of the fish processing industry. Any additional delays to that product will mean that supermarkets will not buy it—they will not want it—and the quality will reduce. That will have a really serious impact. My hon. Friend is absolutely right to draw attention to the issues around the delays and to make sure that the Government understand that reducing those delays in any way possible has to be at the forefront of their considerations.

Mr Leslie: The delays will probably be of great concern to the companies involved in those shipments, because those goods have to be fresh and delivered on time. However, if we fall back on to WTO arrangements, there is also the potential 8% tariff for fish and crustaceans.

Mr Rees-Mogg: I wonder why the hon. Gentleman is concerned for companies on that particular point, when
Norway is not in the European Union or the customs union—it is in the single market. Therefore, the customs union aspect simply does not apply to Norway.

Mr Leslie: The hon. Gentleman will know that there are concerns. He said Norway was a “vassal state”—I think that was his phrase. I do not think the Norwegians would see it that way, but they have had to simply take instructions, in many ways, in terms of the European Union arrangements on a lot of these questions. With many of our products, particularly in the manufacturing sector, the customs union has given us great opportunity to thrive, and we have done particularly well in recent years on the back of that.

Wera Hobhouse: On that point, the Norwegian border is very interesting. Norway is in Schengen, so it does border checks on goods, but it does not need to do border checks on people. The main problem, of course, is that we are not in either. We need, at some point, to address the issue of how we check that lorries are not bringing into this country people we do not want to be here. I know that taking back control of our borders is a very important point, but there will be important discussions to be had about how we make that possible. Container ports will be okay, because we can seal the loads, but it will be a lot more difficult with lorries, because they take separate loads from separate consignments, and they need to be opened several times. So the issue of people smuggling is becoming quite potent.

Mr Leslie: The hon. Lady deals with the point incredibly well.

If we end frictionless trade or introduce barriers, with potentially the return of a hard border between the Republic of Ireland and Northern Ireland, very significant problems will arise. The Government are either deluding themselves by saying, “There’s some miraculous blue-skies technological solution to all these things”, or deluding others because of the fudging and obfuscation that is going on, when, in moving from the phase 1 to the phase 2 process, they put in a form of words that seems to be interpreted in almost as many different ways as there are people reading them. They have kicked the issue into the long grass for now, but we are not going to be able to get to a decent deal without this unravelling.

Ian Paisley: The long list of checks that the hon. Gentleman read out that would be applicable are, as he knows, currently applied. That is done in a very mechanical way, often by computer through a trusted trader-type scheme. A lot of the mechanisms, procedures and protocols that he read out, especially for food and medical products, are already applied. What would lead to new and additional checks is a change in tariffs between our exports and imported goods. Therefore, surely the imperative for everyone in this House is to urgently get on to the part of the negotiations where we can get a tariff-free deal with the EU. Otherwise some of the issues that he highlighted will need to be covered.

Mr Leslie: I agree that we want to have a tariff-free relationship with our European neighbours—that much we can all agree on. However, the hon. Gentleman should look at the circumstances where we export to third countries outside the European Union that are not part of the free trade agreements that we have accrued over the 40 years of our membership of the European Union. Those free trade agreements are there for a reason. As we heard earlier, the reason people want out of the pure WTO arrangement and into an FTA is precisely that they want to minimise many of the transactional barriers and the inertia that can be there.

Let us take the car industry as an example. The chief executive of the Society of Motor Manufacturers and Traders, the car industry’s own representative, is now voicing concerns about investment in the sector gradually beginning to ebb away, partly because of the uncertainty of this whole situation. The level of investment in the industry in the UK was £2.5 billion in 2015, then £1.6 billion in 2016, and it is heading to less than £1 billion this year. Car companies are “sitting on their hands”, according to the chief executive of the SMMT.

Stephen Timms (East Ham) (Lab): I want to take my hon. Friend back to what he was saying about the border between Northern Ireland and the Republic of Ireland. We had evidence this morning at the Brexit Committee on this. As he knows, in their recent agreement with Brussels, the Government committed to having no infrastructure at the border, and, if necessary, to our providing full regulatory alignment with the internal market and the customs union in order to achieve that. Is he encouraged by that commitment, even though the Government’s current policy is not to stay in the customs union, because if it stands, it looks very likely that we will have to, in effect, stay in the customs union?

Mr Leslie: Absolutely. If we can maintain full alignment, which was the phrase used in that agreement, that is essentially the same thing as a customs union arrangement. However, there was a caveat in that Ministers said that it would apply unless specific solutions can be found for divergence that they might want to see. That is a bit like the European negotiator’s way of saying, “Come on then, do your best—let’s have a look at what you can dream up.” The worry that I had when the Prime Minister returned was that her interpretation of full alignment was to reference the old list within the Good Friday agreement that merely talked about areas such as agriculture, energy and tourism but excluded trade in goods, which is a pretty big part of the issue at the border. I do not think the European Union signed up to this thinking that there was an exclusion for trade in goods. It is a question of “watch and wait” until the situation unravels.

Tom Brake: May I bring the hon. Gentleman back to another border that he referred to, namely that between Norway and Sweden? Our Secretary of State for Transport is on record as saying that that is a completely frictionless border, across which things move with ease. Is the hon. Gentleman aware that that is not the case? I think it was the Swedish trade body that said Norway is the hardest country to trade with.

Mr Leslie: I have not seen that information, but there are all sorts of bits of infrastructure involved. There are separate roads and lanes for the processing of different things. As I have said, I am sure that the Minister will have solutions for all those problems.
Mr Baron: Before the hon. Gentleman whips himself up into too much of a state of pessimism, may I gently remind him that inward investment is at a record high? If anything, it has picked up recently. In addition, because the EU has no free trade deals with big trading partners such as the US, China, Australia and New Zealand, and neither do we. That has not prevented trade from being conducted handsomely; if anything, our surpluses are with those countries rather than with the EU.

Mr Leslie: I will come to the US situation in a moment. I have to tell the hon. Gentleman that the inward investment figures are massively inflated because of mergers and acquisitions data. When we consider the buy-outs of some of the large technology companies—[Interruption.] Well, I do not believe that the hon. Gentleman should necessarily interpret the stripping out of British ownership of such companies as a great British success. If he digs beneath the statistics, he might see a slightly different picture.

Our mythology about the UK’s potential to strike a great and bountiful set of trade deals if we could only rid ourselves of the shackles of the customs union is becoming a bit of a joke across the British economy.

Angela Smith: Will my hon. Friend give way?

Mr Leslie: I will give way in a moment. Our justification for leaving the customs union has to be more than simply to keep the Secretary of State for International Trade and President of the Board of Trade in a job. My hon. Friend the Member for Penistone and Stocksbridge (Angela Smith), who is keen to intervene, took evidence on some of these questions this morning.

I think that the potential United States deal that the hon. Member for Basildon and Billericay (Mr Baron) referred to is being kiboshed as we speak. The US would want an agricultural basis for any trade deal with the UK, but there is a reason why the Americans dip their chicken in chlorine: they have entirely different and lower animal welfare standards than do the UK and the EU. If we were to do an agricultural deal with the US on the basis of those lower standards, it would undercut our farmers, abattoirs and food producers, who would have to chase each other down to the level of the lowest common denominator. It is contradictory to hear the Environment Secretary saying that he does not wish in any way to reduce safety standards or animal welfare standards, and he may well be killing off the idea of a US trade deal with his pronouncements.

Angela Smith: My hon. Friend is being generous in giving way again. This morning, the Secretary of State further entrenched his position, which will make it very difficult to complete a US trade deal involving food and food products. The other evidence that we have received in the Select Committee has indicated, week after week, that many parts of the agricultural sector believe that the UK Government over many generations—not just this Government, but previous ones—have never done the political or diplomatic brokering work necessary to build our export trading position with third countries outside the European Union. What on earth makes us think that we can now pull off this magic trick of building trade around the world to replace that which we have had with the European Union?

Mr Leslie: It is possible that our civil service will eventually gear up to do these things, and I would be the first person to say that we of course want to do new trade deals to repair some of the damage caused by this whole process, but it is not going to happen overnight. In fact, as you will remember, Sir David, Vote Leave promised during the campaign ahead of the referendum that we would be negotiating trade deals the day after the referendum and that they would all get going straightaway, but we are yet to see any of that actually kick off.

4.30 pm

Ian Paisley: The hon. Gentleman has highlighted this contradiction, so will he explain why the hon. Member for Brent North (Barry Gardiner) has not signed new clause 13—after all, he is on the record as saying that staying in the customs union would be a “disaster”—and why, given that Labour Members were whipped to vote against staying in the customs union, they have now made a volte-face and decided that staying in it is a possibility? What actually is the decided and determined policy of the Labour party on this issue?

Mr Leslie: I am sure my hon. Friend the Member for Brent North (Barry Gardiner) can speak for himself; he has done in the past and will do so again. I take the view that we should not shilly-shally on this issue, but stand up and say that there are risks to business and to our borders from our ports and airports being clogged up. We should also say that there is an economic cost—revenue costs for the Treasury—that could mean years of Brexit austerity ahead. All hon. Members, whichever side of the House we are on, need to recognise that some of the responsibility for these things will fall on our shoulders if we do not stand up now and say that staying in the customs union is the right way to proceed.

Huw Merriman rose—

Anna Soubry rose—

Mr Leslie: I may give way, because we have been talking about the USA, and some people have speculated about a trade deal with India.

Anna Soubry: Yes, on that point.

Mr Leslie: I give way to the right hon. Lady.

Anna Soubry: Given the hon. Gentleman’s experience, has he, like me, talked to people about the detail of the EU-Canada comprehensive economic and trade agreement, as well as about what the Australians and the Indians—and many other countries that are apparently queuing up to do these great trade deals with us—want? At the core of any free trade agreement with such countries will be an absolute requirement for their people to be able to come to our country quite freely, as they can with the accelerated migration policy under CETA. Under that free trade deal, the Canadian people have the ability to come into parts of the European Union. It is a myth to think that this is about trade, because a huge part of it is about immigration.

Mr Leslie: Absolutely. The right hon. Lady has taken the words out of my mouth. I would love to see the Government’s draft free trade agreement with India. I hope that there are fantastic manufactured goods or widgets that the British want to sell and could sell to
India, but I suspect that the Indian economy is quite adept at producing widgets of its own and probably at quite a low cost. If the Indians are going to buy anything from us, they will buy services—services are about people; they are people-to-people businesses—and the Indians will naturally say, “Well, we’ll do you a deal, but it has to involve the movement of people.” All hon. Members will need to think about the downstream consequences of that and about how our constituents might respond. Such an agreement would be perfectly reasonable, but this is a much bigger question.

Paul Farrell (Newcastle-under-Lyme) (Lab): I pay tribute to my hon. Friend for his work in drafting and moving all these new clauses. Does he remember that when the Prime Minister visited India, the No. 1 topic on the Indians’ agenda was relaxing our immigration rules? How does that square with the Prime Minister’s immigration targets and her ambitions on Brexit?

Mr Leslie: We are due imminently to see the immigration Bill—the Minister will tell us exactly when it will be introduced to Parliament—and the draft agreement that the Secretary of State for International Trade has drawn up with the Indian Government, and we will be able to make a judgment on that at that point.

Ian Murray: Before my hon. Friend moves away from India, may I draw his attention to the Scotch whisky industry? I am sure we will all partake of some of that industry’s goods during the next few weeks of the festive period. The Scotch whisky industry has flourished on the basis of free trade deals done through the EU, such as the one with Korea, but this Government are planning to walk away from those 57 EU bilateral trade agreements and try to reach free trade agreements with countries such as India, which will want to maintain its 150% tariff on Scotch whisky.

Mr Leslie: Absolutely. My hon. Friend makes his point well. The idea is that we should turn a blind eye to the trading arrangements we have with our nearest neighbours—50% of our markets—in pursuit, as an alternative or substitute, of some deal with far-flung countries a lot further away, but those other countries might want to take the consequences of that and about how our constituents might respond. Such an agreement would be perfectly reasonable, but this is a much bigger question.

Mr Leslie: I want to conclude my remarks because others want to speak. I simply want to make a final point about why the customs union is such a crucial issue, and why I urge my hon. Friends on the Front Bench and hon. Members across the House to think about the consequences of not staying in the customs union.

If this country ends up with hard borders again, there will be significant consequences. Our ports could grind to a halt. Lorries will clog up our motorways, with potentially vast lorry parks near the ports. The expensive, wasteful spending on bureaucratic checks will hurt our industries, and we ought to be evaluating the economic impact of industries, potentially, gradually relocating elsewhere because it is easier to do business in a different jurisdiction. Think of the jobs lost, particularly in the manufacturing sector, if we get this wrong. Bear in mind that we will not have any say on what happens on the EU side of the border after this whole process. There is no guarantee about what happens at the other end of the channel tunnel or in Calais.

The reason I have pushed new clause 13 as I have, is to do with the austerity that we risk in this country for the next decade—a decade of Brexit austerity that will potentially befall many of our constituents because of the lost revenues. Unless we stay in the single market and the customs union, we will have that austerity on our conscience, and I urge hon. Members, especially all my hon. Friends, to think very seriously. We have to make sure we stay in the customs union.

Sir Oliver Letwin (West Dorset) (Con): It was a pleasure to listen to the speech of the hon. Member for Nottingham East (Mr Leslie). It is like a vintage wine—it improves with age as one hears it on repeated occasions, with mild variations.

Helen Goodman (Bishop Auckland) (Lab): A bit like yours.

Sir Oliver Letwin: Well actually, oddly enough, I intend, as previously in Committee, to attend to one of the amendments—in fact, two—rather than to the general question of whether it is a good idea to leave the EU. I want in particular to speak about amendment 400—a Government amendment now—and amendment 381, the original Government amendment to which it relates, in a sort of package.

There has been a certain amount of confusion in discussion of the amendments in public—although not, I hope, in the House—so I first want to make it quite clear what they do and can do and what they do not and cannot. The issue has often been reported as if it relates to the question of when we withdraw from the EU, which is very interesting but nothing to do with the amendments. Neither is it anything to do with the Bill, because withdrawal from the EU, as all hon. Members present know, is governed by the article 50 process, not by an Act of Parliament. If we could wave a wand and...
decide how we do these things through an Act of Parliament, how much easier that would be; but there is an article 50 process that is part of international law, to which we subscribe, and that is what will determine when we leave the EU.

What do the amendments do? They govern when clause 1 will become operative. Clause 1 repeals the European Communities Act 1972 and Government amendment 381 sets a date for that. That leads to a question. If the UK Government and the EU, according to the processes laid out by article 50 and by the remainder of the constitutional arrangements of the EU, come to some kind of agreement at a certain point, it would make sense to have a little more time than is allowed under the first clause of the article 50 process. Under the third clause of the article 50 process, we would have an odd situation, because there would be a slight delay in the timing of our withdrawal, where we would still, under amendment 381, be locked into abolishing the 1972 Act on a certain date, namely by 11 pm on 29 March 2019. There would therefore be an odd conflict of laws that obviously could not be allowed to persist.

Incidentally, there would then be perfectly obvious remedy: under Government amendment 400 there would be a need for emergency primary legislation to change the date. That is, of course, perfectly possible and I have no doubt the House and the other place would agree to such a measure, but it is a laborious process and it might jam up the works at just the moment when it is very important for the Government to have the flexibility to make an agreement of that sort. So, very modestly, all Government amendment 400 does is to provide for the ability of Parliament to adjust the date under those circumstances for the repeal of the European Communities Act to match the article 50 process.

Sir Oliver Heald: I am grateful to my right hon. Friend for giving way and for the very careful way in which he is setting this out. I hope he would agree that this is a much more commodious and convenient way than was previously the case. It will mean that article 50 and our domestic law are in better synchronisation. If I may, I pay tribute to him and to my hon. and learned Friend the Member for Beaconsfield (Mr Grieve) for working on this amendment and for coming up with a very happy solution to a thorny problem.

Sir Oliver Letwin: I am grateful to my right hon. and learned Friend, to the many right hon. and hon. Friends who signed up to the amendment and, above all, to the Government for turning it into a Government amendment.

Mr Pat McFadden (Wolverhampton South East) (Lab): If the European Communities Act 1972 is abolished on 29 March 2019 and that is the legal basis for following the European Union’s rules at the moment, what does the right hon. Gentleman think will be the legal basis for following the European Union’s rules during the transition period?

Sir Oliver Letwin: That is a very interesting question, to which we will know the answer when we have seen the text of the agreements that lead to the withdrawal and implementation Bill and when Parliament accepts it. I apologise to the right hon. Gentleman, but I maintain steadfastly the effort to use the Committee stage of this Bill to speak about this Bill, this clause and this amendment, and not some extraneous consideration.

Helen Goodman: Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will, but it will be for the last time, because I want to bring my remarks to a close. I do not want to detain the Committee for long.

Helen Goodman: We have heard many times from Conservative Members that the date of 29 March 2019 cannot be moved because we have triggered article 50 and the process has a two-year limit. Will the right hon. Gentleman set out for the Committee what he thinks would happen in practice if the powers under amendment 400 were used by the Government?

Sir Oliver Letwin: I am surprised by the hon. Lady. I have known her a very long time and I know she is extremely assiduous and very intelligent, so she will have read article 50 and observed that it contains an express provision for agreement between the EU and in this case the UK to delay the date which would otherwise pertain. In fact, there are also rules for what is required on the EU side by way of unanimity to permit that to occur. There is no question, therefore, of the Government ever having asserted that they could not change the article 50 date; they have always said and known that it is possible to change it. The question, as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) said a moment ago, is how we make sure that UK law marches in step with whatever happens under the article 50 process.

4.45 pm

Mr Rees-Mogg: May I trouble my right hon. Friend?

Sir Oliver Letwin: My hon. Friend is so important in these proceedings that I will give way to him, but then I really am going to stop taking interventions and finish.

Mr Rees-Mogg: I do apologise. I did not want to trouble my right hon. Friend. Friend, but the two-year timeframe under the article 50 process is a deadline, not the point at which we necessarily leave; it is the point at which we leave in the event that no deal is reached beforehand. It is perfectly possible, should the negotiations go well, for an earlier date to be agreed.

Sir Oliver Letwin: Oh, my hon. Friend is absolutely right—that is of course the way that article 50 works. My point was merely that it also provides in the event that the opposite occurs—the negotiations take even longer than anticipated, or the negotiations come to an end but ratification takes a bit longer than anticipated, which could well happen—for an agreement to be reached to extend the date, which is what would then cause the incommensurability with UK law, unless we have adequate provision on the UK side. That is what amendment 400, to which, I am pleased to say, he is a signatory, provides for.

I want to say one more thing before I sit down. I am glad—I hope that the Minister will confirm this from the Dispatch Box—that the Government have said throughout this discussion that they will bring forward an amendment to make sure that the statutory instrument that might be triggered under amendment 400 would be under the affirmative procedure, although I think that the amendment will have to be tabled on Report because of how Bill proceedings work.
The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): I am happy to tell the Committee that that is the case, as I shall confirm later.

Sir Oliver Letwin: I am delighted by that. It is important to people on both sides of the arguments that it be something that Parliament can do, not that Ministers may simply do on their own. I know that my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), my south-western neighbour at the end of the Bench, very much agrees with that proposition, as does my right hon. and learned Friend and my hon. Friend the Member for Beaconsfield in the middle.

Mr Grieve: I just want to thank my right hon. Friend for having intervened in this matter and found a way to resolve the issue. As my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) just pointed out, the oddity of the original amendment 381 was that it would have imposed a rather serious obstacle if, for any reason, there had been an agreement for the article 50 period to end earlier.

Sir Oliver Letwin: That is right. My right hon. and learned Friend and my hon. Friend the Member for North East Somerset have always actually maintained the same point, which is that we need to keep the two sets of law in sync with one another. That is the overriding purpose of the whole Bill: to ensure that UK law matches what is happening in the international law arena and that we then import the whole of EU law into UK law for the starting point of our future.

Helen Goodman:—

Sir Oliver Letwin: I am terribly sorry, but I am not going to take any further interventions. I am going to sit down in a second. I only want to say that I am profoundly grateful, not only to my right hon. and hon. Friends who have joined us in this amendment, but to the Government. This is exactly the way to deal with these things: find a sensible compromise that brings everyone on the Government Benches together and makes the Opposition entirely irrelevant to the discussion.

Paul Blomfield: It is, on this occasion, a real pleasure to follow the right hon. Member for West Dorset (Sir Oliver Letwin), who was at his erudite best in critiquing Government amendment 381, echoing many of the points the Opposition made on day one of the Committee stage. It was also very helpful that he spoke so clearly on the flexibility provided in the article 50 process, in contrast with the remarks he directed against my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) who made exactly that point only last week. It is good to see the right hon. Gentleman moving on.

I rise to speak in favour of amendments 43 to 45 and 349, which are tabled in my name and those of my right hon. and hon. Friends. Let me, however, turn first to Government amendment 381, which revives, on this last day of the Committee stage, the issues that we debated on the first. The two solitary names on the amendment say everything about its purpose: the Secretary of State for Exiting the European Union and the hon. Member for Wellingborough (Mr Bone), neither of whom is present. We are seeing an alliance between the Government and, on this issue, one of their most troublesome Back Benchers.

As I think the right hon. Member for West Dorset made clear, it is not as though the amendment adds anything to the withdrawal negotiations. Indeed, it hampers the process. It is just another example of the Government’s throwing red meat to the more extreme Brexiteers on their Benches. As we said on day one, the amendment is not serious legislation. It is a gimmick, and it is a reckless one—in relation not just to the flexibility on the departure date to which the right hon. Gentleman referred, but to the wider aspects of exiting. It reaches out to those who want to unpick the Prime Minister’s Florence speech and the basis for a transitional period.

Setting exit day “for all purposes” as one date means the end of the jurisdiction of the European Court of Justice at the point at which we leave the European Union. As we warned the Government, that would make a deal with the EU on the transitional period impossible. We also warned the Government that they could not deliver the support of the Committee of the whole House for the amendment, and that was confirmed by the tabling on Friday of amendments 399 to 405. Just as the Government have caught up with themselves.

Helen Goodman:—

Amendments 399 to 405 give Ministers the power to set exit day through secondary legislation. We would give that power directly to Parliament, for all the reasons that we set out last week. We will therefore support amendments 386 and 387, tabled by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) along with members of five parties, and new clause 54, tabled by the right hon. and learned Member for Rushcliffe (Mr Clarke). As the right hon. and learned Gentleman said earlier, he tabled it helpfully to allow the Government to embed the Prime Minister’s Florence commitments in the Bill.

Let me now deal with our amendment 43 and consequential amendments 44 and 45. On Wednesday evening, Parliament sent a clear message to the Government: we will not be sidelined in the Brexit process. The passing of amendment 7 was a significant step in clawing back the excessive powers that the Government are attempting to grant themselves through the Bill, and in upholding our parliamentary democracy. As with the final deal, Parliament must have control over the length and terms of the transitional period, and our amendments would provide that. The Prime Minister has eventually recognised that she was tying her hands behind her back with her exit day amendment, but amendments 399 to 405 are not the solution. They simply loosen the legislative straitjacket that the Government unnecessarily put on themselves. The Government must respect the House and accept that Parliament, not Ministers, should set the terms and length of a transitional period.
As I said in our earlier discussion this afternoon, there is a clear majority in this House for a sensible approach to Brexit and to the transitional arrangements. That brings together business and the trade unions and many other voices outside this place, just as it brings together Members on both sides of the House.

The Prime Minister knows we are right on the transitional arrangements, as her Florence speech made clear: “As I said in my speech at Lancaster house a period of implementation would be in our mutual interest. That is why I am proposing that there should be such a period after the UK leaves the EU... So during the implementation period access to one another’s markets should continue on current terms”.

But every time she reaches out for common sense, and tries to bring the country together and to build the deep and special partnership she talks about, the extreme Brexiteers step in, trying to unpick our commitments, and setting new red lines, whether on the Court of Justice or regulatory divergence, which they know will derail the negotiations and deliver the complete rupture they so demand. So the transitional arrangements, which are important both for the interim and in positioning us for our longer term future, must be in the hands of this Parliament.

Paul Farrelly: Does my hon. Friend agree that services are so important to our economy that if we want to negotiate something that has not been negotiated before, it is likely to take far longer than two years?

Paul Blomfield: My hon. Friend is absolutely right, which is why it is so important that we give ourselves the flexibility on exit dates and in relation to the transitional period.

Our amendment 349 seeks clarification from the Government—I am looking at the Minister as I make this point—that they do not intend to use delegated powers to create criminal offences of a seriousness that carry custodial sentences. I hope the Minister will in his remarks state that that is not their intention, and if that is the case will he indicate now that the Government will give a commitment to amend the Bill accordingly on Report?

Let me turn now to some of the other amendments currently under consideration. We support many of the other new clauses that seek reports aiding transparency and good evidence-based decision making. New clauses 31 and 33, for example, tabled in the name of my hon. Friend the Member for Stretford and Urmston (Kate Green) raise important issues for children’s welfare. New clause 44 in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry) requires an independent evaluation of the impact of this legislation on the health and social care sector, which we would also support. Others, such as new clause 11 tabled by my hon. Friend the Member for Nottingham East (Mr Leslie) helpfully seek to ensure that we do not fall behind the standards and protections we currently enjoy as they develop in the EU. We would support that, as we would new clause 56 on protecting the existing rights a person in Gibraltar can exercise in the UK as a result of our common membership of the EU; we will support that new clause if pushed to a vote by the hon. Member for Glenrothes (Peter Grant).

Amendments 102 and 103 in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy) are right in seeking to limit the use of delegated powers in Bills other than this one, past or future, to modify EU retained law. That is a vital component of keeping the scope of delegated powers in check.

On that point, we have over the past few days seen a timely reminder of why we have opposed the extent of the Henry VIII powers in this Bill. The Government might wax lyrical about wanting to preserve workers’ rights, but in reality too many Members on the Conservative Benches—although I accept not all—cannot wait to get started on dismantling them. The contempt for the working time directive we have seen over the last few days is not a revelation: 20 of the 23 members of the current Cabinet have opposed that directive. The Foreign Secretary has made no secret of his view that the key rights that the directive provides represent “back-breaking” regulation. The International Trade Secretary has described them as a “burden”. The Prime Minister went further when she damned the whole social chapter as a “burden on business”.

5 pm

Barely a week after the conclusion of the phase 1 negotiations, reports indicate that the Government are already champing at the bit to scrap vital protections for workers, including the 48-hour week, four weeks’ paid annual leave and rest breaks. On Monday, the Prime Minister refused eight times to guarantee that the working time directive would not be scrapped when it moved into UK law. She happily confirmed that the directive would be transposed into UK law on day one, but frankly, it is not day one that we are worried about: it is day two and all the days thereafter. She stopped short of giving any guarantees for the future. We will return to this matter on Report to ensure that those Conservative Members who look forward to the opportunity to scrap workers’ rights and many other protections have to come to Parliament to be held to account for that, rather than using delegated powers to push the measures through by stealth.

As we come to the final stages of these debates in Committee, we have an opportunity to reassert that this House will not be sidelined in the most important negotiations facing this country in our lifetime, not because of some obscure constitutional argument but because we are a representative democracy and it is our job in this place to defend the rights and interests of our constituents. This Parliament will not allow those who want to crash out of the EU at any cost to have their way. We will put people’s jobs and livelihoods first. We will ensure that the values and rights that we have forged in 43 years of EU membership are not discarded as we leave, and we should ensure that we remain close to our friends and partners on the continent that we will continue to share.

Mr Grieve: It is a pleasure to participate in this debate, and it was also a pleasure to listen to the hon. Member for Nottingham East (Mr Leslie) opening it. He will not be surprised to hear that I entirely share many of his views about the merits of staying in the customs union, and the lack of advantage of leaving it. However, there is a time and place for everything. The customs union and the merits or otherwise of the single market are all matters that the House will have to debate in due course. In the meantime, we will have to see what the Government come up with in the negotiations,
and what they return to the House with at the end of them, but I do not intend to get bogged down in that this afternoon.

Tom Brake: Will the right hon. and learned Gentleman give way?

Mr Grieve: I will give way in a moment.

I made it quite clear on Second Reading that the purpose of the Bill relates to process, not outcome, and I have tried really rigorously to confine my remarks to the process issue, although the extent to which people have kept interpreting my concerns about process as an intention to sabotage our leaving the EU altogether, which I have never at any stage sought to do, is remarkable. I will now give way to the right hon. Gentleman, but I must tell him that I want to get on to the meat of this subject, rather than talking about those other matters.

Tom Brake: I understand the right hon. and learned Gentleman’s point about focusing on process rather than outcome, but does he agree that given that Cabinet Ministers are now sitting down to discuss the outcome, it would be helpful for Parliament also to use the opportunities available to us to express our views about what the outcome should be?

Mr Grieve: Parliament should certainly be debating these matters. Individual Members will decide whether they want to use the opportunity of this Committee stage for that purpose, but I want to confine myself strictly to the issues in front of us.

Mr Kenneth Clarke: My right hon. and learned Friend has been consistent all the way through our consideration of this Bill in agreeing with me on only the subjects of process, rather than substance, but I quite respect his view and always have the highest respect for his legal and political skills. Does he agree that if amendments actually went beyond the Bill, they would have been ruled to be beyond the scope of the Bill? It is entirely a voluntary decision on his part that he refuses to be drawn into the substance of Government policy, or the stance that the Government are taking on the eve of their starting the first serious negotiations on our future after we withdrew. It is a pity that he has made this self-sacrificing concession.

Mr Grieve: I thank my right hon. and learned Friend. Yes, it is a self-denying ordinance, but it was taken for what I think is a good reason, and partly because I did not wish to inflame the debate into something more general. However, despite my best endeavours and making speeches of what I thought was studied moderation, I seem to have been singularly unsuccessful, but that is merely a reflection of the fevered atmosphere in which this Committee meets.

I have to accept that I did raise the temperature a bit on amendment 381, because when it was first presented to the Committee, I expressed myself in respect of it in very strong terms indeed. I did so not because I was making some statement that I refused to contemplate the day of exit as being 29 March 2019 at 11 pm, but because I considered that to introduce that date into the Bill as a tablet of stone made absolutely no sense at all for the very reason that I sought to highlight in my intervention on my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). In actual fact, that amendment would make it harder to move the date forward if we had wished to do so at the conclusion of the negotiations, because that would require a statute. I know that statutes can be implemented quite quickly in this House, but that process would nevertheless take significantly longer than the alternative. I could not see why we were losing the sensible flexibility provided by the way in which the Bill was originally drafted.

Underlying all this, there appears to be a sort of neurosis abroad that the magical date might somehow not be reached or, if it were to be reached, might be moved back. I am afraid that I cannot fully understand that neurosis of my right hon. and hon. Friends, but it is there nevertheless. It may give them some comfort to have in the Bill this statement of the obvious. However, it is worth bearing in mind that we are leaving on 29 March 2019 as a result of the article 50 process, unless the time is extended under that process, and we are doing so as a matter of international law even if the European Communities Act 1972 were to survive for some mistaken reason, which would cause legal chaos and put us in a very bad place.

In order to try to reassure my right hon. and hon. Friends and to give out the message that this is a process Bill, I am prepared to go along with things now that my right hon. Friend the Member for West Dorset and my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox) have so sensibly and creatively come up with a solution that appears to provide what my hon. Friends want and, at the same time, removes what I consider, perhaps in my lawyerly way, to be an undesirable incoherence in the legislation.

George Freeman (Mid Norfolk) (Con): I thank my right hon. and learned Friend for making so eloquently the point about the importance of process as the best defence of our liberties. Will he join me in welcoming the work that assiduous junior Ministers have done for their Secretary of State with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) in agreeing a package of amendments that I am happy to put my name to and vote for tonight, along with amendment 381? As he mentioned tidings of comfort, it seems at this Christmas moment that not since the soldiers met on no man’s land to sing “Silent Night” has peace broken out at such an opportune moment.

Mr Grieve: I am filled with my hon. Friend’s Christmas spirit, and very much wish that it may be carried through to the new year, and for many years to come. For that reason, I am prepared to support the Government on amendment 381, on the obvious condition that we have the other amendment, and with the assurance from the Under-Secretary of State for Exiting the European Union, my hon. Friend and neighbour the Member for Wycombe (Mr Baker), that we will get the necessary further change on Report to make the matter subject to the affirmative procedure. I fully understand why we cannot have that today—it is too late. We should have acted earlier if we wanted to get that into the Bill during Committee.
I want to put on record an argument that was made to me against this course of action: what we are doing has an impact on clause 9, as amended by my amendment 7. The intention behind amendment 7, which the House voted for, was always that the powers in the Bill for removal should not be used until after the final statute had been approved. That included the power to fix exit date. As a consequence of the amendments before us, those powers are removed from the ambit of clause 9, and therefore have a stand-alone quality that could mean that they could be invoked by making the date earlier than 29 March—so early that we would not have considered and implemented the statute approving exit. Some have expressed concern to me about that.

I have given the matter careful thought, and while I understand those concerns, they appear unrealistic. It would be extraordinary if we were in such a state of chaos that a Government—I am not sure which Government, or who would be the Ministers in government—decided to take that course of action in breach of our international obligations to our EU partners, because that is what that would involve. In truth, that would still involve getting an affirmative resolution of the House, hence the assurance that we needed from my hon. Friend, the Minister, and this House would most unlikely to give permission for such a chaotic outcome. I wanted to respond to what others, including individuals outside the House, had represented to me, but we should not lose sleep over that aspect of the matter. In truth, my amendment 7 was never aimed at exit day. It was aimed at the other powers that the Government might wish to start using before a withdrawal agreement had been approved.

I had an amendment 6, which was about multiple exit days, but that issue has been resolved, so the amendment can be safely forgotten about. I also had amendment 11, which dealt with whether retained EU law was to be treated as primary or secondary for the purposes of the Human Rights Act 1998. My hon. Friend on the Government Front Bench know very well that that is what that would involve. In truth, that would still involve getting an affirmative resolution of the House, hence the assurance that we needed from my hon. Friend, the Minister, and this House would most unlikely to give permission for such a chaotic outcome. I wanted to respond to what others, including individuals outside the House, had represented to me, but we should not lose sleep over that aspect of the matter. In truth, my amendment 7 was never aimed at exit day. It was aimed at the other powers that the Government might wish to start using before a withdrawal agreement had been approved.

I want to bring my remarks to a close. I am personally delighted that the problem that I could see coming down the track has been so neatly averted by the intervention of my right hon. Friend, the Member for West Dorset and my hon. and learned Friend the Member for Torridge and West Devon.

Stephen Gethins: I would like to speak to new clauses 44 and 56, in my colleagues’ names. New clause 56 in the name of my hon. Friend the Member for Glenrothes (Peter Grant) is on an issue raised with the Prime Minister today. Gibraltar voted by 96% to remain in the UK in 1973. Gibraltarians need their border to be kept fluid, so that commerce can thrive and so that residents, workers and tourists can continue to pass through a border that should have only proportionate controls and reasonable checks. It is fair to say that they are not asking for anything from the UK that they have not had to date, and it is right that they should be given a firm, formally enshrined legal guarantee to add confidence for industries and commerce. The right of a person from or established in Gibraltar to provide services into the UK, where that right existed immediately before exit day as a result of the UK and Gibraltar’s common membership of the EU, should continue. There is strong cross-party support and, building on the Prime Minister’s comments earlier, I hope the Minister will touch on it in his summing up.

5.15 pm

New clause 44, in the name of my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry)—she will be keen to talk about this—was tabled in co-operation with Camphill Scotland. Its “Report of the key findings of the survey on the potential impact of Brexit on Camphill in Scotland” highlights the significant impact that leaving the European Union could have on the health and social care sector.

New clause 44 would require the UK Government to make arrangements for an independent evaluation of the impact of legislation on the health and social care sector. I know the Minister will want to address that later. The person undertaking the evaluation would be required to consult the Scottish Government and other relevant persons, given the nature of some of the responsibilities. Such an evaluation is vital to help shape and inform long-term planning and the design and delivery of services in the health and social care sectors across the UK in the post-Brexit era. Other devolved Administrations will be affected, too.

SNP amendments 219 to 221 are designed to protect Scotland’s businesses from the impact of leaving the EU by requiring—the Minister will like this—the publication of an impact assessment before exiting the EU. The Secretary of State for Exiting the European Union is in his place, and since I raised this with him in October 2016, when he told me there were 51 sectoral assessments, the Department will have been working hard on them for more than a year. We very much look forward to seeing more detail following their year-long work. Of course, that was promised to the Scottish Government, too.

Other Members who have touched on this have not actually gone to look at the impact assessments we were promised. When I turned up, all my electronic devices were taken away from me and two officials sat over my shoulder as I read. I thought that the nuclear codes might be in there somewhere, but I was sadly mistaken. I am not entirely sure what all the security was for. Eighteen months after the EU referendum, we still do not have something on the economic implications that can be published. Given the security, given the fuss and given the time that Ministers have had, I was pretty underwhelmed by what I read.

Patrick Grady: I had a similar experience to my hon. Friend. I delved into these documents with great excitement only to find it was clear from them all—I do not think we are allowed to quote directly, lest we be struck down
by lightning—that they do not contain anything that is either commercially sensitive or sensitive to the negotiations, so why do not the Government just put them all in the public domain?

Stephen Gethins: My hon. Friend makes an excellent point, and I agree. Having had a look at these assessments, I am not entirely sure what the fuss is about. As we undergo the biggest economic and constitutional upheaval since the end of the war, we have a flimsy report covering 39 industries, not 51, as I was told more than a year ago. The information I have seen would be pretty accessible to the public, and it strikes me that the only reason we have not seen the assessments is that this is a Government who do not know what they are doing, who have not done their homework and who are prepared to drag us and the industries into the abyss. It strikes me that this is more to do with internal Conservative party feuding and less to do with our economy.

Tom Brake: Does the hon. Gentleman agree that perhaps another explanation for all the rigmarole surrounding access to these reports is that the Government want to give the impression that they have actually done a huge amount of work? That is a Trumpian way to describe the amount of effort that has gone into producing these assessments, but, in fact, when we turned up to look at the assessments, they were nothing more than a damp squib and nothing more than could be found by googling for five minutes.

Stephen Gethins: The right hon. Gentleman makes a good point. Huge efforts have gone into covering up these assessments and the fact that this is a flimsy job indeed. The point I was making again highlights why we need to protect our place in the single market. That is the primary concern for businesses that benefit from it, and it was not on the ballot. Vote Leave did make a number of promises, one of them being that Scotland would get power over immigration. That would help towards ensuring that Scotland could remain part of the single market. What Scottish National party Members have said is that we are still open to compromise. We have tabled new clause 45 and are clear that the Act must in no way give the UK Government a green light to drag the UK out of the single market—that was never on the ballot, and we have to be clear on that. We were promised powers over immigration and that would go a long way, if the UK does not want to take our compromise as a whole, to Scotland remaining part of the single market. We also support new clause 9, which would have the same effect.

We are about to spend £40 billion for a worse deal with the European Union, at a time when a Tory Government are cutting public services across the UK. Let me touch briefly on a second referendum. We think that people should have a right to look at the outcome of the negotiation. I have a great deal of sympathy for the Liberal Democrat calls for another referendum. However, I say to our Liberal Democrat colleagues in the spirit of friendship that the immediate challenge must be for us to work together and help the UK stay in the single market and customs union. That is the compromise we have suggested. It is not my preferred option—my preferred option would be for Scotland to remain part of the EU—but that is the nature of compromise; we all have a little bit of give and take in this process.

It should be said, however, that a referendum on the terms of the Brexit deal will be difficult to resist if the uncertainty around negotiations persists. Any second referendum must not replicate the 2016 campaign, and it is essential that Scotland’s constitutional place is protected in a second referendum. We do not want to be in circumstances where we are dragged out against our will for a second time.

Wera Hobhouse: Of course this is not going to be a second referendum. I want to clarify once and for all that it is the language of the other side to say that we want a second referendum; we want a referendum on the deal—on what is going to be negotiated. It will be a confirmation—an update—of what the people have said, because only the people can end what they have started. That can be dealt with only through a referendum.

Stephen Gethins: I have enormous sympathy for the hon. Lady’s position and what she says, but the people of Scotland voted overwhelmingly to remain part of the EU and we are concerned that there would be no recognition of Scotland’s place in any subsequent deal, and we want to leave open, even at this late stage, the possibility of seeking a compromise. We all have a responsibility in this House to do that.

Geraint Davies (Swansea West) (Lab/Co-op): Does the hon. Gentleman accept that this would not be a second referendum? People are saying, “This isn’t what I voted for.” They voted to go out in principle. They were told they would get more money, but they are getting less money. They may get restricted market access. They have a right to vote on the terms of the deal. This is quite separate from whether they in principle wanted to go out. Surely, he should think again about this, rather than just banking his previous result for Scotland, he should think of the UK.

Stephen Gethins: I am glad the hon. Gentleman referred to the previous result for Scotland, because one thing the Prime Minister and the Conservatives are doing is pushing up support for the EU among Scots; the latest opinion poll has us at 68%, so the figure getting higher all the time. He makes a good point, but I think we must compromise. This Government need to compromise not just with the DUP, but with the other political parties in this place. They can talk about a pan-UK approach, but that does not mean merely seeking a deal between the Conservatives, who have slipped to third place in opinion polls in Scotland, and the DUP, which, with great respect, represents only Northern Ireland.

I will gladly give way to a Minister on this next point if one can give us some information. The Secretary of State for Scotland told the House—I think, in response to points made by the hon. Member for East Renfrewshire (Paul Masterton) about his unhappiness with some of the Bill, and I am glad that he made them—that the Government would table further amendments on the devolution process. I will gladly give way to Ministers if they want to give us some clarity on what the Secretary of State said. Given that this is the final day in Committee, I would happily give them that. I am not sure whether they have been speaking to the Secretary of State or whether he caught them unawares, but it is the final day
and we would like some more detail. That Ministers are silent tells us that, with respect to the devolution process, the Bill and the Government’s organisation fall far short of where we should be 18 months on from the referendum.

I am glad that other Members have tabled amendments with which we agree. New clause 46 would require the Secretary of State for Exiting the European Union to carry out a public consultation within “six months of the passing of this Act” to assess the impact the exit deal on workers’ rights.

As the hon. Member for Nottingham East (Mr Leslie) mentioned earlier, new clause 8 would maintain a role for local authorities by replicating the Committee of the Regions, the role of which is to give a voice to local areas and protect the principle of subsidiarity—something about which the UK Government could well learn from our European colleagues.

New clause 28 would maintain environmental principles, while new clause 31 deals with the promotion of the safety and welfare of children and young people after exit.

The hon. Member for Stretford and Urmston (Kate Green) tabled new clause 32, which addresses the fate of UK programmes that benefit from the European social fund. EU funds currently contribute to efforts to address inequalities in Scotland, with the European social fund having contributed £250 million to the Scottish economy between 2007 and 2013. Will the Minister tell us whether similar funds will be coming to Scotland after we have left the EU?

The hon. Member for Stretford and Urmston also tabled new clause 33, which would commit the Government to assess every year whether rates of benefits and tax credits are maintaining their value in real terms against a backdrop of rising inflation as a direct consequence of our leaving the EU.

New clause 59, on the mutual recognition of professional qualifications, would allow professionals to continue to have UK qualifications recognised across the EU. That is vital for our economy.

New clause 77 is very important, as it deals with co-operation with the EU on violence against women and girls. The new clauses and amendments I have addressed underline the progress that we have made as members of the EU and the value of pooling and sharing sovereignty.

As it is day 8, I shall share this reflection. I have been absolutely astonished at times by some people’s lack of understanding of the EU and its decision-making process, at the failure at times to grasp the differences between institutions such as the European Council, the European Commission and the European Parliament and at the failure to grasp the fact that sovereignty rests with the member state and always has done.

The Bill takes away the sovereignty that we shared with our partners and with the devolved Administrations—it even takes from Parliament the sovereignty that is so dear to so many Members—and gives so many powers to the Executive. Without knowing fully what happens, we are handing back control to an Executive who will not publish details of what leaving means. Even within Parliament, we are bringing back control—to borrow a phrase—to the House of Commons and the House of Lords, which will have more say about this process than the democratically elected devolved Parliaments and Assemblies. Just think about that for one moment. We are giving the House of Lords more control over this process than democratically elected Parliaments and more powers to more unelected bureaucrats. That is absolutely shameful.

Let me conclude. The EU has been a force for good in working together on workers’ rights, climate change, education and research. What a waste to throw it all away to Brexiteers who are not even bothering to make the case for what comes next. All along, we have talked about the kind of country that we want to see in the future. Is it one that pursues isolation, economic decline and a retreat from the progress that we have made? I want to see a Scotland, and indeed a United Kingdom, where we pool and share sovereignty and are true to our European ideals that have built peace and prosperity and advanced our rights and opportunities for young people. This Government are building a Britain fit for the 1950s; we want to see a Scotland that is fit for the 2050s.

5.30 pm

Mr Baker: I rise on this eighth day of eight to propose that clauses 14 and 15, 18 and 19 and schedules 6, 8 and 9 stand part of the Bill.

Over the course of the eight days of debate, we have had almost 500 amendments tabled and more than 30 separate Divisions. I am very happy that, in this section of the debate today, the amendments under consideration run to just 39 pages.

Mr Grieve: Will the Minister give way?

Mr Baker: I did want to make a serious point.

Mr Grieve: This is a serious point.

Mr Baker: May I make my serious point first, and then give way?

It is sometimes said of this House that it does not scrutinise legislation well and that we send Bills to the other place in a mess. On this occasion, on this historic Bill, I think that the House of Commons has shown itself equal to the task of scrutinising important constitutional legislation. With that, I will very gladly give way.

Mr Grieve: I am most grateful to my hon. Friend. What I wanted to say was that, at the start, there was some disquiet over the timetable motion, and, actually, the Government responded positively on that. The evidence suggests to me that, in fact, the timetable has matched the scope of the amendments that we have had to consider, and that is greatly to the credit of the Government that that has happened, and I am very grateful to him for it.

Mr Baker: I am very grateful to my right hon. and learned Friend. For all the fire and smoke that we have had over the course of this debate, there has been quite a lot of consensus.

Wera Hobhouse: Will the Minister give way?
Mr Baker: No, I wish to move on to my next point.

On this point about consensus, the Government have listened and responded to constructive challenge from all parts of the House. Earlier in the process, the Government tabled amendments to set a single exit day in the Bill, to which I will return. We tabled an amendment to provide extra information about equalities impacts and the changes being made to retained EU law under the powers in the Bill. We have announced the intention to bring forward separate primary legislation to implement the withdrawal agreement and the implementation period in due course. We published a right-by-right analysis of the charter of fundamental rights, and we have made it clear that we are willing to look again at some of the technical detail of how the Bill deals with general principles to ensure that we are taking an approach that can command the support of Parliament.

Finally on this point, the Government have listened to representations set out during debate on day six, and indeed on Second Reading, and have accepted the Procedure Committee’s amendments to establish a sifting committee. We fully recognise the role of Parliament in scrutinising the Bill and have been clear throughout that we are taking a pragmatic approach to this vital piece of legislation. Where MPs and peers can improve the Bill, we will work with them.

Stephen Gethins rose—

Mr Baker: Before I move on to the specific clauses and schedules, I will give way just very briefly.

Stephen Gethins: The Minister is being very generous. It would be very useful to Members on the SNP Benches if, during his speech, he set out even in principle some of the amendments that were promised by the Secretary of State for Scotland.

Mr Baker: As the hon. Gentleman should know, my hon. and learned Friend the Solicitor General promised a Report stage, and we will indeed have that Report stage and we look forward to it.

Wera Hobhouse rose—

Mr Baker: I will give way to the hon. Lady. Lady; she has been so patient.

Wera Hobhouse: I thank the Minister for giving way. He is generous. As a new MP, I must say that I am very surprised about how little constructive dialogue there has been. In fact, the comment that those on the Government Benches could deal with all of this without having to deal with the Opposition was alarming. We are all here to make constructive comments, to improve the Bill and to make compromises. The comments that they could deal with it all without having to listen to the Opposition or to have constructive dialogue were both alarming and disappointing.

Mr Baker: The hon. Lady reminds me of how much I miss the days of coalition on some occasions.

The clauses and schedules that we are debating in this final group contain a number of detailed, necessary and technical provisions. In many cases, they are standard provisions that one would expect to see in any Bill.

Clause 14 is a technical and standard provision that sets out important definitions of many key terms that appear throughout the Bill, such as “EU tertiary legislation” and “EU entity”, and clarifies how other references in the Bill are to be read. Clause 15 complements clause 14, setting out in one place where the key terms used throughout the Bill are defined and noting where amendments to the Interpretation Act 1978 are made under schedule 8. Together, clauses 14 and 15 will aid comprehension of the Bill.

Clause 18 provides that the Bill will apply to the whole UK. In addition, because the European Communities Act 1972 currently extends to the Crown dependencies and Gibraltar in a limited way, the repeal of that Act must similarly extend to those jurisdictions to the extent that it applies to them. The Bill also repeals three Acts that extend to Gibraltar, all of which relate to European parliamentary elections. The powers in clauses 7 and 17 can be used to make provision for Gibraltar as a consequence of these repeals. The approach in clause 18 has been agreed with the Governments of Guernsey, Jersey, the Isle of Man and Gibraltar in line with usual practice.

Robert Neill (Bromley and Chislehurst) (Con): Will my hon. Friend give way?

Mr Baker: Well, I am going return to the subject of Gibraltar at considerable length later. [Interruption.] I am grateful to my hon. Friend for allowing me to continue.

As is typical with all Bills, clause 19 sets out which parts of the Act will commence immediately at Royal Assent, and provides a power for Ministers to commence other provisions at different times by regulations. Schedule 6 is linked to clause 3, which we debated on day two in Committee. That clause converts into domestic law direct EU legislation as it operates at the moment immediately before we leave the EU. There are, however, some EU instruments that have never applied in the UK—for example, instruments in respect of the euro and measures in the area of freedom, security and justice in which the UK chose not to participate. It would obviously be nonsense to convert these measures into domestic law after we leave, so these exempt EU instruments, to which clause 3 will not apply, are described in schedule 6.

Hon. Members will know that consequential provisions are a standard part of many Acts in order to deal with the effects of the Act across the statute book. Equally, transitional provisions are a standard way in which to smooth the application of a change in the UK statute book. Schedule 8 makes detailed and technical provisions of this nature, all of which are necessary and support the smooth operation of other crucial provisions set out elsewhere in the Bill. It clarifies what will happen to ambulatory references—I will return to this topic—to EU instruments after exit day, makes consequential and necessary amendments to other Acts, and makes transitional provision in relation to the establishment of retained EU law and the exceptions to it. Finally, schedule 9 sets out additional and necessary repeals as a consequence of our exit from the EU.

Paul Farrelly: During the Minister’s course through the amendments, has he perhaps noticed new clause 54, which was tabled by the right hon. and learned Member
for Rushcliffe (Mr Clarke) following the Prime Minister’s Florence speech? If he has noticed it, what does he think of it?

Mr Baker: I am most grateful to the hon. Gentleman for his comments, but I am only just beginning to conclude my opening remarks—I am only eight minutes in. I will come to the new clause in the name of my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) a little later. I will not rush on this occasion.

I turn to amendments 399 to 405 in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin); I am grateful to him for tabling them. I also pay tribute to my hon. Friend the Member for Torridge and West Devon (Mr Cox), my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) and, if I may say so, my hon. Friend the Member for Basildon and Billericay (Mr Baron), who I understand has worked hard behind the scenes to create consensus for these amendments. These amendments are closely linked to amendments 6, 43, 44 and 45, which were discussed on the first day in Committee, and Government amendments 381 to 383.

The Prime Minister has made it clear that the United Kingdom will cease to be a member of the European Union on 29 March 2019 at the conclusion of the article 50 process. The Government have recognised the uncertainty that many people felt as to whether the exit day appointed by this Bill would correspond to the day that the UK leaves the EU at the end of the article 50 process, and that is why we brought forward our own amendments setting out when exit day will be. The purpose of our amendments is straightforward: we want to be clear when exit day is and, in the process, to provide as much certainty as we can to all. In the course of that, we want to align domestic legislation to the international position, as has been set out.

Amendments 399 to 405 build on and complement the Government amendments setting exit day. We have always said that we would listen to the concerns of the House, as we have done throughout the Bill’s passage. As part of that, the Government have had discussions with my right hon. Friend the Member for West Dorset, and we are grateful that he tabled his amendments. They provide the Government with the technical ability to amend the date, but only if the UK and the EU unanimously decide to change the date at which treaties cease to apply to the UK, as set out in article 50.

Only one exit day can be set for the purposes of the Bill, and any statutory instrument amending exit day will be subject to the affirmative procedure. As I said in an intervention, we will bring forward an amendment on Report to make this requirement clear on the face of the Bill.

Helen Goodman: Could the Minister set out for the whole Committee—not just the Conservative Members sitting behind him—what will happen if the legislation provided for in amendment 7, which we passed last week, is not passed? The Minister, using amendment 381—whether or not it is itself amended by amendment 400—will still have the power to set the exit date and withdraw, irrespective of what has gone on. Is that not right?

Mr Baker: The hon. Lady is trying to pre-empt some of my remarks. If she will bear with me, I will come to that.

A crucial point is that the Bill does not determine whether the UK leaves the EU; that is a matter of international law under the article 50 process. However, it is important that we have the same position in UK law that is reflected in European Union treaty law. That is why the Government have signed these amendments, and I was glad to do so.

I can assure the Committee we would use this power only in exceptional circumstances to extend the deadline for the shortest period possible, and that we cannot envisage the date being brought forward. As my right hon. Friend the Prime Minister has said many times, we and the EU are planning on the UK leaving the European Union at 11 pm on 29 March 2019.

Mr Jenkin: I apologise to the Committee for having had to be in the Liaison Committee for the last couple of hours and for missing much of the debate. I thank my hon. Friend for accepting these compromise amendments. The Government are, in fact, accepting a very significant limitation on the powers they had in the original draft of the Bill. If we are interested in the sovereignty of Parliament, we are interested in limiting the room for Government to set arbitrary dates without any controls over them whatever. That is what existed in the Bill before. There is now proper control by Parliament of the date in the Bill.

Mr Baker: I am grateful to my hon. Friend. I would also like to say thank you to him for the role he has played in bridging the spectrum of opinion on this issue.

Helen Goodman: How can it be right to tell the House that the exit date is being set by the House, when the amendments give the power to the Executive to set the exit date?

Mr Baker: It is an interesting question that the hon. Lady asks, but how does she think that exit day would be set by the House? If it is not set on the face of the Bill and immovable other than by primary legislation, it must be set in secondary legislation. I would have thought that that was plain to the hon. Lady. We have done the right and pragmatic thing, which is to align UK law with the international treaty position. That enjoys wide support across a spectrum of opinion, and I am glad to support these amendments in the way I have set out.

Let me turn to the issue of the customs union, and I particularly noted what my right hon. Friend the Member for West Dorset said about it. The issue has been widely aired, and I do not intend to be tempted into a broader debate on trade policy. We are confident that we will negotiate a deep and special partnership with the EU, spanning a new economic relationship and a new relationship on security. Businesses and public services should only have to plan for one set of changes in the relationship between the UK and the EU, so we are seeking a time-limited implementation period during which access to one another’s markets should continue on current terms. During this implementation period, EU nationals will continue to be able to come and live in the UK, but there will be a registration system. The details of the implementation period are of course a matter for negotiations, and we have been clear that we will bring forward the necessary implementing legislation in due course. However, it would not be right
to sign up now to membership of the customs union and the single market pending the outcome of negotiations, as new clause 52 would have us do.

5.45 pm

New clause 13 goes further and seeks for the UK to remain a full member of the customs union in perpetuity. We are not seeking to remain a member of the customs union or the single market. We will be seeking an arrangement that works for the whole of the United Kingdom. We want this to include a new, mutually beneficial customs agreement with the EU, and we want to see zero tariffs on trading goods, and to minimise the regulatory and market access barriers for both goods and services. In any event, it simply is not possible for provisions in domestic legislation to have binding effect at the international level. We will leave the customs union when we leave the EU. Domestic legislation cannot implement unilaterally what would require international agreement.

Heidi Alexander (Lewisham East) (Lab): The Minister, and the Prime Minister for that matter, repeatedly say that businesses will only have to plan for one set of changes. Given that businesses currently benefit from being part of the single market and the customs union, how can it possibly be the case, as the Prime Minister has also said, that we are coming out of the customs union and the single market during the so-called implementation period?

Mr Baker: The hon. Lady tempts me to dilate on the details of the implementation period, which are to be negotiated, but that is not my purpose today, because it is not the purpose of this Bill. The purpose of this Bill is to deliver a functioning statute book as we leave the European Union.

With that in mind, I turn to new clauses 10 and 54 on the transitional or implementation period. Both new clauses seek to impose conditions on what form the implementation period the Government are seeking will take. I am grateful to my right hon. and learned Friend the Member for Rushcliffe for his new clause, which attempts to write the Prime Minister’s vision for an implementation period into statute. That would be a novel constitutional change. Nevertheless, I welcome it in the sense that it is a ringing endorsement of Government policy. New clause 10, however, differs in some key regards from our vision.

The Government cannot accept these new clauses. The Prime Minister has set out a proposal that is now subject to negotiation. We are confident of reaching that agreement, but it would not be sensible for the Government to constrain themselves domestically in any way while those negotiations continue. We are making good progress, and it is in our mutual interests to conclude a good agreement that works for everyone. We do not want to put the legislative cart before the diplomatic horse.

Mr Kenneth Clarke: In referring to the transitional or the implementation period, my hon. Friend has at various times used phrases straight out of the Florence speech, and he has accepted that the new clause in my name is identical to stated Government policy on the subject. In what way does it restrain the Government’s position to put their own policy in the Bill and ask the Prime Minister, as the new clause does, to seek to attain that which she has declared to be her objective? That is not a genuine reason for rejecting it. He is rejecting it because agreeing with the Florence speech still upsets some of our more hard-line Eurosceptics both inside and outside the Government.

Mr Baker: I pick up my right hon. and learned Friend on a couple of things. First, he has used the word “identical”—I did not use it because I have not taken the time to go through his new clause absolutely word for word to check his work.

Paul Blomfield: You haven’t read it!

Mr Baker: Of course I have read it—it is here in my hand. I have read it but I have not gone back and done his homework for him to check and mark his work. I make two points to my right hon. and learned Friend. First, as I said, it would be a constitutional innovation to begin putting statements of policy for negotiations in legislation. That is a good reason not to accept the new clause. The second point—[Interruption.] He says that it is not a good reason. He is the Father of the House and he has occupied many of the great offices of state. I would be interested to know when, in his long and distinguished career, he accepted that principle in legislation.

Mr Kenneth Clarke: I have never previously seen members of the Government debate a clear exposition of Government policy from the moment it is first announced. That gives rise to serious doubts about exactly what the Government are going to pursue in the transition deal, and these exceptional and unprecedented circumstances are doing harm to Britain’s position. I cannot see what harm would be done by giving the approval of the whole House to the Government’s stated objectives in the Bill. The fact that it has not been done before is not an argument against it; it answers a situation that has not happened before, either.

Mr Baker: My right hon. and learned Friend has caught himself in a contradiction. In this exchange, he has rested his argument on knowing exactly what the Government’s policy is, but in his last intervention he said that he did not know what it was.

My second point concerns subsection (2) of my right hon. and learned Friend’s new clause—[Interruption.] I would just like to make this point. The subsection states:

“No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union.”

That would cause a problem if the new clause were accepted and we reached the point at which the treaties no longer applied to the United Kingdom. We would have legal chaos—my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) talked about this earlier—if we had not commenced this Bill when the treaties ceased to apply. For both those reasons, we simply could not accept the new clause.

Several hon. Members rose—
**Mr Baker:** There is a sudden flurry of interest in this point. I will take an intervention from the right hon. Member for Birkenhead (Frank Field), and then I will move on. [HON. MEMBERS: “Ah!”]

**Frank Field** (Birkenhead) (Lab): Ah! They are like spoiled children, aren’t they?

Is not another objection, if not the real objection, to the point made by the right hon. and learned Member for Rushcliffe (Mr Clarke) that it is the sort of point that should have been made in a Second Reading debate? We have two days for Report and Third Reading. That may be a stage at which the Government wish to look at these things, and it might be a time for huge innovation. Now is not the time to take Second Reading points, which could be dealt with later in the whole proceedings.

**Mr Baker:** I am grateful to the right hon. Gentleman, to whom I gave way because he has tabled relevant amendments about exit day. I hope that today he will feel able to support the Government’s set of related amendments.

**Mr Leslie:** Will the Minister give way?

**Mr Baker:** I will not give way now, because I have been on my feet for 22 minutes, and there are, I think, 53 amendments and new clauses to deal with. I will give way to the hon. Gentleman a little later.

I turn to the long series of amendments that are designed, in one way or another, to oblige the Government to publish reports or assessments on specific areas or issues, some in advance of exit day. They are new clauses 31 to 33, 40 to 44, 46, 47, 71, 72, 82, 84 and 85, and amendments 85, 86 and 219 to 221. It is in no one’s interest for the Government to provide a running commentary on the wide range of analysis that they are doing until it is ready to support the parliamentary process in the established way. All the amendments and new clauses I have mentioned share one common flaw. Ministers have a specific responsibility, which Parliament has endorsed, not to release information that would expose our negotiating position. The amendments and new clauses risk doing precisely that. I commend the excellent speech made by my hon. Friend the Member for Gloucester (Richard Graham), who is in his place. I thought that his speech was an interesting reflection of his own experience.

The risks and difficulties are easily illustrated by looking at some of the specific reports that are called for. New clause 42 asks for a report on severance payments for employees of EU agencies, but that is not a matter for the UK Government. The right to severance pay is a matter for the EU agencies, although we hope and expect that they would honour any relevant commitments to their employees.

New clause 48 calls for a strategy for the certification of UK and EU medical devices by UK bodies so that the UK can maintain a close co-operative relationship with the EU in the field of medicines regulation. That is of course our aim: we intend such a strategy to form a key part of our deep and special future partnership with the EU.

New clause 71, tabled by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), seeks to require a Minister to report before exit day on the Government’s progress in negotiating mutual market access for financial and professional services. I understand his motivations in wanting this information to be published. We are working to reach an agreement on the final deal in good time before we leave the EU in March 2019.

**Anna Soubry:** Will my hon. Friend give way?

**Mr Baker:** I want to complete my argument, for the benefit of my hon. Friend the Member for Bromley and Chislehurst, who tabled this new clause.

We are seeking an economic partnership that will be both comprehensive and ambitious. It should be of greater scope and ambition than any previous agreement so that it covers sectors crucial to our linked economies, such as financial and professional services. We are confident that the UK and the EU can reach a positive deal on our future partnership as this will be to the mutual benefit of both the UK and the EU. We will approach the negotiations in this constructive spirit.

I want to provide reassurance to my hon. Friend on his new clause 72, which seeks to ensure that any ministerial power to charge fees in respect of inspections of imported food and animal feed is exercised in a way that ensures full cost recovery for public authorities.

**Anna Soubry:** Will my hon. Friend give way?

**Mr Baker:** Before I give way to my right hon. Friend, I want to respond on the new clause tabled by my hon. Friend the Member for Bromley and Chislehurst.

I would like to persuade my hon. Friend that his new clause 72 is not necessary. First, there is already sufficient statutory provision to ensure that the cost of mandatory veterinary checks on food and animal feed, on their importation, are fully recoverable. The arrangements for setting inspection fees for imported food and animal feed vary according to the type of inspection. All imports of products of animal origin must be inspected by a port health authority at a border inspection post. For high-risk products not of animal origin, these checks are carried out by a port health authority at a designated point of entry. Broadly speaking, these checks must be satisfactorily completed before a consignment is released for free circulation.

EC regulation No. 882/2004 on official controls, together with supporting domestic legislation—for England, it takes the form of the Official Feed and Food Controls (England) Regulations 2009—provides the legal basis for charges in respect of these inspections. The Bill will convert that EC regulation into UK legislation. The nature of the charges that the port health authority can make depends on a number of factors, including the nature of the food or animal feed being imported and its point of origin.

**Robert Neill:** I am grateful to the Minister for going into such detail on the basis for charging. May I mention that the other purpose behind new clause 72, which is a probing amendment, is to remind the Government of the importance of seeking in our negotiating objectives—no more and no less than that—a continued form of mutual recognition, if at all possible, for checks on food and feed?
Mr Baker: I am grateful to my hon. Friend for that clarification. He will know that, under the WTO foundations of the world trading system, there are arrangements for the mutual recognition of sanitary and phytosanitary checks and other matters.

The second point I should make about my hon. Friend’s new clause 72 is that, in relation to any new inspections that may be required after the UK leaves the EU, the Government are considering what controls or surveillance will be required on imported food once we have left the EU. Where Ministers decide to introduce statutory inspection fees, Parliament should have the opportunity to consider the approach to be taken on a case-by-case basis. Where port authorities undertake additional checks on food, on its importation into the UK, for which there is not a statutory charge, decisions will continue to be taken on the basis of need to balance costs between general and local taxation. We consider that the Government must remain free to set fees and charges in a manner that reflects these considerations. I hope that this provides my hon. Friend with sufficient reassurance.

Finally, on a separate issue, my hon. Friend asked earlier in our debates whether courts would be able to consider all material in relation to retained EU law when deciding such legislation’s meaning and effect. I am happy to confirm that this is the position under the Bill. The Government will place a letter in the Library of the House setting this out in more detail, and I am putting that on the record now to enable us to do so.

6 pm

Robert Neill: I am grateful for that assurance. There is just one other matter on which I hope my hon. Friend will be able to give me a like reassurance, on private contract matters.

Mr Baker: I will. I am about halfway through my remarks. I will come to that.

Anna Soubry: I wonder whether the Minister could be quite clear at the Dispatch Box and give an undertaking on behalf of the Government that now we have voted—as we did last week—for amendment 7, the Government will not at any stage now bring forward any measure that in any way undermines the vote of this House on amendment 7, and that Parliament will have a meaningful vote, as we voted for last Wednesday.

Mr Baker: I am grateful to my right hon. Friend. I admit, I thought she was going to ask me about the matters before me. That is a matter to be considered on Report, were we to return to it. [Hon. Members: “Ah!”] Opposition Members were shouting me down there for a moment. Were we to return to it, it would be a matter for Report, not for today. The Government’s policy is as we set out in the written ministerial statement, and of course we are a Government—[Interruption.] No, certainly not. We are a Government who of course obey the law. Parliament has voted and the law would currently be set out as on the face of the Bill.

Stephen Doughty: Will the hon. Gentleman give way?

Mr Baker: I am really not going to take more interventions on this matter, because as I—

Ian Murray rose—

Mr Baker: No, I really am not giving way to the hon. Gentleman; I insist.

I turn now to amendment 102, which removes provisions that enable existing powers to amend retained direct EU legislation, and amendment 103, removing provisions that enable future powers by default to amend retained EU legislation. These amendments are linked to amendments that we have already debated on day 2 of the Committee, and I do not plan to repeat all those arguments.

Ian Murray rose—

Mr Baker: I will make the argument on this point. We maintain that it is absolutely right and necessary for existing domestic powers granted by Parliament in other Acts to be able to operate on retained direct EU legislation, which will become domestic law. Fettering these powers would prevent important and necessary updates being made to our law, where that is within the scope and limitations of the powers and Parliament’s will. Similarly, it is important that future delegated powers created after exit day should be able to modify retained direct EU legislation, so far as applicable. This provides important clarity on the status of retained EU law and how it will interact with these powers. Further, where it is appropriate to do so, future powers can of course still be prohibited from amending retained direct EU legislation.

Ian Murray: Will the Minister give way?

Mr Baker: I will, if it is on that set of amendments.

Ian Murray: It is very relevant to the amendments that the Minister is currently running through, because the Prime Minister, at the Liaison Committee, has refused to fully commit to abiding by amendment 7, agreed to by this House last week. I wonder whether the Minister would like to comment on that, because if he is rowing back on that commitment he is essentially undermining many of the amendments he is running through at the moment—the one from the right hon. Member for West Dorset (Sir Oliver Letwin) in particular.

Mr Baker: What I would say to the hon. Gentleman, and I try to say this as gently as possible and in the spirit of Christmas, is that when I listened to my right hon. and learned Friend the Member for Beaconsfield talking about certain colleagues of a Euro sceptic persuasion, I hope he will not mind me reminding the House that he gave an articulation of—I think he used the word neurosis.

Mr Grieve indicated assent.

Mr Baker: He says that he did. I think we need to recognise that as a Government we are trying to make this Bill work, and we have throughout the Bill’s passage worked closely with the House, listened closely to the concerns—

Anna Soubry: No you haven’t.

Mr Baker: It is a matter of fact that we have stood at this Dispatch Box, we have accepted amendments and we have moved forward with the House on this Bill, accepting amendments and shaping the Bill to comply with the will of the House. I very much regret—
Ian Murray: Will the hon. Gentleman give way?

Mr Baker: No. I very much regret that on the occasion that is being referred to, we were not able to reach an accommodation, but the Bill is as it currently stands.

Ian Murray rose—

Mr Baker: I will not take any more interventions on this point, which is not pertaining to the clauses before us.

Anna Soubry: We all know what’s happening

Mr Baker: I do take objection—[Interruption.] I do take objection, because what we are going to do is move forward with the Bill as it stands, with the set of concessions that we have included within it, and I would ask my right hon. Friend to accept the good faith of the Government.

Anna Soubry: Will my hon. Friend give way?

Mr Baker: I am really not going to any more on this point.

Amendments 11 and 380 relate to the treatment of direct EU law for the purposes of the Human Rights Act 1998. I am grateful for the opportunity to discuss this point, which, as my right hon. and learned Friend the Member for Beaconsfield said, is related to his other concerns. The amendments concern the status of retained EU law, in this case specifically the status of retained direct EU legislation under clause 3 for the purpose of challenges under the Human Rights Act 1998.

Let me be clear from the outset that all legislation brought across will of course be susceptible to challenge under the HRA. Hon. Members will, however, understand that the remedies available under the Act differ for primary and subordinate legislation. It is therefore important that the Bill is absolutely clear on this point. Paragraph 19 of schedule 8 is clear. It sets out that this converted EU law is to be treated as primary legislation for the purposes of the Human Rights Act 1998.

The amendments, by contrast, would assign the status of subordinate legislation for the purposes of HRA challenges, meaning that a successful challenge could, as my right hon. and learned Friend the Member for Beaconsfield knows, result in a strike-down of the legislation. The Government considered this point very carefully before we introduced the Bill. We recognised the potential arguments that, for example, detailed and technical EU tertiary legislation is more akin to our domestic secondary legislation. The Government considered this point very carefully before we introduced the Bill. We recognised the potential arguments that, for example, detailed and technical EU tertiary legislation is more akin to our domestic secondary legislation. We are also, of course, alive to the concerns that this law must be properly challengeable. We concluded on balance, however, that assigning primary status to converted law for these purposes was the better course for three principal reasons.

First, this law comes into our domestic statute book in a unique way, but fundamentally Parliament will have chosen to bring each and all of these pieces of legislation into our law by primary legislation, albeit indirectly through the Bill. Contrary to the position for subordinate legislation, there will have been no exercise of discretion by an individual Minister. In that sense, converted EU law is more akin to primary legislation.

Secondly, if the law could be struck down by the courts, we would risk undermining the certainty the Bill is seeking to provide. None of this legislation can be challenged in UK courts now and some of it has been on the statute book for decades. Opening it up to being struck down is an invitation to challenge law which has long been settled, and to refight the battles of the past in the hope that a different court will return a different verdict.

Mr Grieve: Of the three points the Minister has made, the latter is without doubt the one that has the greatest force. It is worth bearing in mind that it highlights the fact of the supremacy of EU law, which is being preserved for the purposes of retained EU law. That, if I may say so, is a good reason why he should listen carefully to what I said about people being able to invoke general principles of EU law in order to challenge its operation. All these matters are interconnected.

Mr Baker: I am most grateful to my right hon. and learned Friend. I know he is going to take this matter up further with my hon. and learned Friend the Solicitor General. I did actually just make two points, but perhaps I structured them ambiguously.

The third point is that in the event of a strike-down there would be no existing power under which fresh regulations could be brought forward, so it would be necessary to bring forward a fresh Act of Parliament or to rely on the remedial order-making power within the HRA itself. I should say that the remedial order-making power within the HRA was not designed to be the default means by which incompatible legislation is remedied or to deal with the policy changes that could be required.

The remedial order-making power may only be used if there are compelling reasons for doing so and it is targeted at removing the identified incompatibility. If wider policy change were needed following a finding of incompatibility, a fresh Act of Parliament would be the only means of doing that and we could be left with damaging holes in the statute book unless and until such an Act was passed. That is why the Government concluded that converted EU law should have the status of primary legislation in relation to the HRA, and that is why the Government will not be able to accept the two amendments.

Mr Jenkin: I wish to pick up on the important point raised by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). For the avoidance of doubt, will the Minister clarify that it is not the Government’s intention to set up retained EU law in UK statute in a manner that would encourage a UK court to strike down another primary statute? If that is the intention, may I suggest it might be something the Government will have to look at?

Mr Baker: My hon. and learned Friend the Solicitor General has just confirmed to me that we do not want that to happen. I am sure that that will be given further consideration, along with the issue of general principles that my right hon. and learned Friend the Member for Beaconsfield has raised.

Heidi Alexander rose—

Mr Baker: I will give way to the hon. Lady, and then I really will move on.
Mr Baker: I refer to the answer I gave earlier. At this point, I can tell the hon. Lady that I am not expecting to return to it, but we are reflecting on the implications of the amendment. We made a strong case for the powers at the Dispatch Box and are reflecting on it. I say to her, however, and to my right hon. and learned Friend the Member for Beaconsfield that we are not expecting at this point to return to it. [Interruption.] She asks what that means. We have been in close conversation with my right hon. and learned Friend, and I feel sure that those conversations will continue, but I say to the rest of the Committee that I am going to focus on the amendments before me.

Paul Farrelly rose—

Mr Baker: If it is on this point, I will not answer the hon. Gentleman.

Paul Farrelly: It is indeed on this point. Some of the Minister’s right hon. and hon.—and courageous—Friends from last week have, in good faith, signed amendment 400 this evening. Given that he is refusing to guarantee that the Government will stick to the letter and the spirit of amendment 7, they might feel that they are being led up the garden path.

Mr Baker: I did say that I would not answer the hon. Gentleman, but I cannot help saying that I do not remember him complimenting me when I have—occasionally—found myself in the other Lobby.

John Redwood: Will the Minister confirm that Parliament is going to have its way? We will have a vote on any agreement, and it will then need primary legislation—the most intense scrutiny of all—to put it through. That, surely, is a major win for those who wanted that approach. I am quite happy with that. That is what amendment 7 leaves us with. Will he confirm that there will be full parliamentary scrutiny, debate and legislation on an agreement?

Mr Baker: Yes, I will confirm that of course there will be full parliamentary scrutiny. One of the things that is bringing me great joy, particularly at Christmas, is the extent of parliamentary unity on this point of parliamentary sovereignty. One reason so many of us campaigned to leave the EU is that we wanted our voters to have a choice over who governed the UK in as many matters as conceivable.

I do not wish to revisit the arguments around amendment 7. I wish rather to conclude my consideration of the issue before us.

Ian Murray rose—

Mr Baker: I am not going to let the hon. Gentleman come in on this point, which we have dealt with.

I emphasise again that our approach does not immunise converted law from HRA challenges. If an incompatibility were to be found, it places the matter in the hands of Parliament to resolve, without creating a legal vacuum in the interim. This approach strikes the right balance and recognises that supremacy of Parliament. I know that my right hon. and learned Friend has wider concerns regarding the rights of challenge after exit, including, in particular, where these are based on the general principles of EU law. I am happy to repeat the commitment made by my hon. and learned Friend the Solicitor General earlier that we are willing to look again at the technical detail of how certain legal challenges based on the general principles of EU law might work after exit. We will bring forward amendments on Report to address this, and we are happy to continue to discuss these concerns with him.

Mr Grieve: That is a very sensible approach on these matters, and I am very grateful to the Minister and my hon. and learned Friend the Solicitor General for taking it forward. As for the other matter that has floated into our discussion, and which I have studiously avoided getting drawn into, I would simply recommend that, on the whole, kicking hornets’ nests is not a very good idea.

Mr Baker: It is ironic that my right hon. and learned Friend and I should be constituency neighbours, and, if I may say so—and as we put on the record on a previous day—friends. It is also ironic that our Buckinghamshire neighbours have swapped one rebel commander for another. But I think I should move on: I have kicked enough hornets’ nests myself for one day.

6.15 pm

Amendment 291 relates to greater parliamentary control over tertiary legislation. As was established during our debates on clause 7 and schedule 7, any statutory instrument transferring or creating such powers will be subject to the affirmative procedure, so Parliament would need to be satisfied with the nature of the power and any procedure attached to it. To provide further reassurance, the normal requirement to produce impact assessments will apply, as appropriate, whenever we replace, abolish or modify functions, including legislative functions. Our amendment 391 will require Ministers, before tabling statutory instruments under the main powers in the Bill, to make various statements explaining the changes that are being made, including any delegations. I assure Members that when considering a transfer or modification of tertiary legislative functions, they will be able to have a fully informed debate before voting on the SIs that make the changes.

Let me now deal with the issue of rights in Gibraltar and new clause 56. Let there be no mistake: we are steadfast in our support for Gibraltar, its people and its economy. Both the EU and the UK have been clear about the fact that the implementation period will be agreed under article 50, and will be part of the withdrawal agreement. Both sides have also been clear about the fact that Gibraltar is covered by the withdrawal agreement and our article 50 exit negotiations.

In legislating for the United Kingdom, the Bill seeks to maintain, whenever practical, the rights and responsibilities that exist in our law at the moment of leaving the EU, and the rights in the UK of those established in Gibraltar are no exception to that. We respect Gibraltar’s own legislative competence, and the fact that it has its own degree of autonomy and responsibilities. That means that it will produce its own
equivalent legislation. Indeed, we are committed to fully involving Gibraltar as we prepare for negotiations to leave, to ensure that its priorities are taken properly into account. We are working closely with Gibraltar on that, through, for instance, the dedicated Joint Ministerial Council on Gibraltar EU Negotiations.

The Bill, however, is not the place for legislation on Gibraltar. It does not extend to Gibraltar except in one minor way, namely that by virtue of clause 18(3) the powers in clauses 7 and 17 can be used to amend European parliamentary elections legislation that extends to Gibraltar. I understand, though, the concerns that have been expressed in the amendment. I hope that, in response to them, I can reassure the Committee that Gibraltar’s access to the UK market is already protected by law, and that it is the UK Government’s unshakeable objective to ensure the seamless continuation of existing market access to the UK and enhance it where possible. In financial services, where UK-Gibraltar trade is deepest, that is granted by the Financial Services and Markets Act 2000 (Gibraltar) Order 2001, on the basis of Gibraltar’s participation in EU structures.

We acknowledge the need to introduce a new legislative framework with which to maintain UK market access provided by the Gibraltar order. It is likely that amendment of that order will be necessary to ensure that it continues to function as intended after EU withdrawal. We consider that this is a better way of maintaining Gibraltar’s access to the UK market than the proposed amendment.

Robert Neill: I am grateful to the Minister for that assurance, particularly in the light of recent press reports of attempts by the Spanish Government to exclude Gibraltar from the transition and end-state process. It is important for the Government to make that clear commitment, subject, of course, to the existence of the proper regulatory equivalents and standards. If the Minister will give me an undertaking that that will happen with the full involvement of Gibraltar’s Government, I think that those of us who supported the amendment will be satisfied.

Mr Baker: I am grateful to the hon. Friend for his positive reaction to our amendment. The situation is as I have described it: our unshakeable objective is to secure the seamless continuation of existing market access to the UK, and to enhance it where possible.

Ian Paisley: This is the one amendment that would probably have attracted support from the Democratic Unionists, but, because of the assurances the Minister has given—and, importantly, the assurances the Prime Minister gave even today at the Dispatch Box—we feel relieved for Gibraltar’s sake. Is the Minister essentially saying that the protections he is now affording to Gibraltar effectively mean it will not be treated in any way differently from any other part of the United Kingdom?

Mr Baker: The position is as I have set out, and I hope the hon. Gentleman will forgive me if, in all the circumstances, I stick to that position. I hope that he will understand the strength of our commitment from that. We will deliver on our assurances that Gibraltar businesses will enjoy continued access to the UK market, based on the Gibraltar authorities having already agreed to maintain full regulatory alignment with the UK.

Peter Grant: I have no doubt that the people and Government of Gibraltar will be grateful for the Minister’s assurances, but the wording of this amendment intends to make sure with 100% certainty that, even inadvertently, nothing in the Bill can damage the interests of the people of Gibraltar. Can the Minister tell us with absolute certainty that if this amendment is not added to the Bill, there is nothing in the Bill that will cause that damage? Assurances, objectives and promises are good, but can he say with absolute certainty that nothing in the Bill will ever damage or prejudice the interests of the people of Gibraltar?

Mr Baker: What I can say to the hon. Gentleman is that this Bill extends to Gibraltar only in the way I have set out: the Government’s policy is as I have indicated to him, and we remain steadfastly committed to the interests of Gibraltar.

I turn now to the REACH regulation, new clause 61. We will use the powers in this Bill to convert current EU chemicals law, including REACH, into domestic law. That will mean that the standards established by REACH will continue to apply in the UK. I believe that that renders new clause 61 unnecessary.

On custodial sentences and amendment 349, the scope to create criminal offences in the Bill is restricted so the powers cannot be used to create an offence punishable by a sentence of imprisonment for more than two years. It might, however, be necessary to create criminal offences in certain circumstances, for example offences related to functions that are to be transferred from EU bodies to UK bodies which would be lost without the ability to recreate offences relating to functions then held at a UK level. To lose the offence, and therefore the threat of a sanction, would remove what could be seen as important protections in our law, and for that reason we are not able to support the amendment.

I turn now to amendment 362 on the issue of ambulatory references. I hope the Committee will bear with me on the final, technical section of this speech. The amendment concerns paragraph 1 of schedule 8, which deals with the ambulatory references in our domestic law, as well as EU instruments and other documents in EU legislation that will be retained under clause 3. At present, the ambulatory cross-references update automatically when the EU instrument referred to is amended. After exit day, the Bill provides that such references will instead be read as references to the retained EU law version of the instrument, which, unless the contrary intention appears, will update when the retained instrument is modified by domestic law. This is necessary in order to prevent post-exit changes to EU law from flowing automatically into UK law. It would not be appropriate for the reference to continue to point to the EU version of the instrument after we have left the EU.

The approach set out in the Bill will be applied in relation to ambulatory references within any enactment, retained direct EU legislation, and any document relating to them. I understand that this last provision—the reference to documents and whether or not that includes contracts—has concerned my hon. Friend the Member for Bromley and Chislehurst. The Government are alive to concerns that we should not unduly disturb the operation of private contracts, or prevent parties to a contract from being able to give effect to their intentions. We are happy to explore this issue further with my hon.
Friend and interested parties, to ensure that we achieve the appropriate balance between clarity and flexibility.

Robert Neill: I am grateful to my hon. Friend and my hon. and learned Friend the Solicitor General for their frank and helpful response in this matter. This issue was raised by the City of London Corporation and the International Regulatory Strategy Group. I thank the Minister for his assurance that he will continue to work with them, and look forward to that. I am satisfied, for these purposes, that the issue is being addressed.

Mr Baker: I am grateful to my hon. Friend. My hon. and learned Friend the Solicitor General and I look forward to working with him on this issue.

In conclusion, Sir David—

Mr Baron: Will the Minister give way?

Mr Baker: I will give way one last time.

Mr Baron: May I briefly take the Minister back to amendments 381 and 400? I thank him for his kind words about amendment 400, and for his work on the Bill. He will know that I did not put my name to amendment 381, but I will support amendment 400 so long as that power will be used only in extremis and for the shortest possible time. We have had an assurance on that from the Prime Minister at the Dispatch Box today, and I know that those on the Government Front Bench have taken that on board, but if there is any dissension on this, it would be nice to know about it now.

Mr Baker: Perhaps my hon. Friend was not in the Chamber when I gave my assurance on this earlier. I am happy to repeat it. I can assure the House that we would use this power only in exceptional circumstances to extend the deadline for the shortest period possible, and that we cannot envisage the date being brought forward. I think that my right hon. Friend the Prime Minister explained that earlier.

Ian Murray: Will the Minister give way?

Mr Baker: I did say that that was the last time I would give way, and I think it is now time for me to—[Interruption.] Yes, it is Christmas, and it is in the spirit of seasonal brevity that I would like to turn to the issue of thanks.

I should first like to thank the Committee for its diligent and well-informed scrutiny of this, the first Bill that I have piloted through Parliament. I am an engineer, not a pilot, however, so perhaps I could be said to have guided it through Parliament. It has been my pleasure to do so. I should like to thank you, Sir David, for your chairmanship, and I thank Dame Rosie, Mrs Laing, the other Sir David, Mr Hanson and Mr Streeter for theirs. It has been a pleasure to serve under all your chairmanships.

I should also like to thank the Bill ministerial team, whose advice, support and guidance have been absolutely indispensable.

I should like to thank the Solicitor General, my hon. and learned Friend the Member for South Swindon (Robert Buckland), the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Kingswood (Chris Skidmore) and of course the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker). It would be wrong of me to omit the Lord Commissioner of Her Majesty’s Treasury, my hon. Friend the Member for Sherwood (Mark Spencer), who unfortunately is not in his place. His occasional guidance to the entire team has been invaluable, and has always been followed.

Finally, and most importantly, I should like to thank all the officials in the Department for Exiting the European Union and beyond who have so diligently risen to the enormous task of dealing with the scrutiny of the Bill. They have guided and assisted Ministers in the preparation of their remarks and they have responded to every query, from the House and from Ministers. We could not possibly have asked for more from them, and they could not have responded more professionally or more energetically. We can be extremely proud of all of the officials who have supported the Bill, as we wish them all a merry Christmas.

Kate Hoey (Vauxhall) (Lab): It is a pleasure to see you in the Chair, Sir David, and it is also a pleasure to follow the Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker). I pay tribute to his calmness and tolerance in taking a very difficult Bill through to this stage. I was around when the Maastricht Bill was going through Parliament, and the way in which he has handled this one is a real tribute to him.

I do not always agree with the right hon. and learned Member for Beaconsfield (Mr Grieve), but I agreed with him when he said that the Bill was about process. I am afraid that, perhaps because we have had eight days in Committee, we have widened our debate into areas that should not necessarily have been discussed today. We have rehashed quite a lot of the debate on the referendum. For me, this is a simple Bill about repealing the European Communities Act 1972.

I welcome the fact that there is now general agreement across the House about the date. I am pleased that it will be set out in the Bill because unlike a lot of Members here, but like my hon. Friend the Member for Blyth Valley (Mr Campbell), I do not really trust the EU. I therefore always worry that if we are not absolutely clear about what we are doing, the EU will manage to move things, because it would like to delay the process and punish us as much as possible for taking the brave decision to leave. When we look at what we are discussing, we are simply asking to leave the EU. The British people originally voted for a formal economic agreement, but for 40 years we have seen entanglement and legal procedures getting into our country, and we are now having to go through all this to leave.

6.30 pm

Kelvin Hopkins (Luton North) (Ind): Does my hon. Friend agree that if Parliament appeared to be dragging its feet on leaving the EU when a majority of the people decided that we should leave, the people would get frustrated with Parliament? We have to remember their wishes.

Kate Hoey: I agree. One of the good things about the Minister is that he is not a lawyer, which is perhaps why he has been able to treat this matter with quite a lot of common sense. The debate has been rather taken over
by lawyers and lawyer speak, and it is pretty clear that they love things being so technical.

Paul Farrelly: Will my hon. Friend give way?

Kate Hoey: I will give way once to my hon. Friend, who is not a lawyer.

Paul Farrelly: I am certainly not a lawyer. Would my hon. Friend care to explain to the House why she felt unable to support amendment 7 last week? Was it perhaps because, as well as not trusting the EU, she does not trust this House?

Kate Hoey: I certainly trust this House but, to be honest, many of the people who were pushing that amendment saw it as a way of delaying things before we got into the detail of getting an agreement. I did not get called to speak during the debate on amendment 7, but I will not go back over that amendment.

Frank Field: Is it not—[Interruption.] Yes, I am sorry, but I have got in again. One of the truths that we have to bear in mind—people on the outside will remember this even if people on the inside wish to deny it—is that from very word go, according to the great Guardian record of the European experiment, the great fear was that we the British people could not be told where this journey was taking us. Those of us who wanted a date and a time—even a British time—were concerned that large numbers of people throughout our whole history of being in the European Union have never been straight with the British people about where the journey was ending.

Kate Hoey: I have been clear since the day that I came into this House that I wanted us to get out of the European Union, and I am just delighted that I have lived long enough to see it happen.

Ian Paisley: The hon. Lady has been totally consistent year after year in opposing EU encroachment on British laws. However, there has been not a chirp recently from some of the Members who supported amendment 7. They oppose European encroachment on our sovereignty, but they were very happy to raise some feigned hope about parliamentary sovereignty.

Kate Hoey: There is a lot in that.

Albert Owen (Ynys Môn) (Lab): Will my hon. Friend give way?

Kate Hoey: No, I will not give way at the moment.

Look at all the different EU regulations and the ways in which the EU has encroached on our country’s rules over the years. Majority voting has meant that we have occasionally been outvoted and we have therefore been unable to do things that we wanted to do. When we decided that we wanted to leave, it was clear that the EU felt that we had no right to make that decision, which is why it wants to delay and delay.

Stephen Gethins: Will the hon. Lady give way?

Kate Hoey: No, not at the moment.

My worry about amendment 7 is what the EU has done before with countries that have voted against something that they did not want. As we get nearer the end, if we do not have an agreement, it will of course be in the EU’s interests to delay if it knows that this Parliament is just waiting to allow more time, and we will therefore just be paying in more and more money. I have a problem even—

Anna McMorrin: This is absolute nonsense.

Kate Hoey: My hon. Friend may think that I am talking absolute nonsense, but 17.5 million people out there do not.

Let me get back to my reason for speaking today: I oppose new clause 13, which was tabled by my hon. Friend the Member for Nottingham East (Mr Leslie), and I want to explain why we must leave the customs union. I am very pleased that our Front Benchers have made no remarks about us supporting the new clause, and I certainly will vote against it tonight.

Albert Owen rose—

Kate Hoey: Will my hon. Friend give way?

Kate Hoey: As my hon. Friend is very kind and nice, I give way.

Albert Owen: Does my hon. Friend not understand the significance of the June election? The Prime Minister called the election to improve her majority, but it was reduced. That was a game changer in many ways. Many Labour Members increased their majority, including, I think, my hon. Friend.

Kate Hoey: Members who read this year’s Labour manifesto—it was very readable—will know that it was very clear that we had accepted the result, that the British people wanted to leave, and that we were going to leave the customs union and the single market. For once in my life, I am not the rebel on the Labour Benches; the rebels are sitting on my right. I genuinely cannot understand how progressive people who believe in equality, fairness and justice can support—

Stephen Gethins: Will the hon. Lady give way?

Kate Hoey: No, I am not giving way any more, because a lot of people want to speak.

The reality is that a customs union actually penalises countless people in some of the world’s poorest countries. It prevents them from selling their goods in Europe, but doing so would help them to develop and mechanise. After this change, we can make our own decisions about
how we treat countries, particularly in the Commonwealth, where there are millions of people who have shown huge loyalty and dedication to this country over the years. We betrayed them when we joined the Common Market. Many people in this Chamber did not have a say in that, but we now have the opportunity to pay back. I think that some 80% of the tariffs paid by UK consumers on imports from outside the EU are sent to Brussels, although British shoppers are having to pay more on a range of imports. There is so much more that we could do, because the UK is the only large country in the European Union that does more trade beyond the EU than within it.

Geraint Davies: Will my hon. Friend give way?

Kate Hoey: No, thank you.

We are disproportionately penalised by the common external tariff, so we are actually suffering from being part of the customs union, although it might have helped at one stage. In the future, we have to look outwards and globally. Of course, we cannot sign free trade agreements until we leave. I personally want us to be able to sign and apply them during the implementation period. Let us not forget that everything that the EU says we must do during the implementation period is up for negotiation. We have to be very clear about this: during those two years, we want to be able to go ahead and do the things that we left the European Union to do. We should not completely align ourselves with every dot and comma of EU legislation.

What has upset me most in this debate—a lot of it has come from my own party, but it has also come from the Conservative party—is the negativity about this whole issue that somehow says that we are such an unimportant, small country that leaving the European Union will destroy us for the rest of our lives and destroy our country’s economic future. That is just so wrong.

I believe that we need more optimism. During its existence, the EU has shown real contempt for national Parliaments and their political activities. It has shown real contempt for electorates. It showed real contempt by forcing the Greek Prime Minister out of his job and through its enforcement of huge, huge cuts on Ireland. The EU does not tolerate the political independence and democratic integrity of the modern European nation, and we should know that in this Parliament. When we talk of parliamentary democracy, let us not forget just how many years we have lived without true parliamentary democracy in this country.

I believe that we should be optimistic. We should not see this as some people—perhaps even some members of the Government—seem to see it: as almost a burden that we have to get through as we say, “Yes, we are leaving, and it is a terrible pity, but we are going to make it work just about.” I want us to be optimistic and to be out there saying, “This can work. This can be great.” We are a great country, so let us get on with it. I am delighted that we have got through this Committee stage.

Mr Kenneth Clarke: It is a great pleasure to follow the hon. Member for Vauxhall (Kate Hoey), who represents the part of London in which I live when I am down here working in the House of Commons. We do not agree on this subject. During the debates on this Bill, she has voted with the Government almost as many times as I have voted against the Government. We are going neck and neck, which has been the position between us for the very many years we have both been in this House. We have diametrically different views.

I am afraid that I do not recognise the hon. Lady’s description of the European Union. In our 45 years of membership, it has helped us to become a more significant political force in the world in looking out for our interests, and it has been one of the fundamental bases of our giving ourselves a modern, successful economy, but this is not the time for a general debate.

I speak to new clause 54, which I tabled in co-operation with the hon. Member for Nottingham East (Mr Leslie). The new clause has been signed by a number of Members from both the major parties in this House. As I said in an earlier intervention, compared with the debates on other things, it should be quite easy to get this amendment passed because we drafted it to be entirely consistent with stated Government policy.

New clause 54 seeks to insert the policies set out in the Prime Minister’s Florence speech into the Bill, thereby including that part of what we have so far achieved by way of clear policy, so we can proceed further with the full approval of this House. I know perfectly well that the Minister who drew the short straw of answering today’s debates would immediately turn to some interesting, original and rather obscure arguments why this new clause should not be accepted, which has been the pattern throughout our eight days in Committee.

There have been hardly any concessions of principle. When issues of great moment have been debated, it has been unusual for a Minister to be allowed to engage with that principle. What happens is that a very long brief is delivered, some of it quite essential—this is not a criticism of either the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), or other Ministers, and I do not envy the role in which they find themselves of holding the line on this Bill—in which a Minister goes into tremendous legalistic, administrative and even constitutional niceties without actually debating the subject.

We have already talked about amendment 7, which was passed against the Government. The amendment was all about whether this House should have a meaningful vote on the agreement before the Government bind themselves to it. The Minister on that occasion, the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), never joined the debate about a meaningful vote. Indeed, today’s Minister would not when he was drawn into going back into where we are on amendment 7. All kinds of bizarre arguments were produced on why it was not suitable to put this in the Bill, and the House had to assert that it is not going to allow this Government to commit themselves to things that will be of huge importance to future generations, probably affecting our political and trading position in the world for many decades to come, without their first getting approval from this House of Commons for whatever it is they want to sign up to. New clause 54 is an attempt to minimise the risk of that happening again.
6.45 pm

Ian Paisley: I recall the Minister asking the right hon. and learned Gentleman to list, after all his 47 years’ experience in this House, one occasion when he, a former Minister, would have put into the Bill what he is suggesting the Government should have put into the Bill. He could not claw anything back from his memory banks to that effect. Surely, what this Minister has said in the arguments he has put to the right hon. and learned Gentleman has completely dismantled new clause 54.

Mr Clarke: Parliament will have an opportunity to give its assent to the Government’s approach to the transition deal, which they are on the point of trying to negotiate over the next few weeks. I have never known a Government go into an international agreement and start negotiating something towards a conclusion without giving the House the opportunity to express its views and without subjecting themselves to the judgment of the House on the objectives they are declaring.

This transition deal—I think that this is agreed on all sides—is probably going to be agreed in the next month. We are about to go away for Christmas. Everybody is hoping we will have a clearer idea of the transition or implementation deal by the end of January. As things stand, I do not think this House has ever discussed this—it has never had a debate on the subject. No motion has been put before this House to approve what the Government are seeking to do. If the Government have their way, we are simply going to discover, when they come back from the next step in the negotiations, what exactly they have signed up to.

The reason it is important that we should put down this marker is that I want to stick with what was set out in Florence, which was a Government policy position. At this moment—over the course of this week—the Cabinet is having a discussion. There is an attempt to keep this secret, but, unfortunately, leaks are coming out in all directions, and I sympathise with the Prime Minister on that. The Cabinet is debating whether everyone is prepared to be bound by the Florence speech or whether some of its members want to reopen it and start modifying it. That is why this new clause is a chance to say that if that be the case, the overwhelming majority of Members confirm and approve what was set out in the Florence speech.

I hope that we will not see the extraordinary spectacle of the fear of right-wing Eurosceptics meaning that such lengths are gone to that the Government put a three-line whip on their Ministers and all their Back Benchers to cast a vote against the Florence speech, so that some room is left for them to be able to negotiate further with the Environment Secretary, the Foreign Secretary or whoever it is wanting to reopen it again. The Foreign Secretary made a speech before the Florence speech in which he tried to undermine the Prime Minister’s position going there. When she had made the Florence speech, he wrote an article a few days later—I think that I have this the right way round—putting out a starkly different interpretation of what she had said. This House of Commons has not so far had the opportunity to express an opinion, which is what new clause 54 is about.

Mr Duncan Smith: For the most part, this is a fairly benign new clause, but I am not certain, even from listening to him now, what my right hon. and learned Friend’s concern is in subsection (2) of his new clause where it refers to subsection (1). It seems he is concerned that somehow there will not be an implementation period. Alternatively, is it just that that implementation period has never been discussed by Parliament? Is there a fear the Government will try to do the dirty on us? I do not understand why he feels he has to have this provision.

Mr Clarke: It is an attempt to rule out both. Before anybody starts resorting to talking about drafting points, which is what has happened on every point of principle we have had in the past seven days of debate, they can all be sorted out on Report. If something in the wording of the new clause raises some serious technical difficulty, the Government should table an amendment on Report to sort it out. I am sure that would face no resistance at all.

Paul Farrelly: I have been trawling back through my more recent memory banks. If I am not mistaken, before the Minister was taken to task and dismissed the new clause as a constitutional novelty, which is no argument, he was rather sympathetic to its content, so I was assuming that he might agree with it because it is, after all, in agreement with what the Prime Minister said.

Mr Clarke: I shall not go back to waxing too much about the nature of the debates we have been having. We can be clear that it is the fault not of the Ministers but of the brief they have been given to keep things going until the timetable motion comes in, at which point if all is intact, they have made it—that is their job done. Those of us who have been Ministers have probably been in that situation ourselves on various occasions. Just as in the debate about the meaningful vote when the Minister at no stage engaged in the question what sort of meaningful vote the House of Commons should have, on this occasion the Minister has not engaged in any feature of the Florence speech with which he had any reservations. The substance was not challenged by a word that he said, hence my speculating why we might see the extraordinary spectacle of the Government instructing all their Ministers to vote against a prime ministerial declaration of Government policy from which, as far as I can see, the Prime Minister has at no stage personally withdrawn.

Stephen Doughty rose—

Mr Clarke: Let me make a little more progress, or I am going to take far too long. I will try to give way later.

So far, in the complete confusion that has surrounded the consequences of the referendum for the past 18 months—I think we all agree that it has been an extraordinary situation since then—the few actual solid advances on policy have been made on only a few occasions. Indeed, the only times that the Prime Minister has set out policy clearly and been able to sign up to it—in the belief and, I think, hope that all her Government might agree to it—were the Lancaster House speech, the Florence speech and last week when she entered into the agreement on the outline of the withdrawal agreement.

I do not want to put the Lancaster House speech into the Bill, because that was the beginning of our problems. I do not know why the Prime Minister went there to
interpret and declare the referendum result as meaning that we were leaving the single market and the customs union and abandoning the jurisdiction of the European Court of Justice. I shall come back to this later, but all our economic problems stem from that. Some people may have argued during the referendum campaign that we should leave the single market and the customs union, but I never met one and I did not read about one in the media. The leading lights of the leavers who were reported in the media—I accept that the national media reporting of the referendum debate was pretty dreadful on both sides, with a very low level of accuracy and content—and particularly the Foreign Secretary emphasised that our trading position would not be changed at all. The Prime Minister changed that in her Lancaster House speech.

The Prime Minister and the Government are free traders. I am a free trader. I keep asserting that we are free traders. The objections to the single market and the customs union that she and the Government give are nothing to do with open trade, which is quite accepted. It is said that we have to leave the single market because it is accompanied by the freedom of movement of workers. Well, as we were running the most generous version of freedom of movement in western Europe before the referendum, if that is the problem—if migration is what we really want to get out of—let us address that and not throw out the baby with the bath water by leaving the single market.

Similarly, I have never heard anybody get up and say what is wrong with the customs union in so far as it is an arrangement that gives a completely open border between ourselves and 27 other countries in Europe. What is wrong with it? Nothing. Apparently, we have to leave the customs union, so that the Secretary of State for International Trade can go away and pursue what I think is this extraordinary vision that we sometimes get given of reaching trade agreements with all these great countries throughout the world that are about to throw open their doors to us without any corresponding obligations on our part, no doubt, to compensate us for the same, so that we will do to our trade with Europe. I am afraid that I do not believe that.

I wish to move to my final point, because other people are trying to get in. I have the Florence speech with me. It was a really substantial move forward. Let me just quote the bit on the transition period, which is what I am concentrating on. It says:

“So during the implementation period access to one another’s markets should continue on current terms and Britain also should continue to take part in existing security measures. And I know businesses, in particular, would welcome the certainty this would provide.

The framework for this strictly time-limited period, which can be agreed under Article 50, would be the existing structure of EU rules and regulations.”

Several times since then, the Prime Minister has been courageous enough to make it clear that it means that, during this transition period, we accept the regulatory harmony we have in the single market, we accept the absence of customs barriers in the customs union and we accept the jurisdiction of the European Court of Justice to resolve disputes.

I have never understood what on earth is supposed to be wrong with the European Court of Justice except that it has the word “European” in its title. A very distinguished British judge is one of the people who is appointed to it. There is no case of any significance that we have ever lost there. The City of London and our financial services industry enjoy a passport for very important trade in the eurozone, particularly all the clearing operations that they have done. We had to go to the European Court of Justice as plaintiffs against the European Central Bank to get that passport. But, no, it is a foreign court, and it will be replaced by an international arbitration agreement of the kind that exists in every other trade agreement in the world. The ECJ is a superior system, but we will not get a trade agreement with any country anywhere of any significance, or with a developed economy, that does not have a mutually binding legal arbitration or jurisdiction of some kind, which resolves disputes under the treaty.

Geraint Davies rose—

Mr Clarke: I will conclude if I may. I have already taken longer than I said, so please forgive me.

Let me just touch on this question: how can we get this whole debate into the grown up world and accept the reality that exists in a globalised economy. What do we mean by international trade agreements? What is beneficial to a country such as ours to give us the best base for future prosperity in the modern world? Frankly, at times, some of the debate has taken on an unreal quality.

I will not follow the hon. Member for Nottingham East, my collaborator in this new clause, because he gave a very carefully researched and very clear description of what actually is involved in trading arrangements. The first simple political point I will make is that, at the moment, we have absolutely unfettered access, by way of regulatory barriers, customs and so on, to the biggest and most open free-trade system in the world. Nowhere else has rivalled it. Mercosur failed because it did not have the institutions such as the Court or the Commission; the North American Free Trade Agreement—NAFTA—is collapsing; and the Americans have pulled out of the Trans-Pacific Partnership. Everybody wants these deals, but only 28 European nation states have succeeded in getting such an open one. Of course the hon. Member for Vauxhall and others have argued strongly that we voted to leave that. Anything new that we put in by way of tariff barriers, customs barriers or regulatory barriers is bound to damage our position compared with where we are now.

That is why we should minimise all those things as far as we can.

It is no good developing some fantasy that we are going to reach an agreement that puts up new barriers to trade—that we are going to get protectionist towards the rest of Europe, while being ultimate free traders towards the rest of the world—without damaging ourselves. Both sides exaggerate, which is pretty typical of most political arguments that take place in any democracy. Once people start putting mad figures on everything, they can get carried away.

7 pm

Any new barriers would have a markedly damaging effect on the British economy over any period, making us poorer than we otherwise would be, subject to all the other vagaries that affect economies. There is no getting
away from that. Some argue in favour of that by saying, "Well, we suffer such disadvantages being inside this dreadful European Union. We'll do so much better when we go outside, free from the trammels that Brussels puts upon us." I have never discovered these trammels; they are a complete fiction. I will illustrate my point with the example of China.

China is a very important market, which we are all trying to develop. It will become more and more important, but it is a very difficult market. There is a long way to go before anybody gets anything like a proper free trade agreement with China, but we spend a lot of effort trying. We are hopelessly outperformed by the Germans, and the French do better in China than we do. These terrible burdens, imposed by the fact that we come from within the constraints of the European Union, do not seem to be holding the Germans back, and I know no German businessman who wishes to throw them off. It is complete nonsense.

My final point is on our attempts to approach these countries. I have been involved in trade negotiations with quite a lot of them. I led for the Government, in so far as the Government took a part—indeed, we were active enthusiasts—in the EU-US TTIP negotiations. That was during my last post in government. The EU has just got an agreement with Japan, which is amazing. Now, all these EU agreements were urged on by British Governments, particularly British Conservative Governments. We were the leading nation state on economic liberal reform inside the European Union. There was no Government keener on these trade agreements.

Somebody has already touched on the unknown matter of what we are going to do with the 60-something countries—I think that there are 67—with which we currently have EU trade agreements. Are we going to pull out of them all and start again? I hope that we pull out and say, "Can we come back tomorrow and carry on, on the same basis?" Well, that will mean the same relationship between Britain and the EU being maintained; otherwise there will be a difficulty with them all.

Let me come back to the new negotiations, such as with the Americans. We got nowhere with the Americans, even under Obama, so it will be quite hard work to get into America under Trump. But it is not just about the President's desire to concentrate on American jobs—that means opening up our market, not opening up theirs. To give another example, tariffs do not matter much between many developed countries. Between us and America, they do not matter at all. The tariffs between Europe, Britain and the United States could be abolished tomorrow, and most of the manufacturers affected would not mind. It is regulatory barriers that actually matter, and protectionism in public procurement—but I will leave that to one side.

Regulatory compliance is the very thing that we will be trying to negotiate with the Americans, to open up the financial services market in Wall Street and to open up legal services. It is very difficult, with all the protectionist lobbies in America, to get very far. We will also need common regulations—regulatory compliance—on goods, and we were getting nowhere on that.

The main thing that the Americans want to sell to us is agricultural products. They have a powerful food industry, and they wish to export to us with the considerable competitive power of American industry. But, of course, they cannot comply with our food safety standards. And what does the Secretary of State for International Trade do, but come back to this country, trying to sell to the British the virtues of American food standards, which we would have to sign up to? He made a passionate defence of chlorinated chicken. He could have raised—this will certainly be raised—hormone-treated beef. The virtues of genetically modified crops will have to be sold to the British consumer.

Now, as it happens, I am in an ambiguous position. I have eaten frequently in America—I am not yet dead—and I do not share what I think are the slightly superstitious prejudices that some people have, but I think a large number of my compatriots do, and it is going to be a hard sell to get them to take these things.

What is more, if we adopt these American food standards, we will break all the European ones. To the Germans and Austrians, it is almost a religion to be against genetically modified crops and hormone-treated beef. We would just lose all that market to take on one of the most efficient and, actually, slightly subsidised agricultural industries in the world, which is looking forward to flooding our market with its products. What are we going to get in return? On my limited experience of going to Washington on such subjects, it is going to take us many years to get very much at all, even if President Trump suddenly becomes a genuine free trader and wishes to show favour to us.

So behind all this—many Members have spoken on this—the harsh reality is that none of us has the first idea how this country is going to maintain its present living standards and employment levels and keep up with modern markets, while pulling out—from behind protectionist barriers—of the biggest single market in the world, which is our most important market. Nobody can answer that point.

At least, while years are taken to resolve these things in negotiations with Europe, we have the Government saying they want a transition period of at least two years. I read out the passage. There is absolutely nothing in new clause 54 that the Prime Minister could not have signed up to in principle when she left the podium in Florence. If the Government are going to end this debate by saying, "Well, that may be Government policy, but we are ordering all Conservative MPs, in the spirit of Christmas, to vote against it," I will continue to believe that this is one of the biggest shambles I have ever seen in my life, on one of the most important subjects that we have to resolve for the benefit of future generations.
come to many of us who submitted amendments have been detailed and helpful, and great tribute goes to the Clerks. They thoroughly deserve their Christmas break, but they should rest assured that we will be back in January to work them just as hard on Report and Third Reading. So merry Christmas and thank you to the staff in the Clerks’ office of this House.

I am slightly confused by the Minister’s approach to new clauses 54 and 13—the two new clauses I would like to concentrate on this evening. That is particularly true of new clause 54, because I thought the whole point of legislation was to put Government policy on the statute book. I thought Government policy would come forward—whether in a manifesto or in a speech, as in the Florence speech—and would then be codified in legislation in order that the Government’s wishes were put into law. That seems to be the process that this Parliament has been going through for several hundred years.

For the Minister to come to the Dispatch Box and say, “Yes, this is Government policy, but we don’t put it into law” seems to be an excuse not to put it into law. I think we could all draw the same conclusion from that excuse: as the right hon. and learned Gentleman has indicated, the Cabinet does not agree on the Florence speech—it is trying to change the dynamics and the content of the Florence speech—and the Prime Minister is desperately trying to hold the extreme right wing of the Conservative party within this process and to manage her party rather than this process. Otherwise, as the right hon. and learned Gentleman said, there was nothing in new clause 54 that the Prime Minister did not say in her Florence speech and that should not be codified in the Bill to enable this Parliament and the country to be comfortable that the Florence speech is the direction of the Government.

**Stephen Doughty:** Does my hon. Friend agree that it is no coincidence, given the reluctance to put the Florence speech into statute, that the Prime Minister appears today to be rowing back on amendment 7 and that we have heard the Minister do the same from the Dispatch Box?

**Ian Murray:** Amendment 7 is incredibly important. That is why I was disappointed that my hon. Friend the Member for Vauxhall (Kate Hoey) did not take an intervention during her contribution. What amendment 7 did last week was to show that this Parliament can speak. It gave power to this Parliament to say that we require a piece of legislation to go through the processes in this House to make sure that this Parliament has spoken when we leave the European Union. The Minister, not unsurprisingly, sought to give assurances to many right hon. and hon. Members on amendments that they have tabled that the Government will do the right thing, but refused—absolutely refused—at the Dispatch Box, on three separate occasions, to give a commitment from the Government that they would abide by the will of this House and abide by amendment 7.

In addition to that, this afternoon the Prime Minister was asked on several occasions at the Liaison Committee to abide by amendment 7, and on all those occasions she refused to give a cast-iron guarantee that the Government will not row back on amendment 7 on Report. That is not taking back control. My hon. Friend the Member for Vauxhall should reflect very carefully on the fact that, whether or not one agrees with the principles of amendment 7 or bringing a piece of legislation through this House to implement the deal, this Parliament has spoken and therefore the Government have a legal, moral and democratic responsibility to abide by that decision and do what this Parliament has asked them to do. To do anything other than that would not just be kicking a hornets’ nest—it would be contemptuous to the hon. Members who walked through the Lobby last week to put amendment 7 into the Bill. If the Government do decide to row back on amendment 7 on Report, that will show that their direction on this Bill, and on removing the UK from the European Union, has nothing to do with the future of this country but is to do with the future of their own party.

The reason that amendment 7 is so important is that it allows this Parliament to have a say. The reason this Parliament needs to have a say—this goes to new clause 54 and, indeed, new clause 13—is that we cannot trust a thing that Ministers say. Their statements contradict all the aspirations that they wish to achieve through this process. Indeed, Michel Barnier has said in the past 48 hours that the red lines that the Government have drawn for themselves contradict the objectives that they wish to achieve from this process. That is why we are tabling new clauses like new clause 13.

I represent a constituency where tens of thousands of jobs, and the entire Edinburgh economy, are reliant on financial services. The head negotiator from the European Union said yesterday that the red lines that the Government have drawn for themselves are completely contradictory to their aspiration to keep passporting and a unique deal for financial services. Tens of thousands of my constituents who rely on jobs or secondary jobs in financial services would look at these reports and say, “If the Government do have the aspiration to keep the financial services passporting arrangements and to keep the financial services sector in the UK healthy, then they should put that aspiration into the Bill.” That is what new clause 54 is seeking to do. If the Government do not do that, my constituents could draw the conclusion that the Government may have to throw some sectors under the bus.

I say that because nothing could be as good as the situation that we have at the moment. We have free and unfettered access for goods and services, free and unfettered access to the customs union, and free and unfettered access to the single market. The aspiration of this Government is to ensure that when we come out of this process, we have exactly the same, if not better, terms than we have at the moment. That is completely and utterly impossible, because the European Union will never agree to the same benefits of the customs union and the single market if we are dealing with it on a separately negotiated basis. That means—this goes to the arguments made by the right hon. and learned Member for Rushcliffe—that when doing individual bilateral trade deals with the US, Australia, India or wherever else, the Government will have to throw some sectors under the bus. Michel Barnier has said in the past 48 hours that the red lines that the Government have drawn and the aspirations they wish to achieve for the financial services sector are contradictory and therefore...
cannot happen. If the Government refuse to accept any of the amendments, do we draw the conclusion that financial services is a sector that they are willing to throw under the bus?

Mr Robin Walker indicated dissent.

7.15 pm

Ian Murray: If that is not the case for financial services—I can see the Minister shaking his head to indicate that it might not be—perhaps I can turn the Minister’s attention to the Scotch whisky industry. Is that a sector that the Government are determined to throw under the bus? What about our wonderful Aberdeen Angus beef sector? Will the country be flooded with antibiotic beef to allow us to get a deal with the US, which may be contradictory to our deal with the EU? If the Minister is saying no to all those sectors, which sectors will he throw under the bus? The Government and the Department have drawn red lines that the chief negotiator for the European Union has described as contradictory to the aspiration of keeping financial services in the passporting arrangements with the European Union.

Ian Paisley: The only red lines from the Labour party that I have read about recently are these. The right hon. Member for Hayes and Harlington (John McDonnell) has said that we must leave the single market to respect the referendum result. The shadow spokesman on Brexit, the hon. Member for Brent North (Barry Gardiner), has said that we must leave the customs union because it would be “a disaster” to stay in it. That is the only controversy I can see here.

Ian Murray: Nobody voted to leave the single market and customs union. As the Chancellor has said, nobody voted in the European Union referendum to make themselves poorer. If the shadow Chancellor wants to walk through the Lobby with the Conservatives to take us out of the customs union and the single market, I certainly do not agree with him on that. I have been elected to represent a constituency that voted 78% remain and that is dependent on financial services, small businesses and the very healthy Scotch whisky industry. It is incumbent on me to defend my constituents’ interests from a Government who would be quite happy to throw sectors under the bus to get a deal from any country anywhere in the world, even though we already have 57 free trade deals that benefit all the sectors that I represent.

Kerry McCarthy (Bristol East) (Lab): I do not know whether my hon. Friend meant to say that his constituents are dependent on Scotch whisky, but I take his point. At the Environment, Food and Rural Affairs Committee this morning, I asked the Environment Secretary about the Canada-plus-plus-plus model. He said that he wanted agri-food to be part of the plus deal, and he referred to the trade agreement with Japan as something that covered agri-food. Is it not the case that, as Michel Barnier says, we will simply not be allowed to cherry-pick and insist on having a Canada-style deal that includes agri-food?

Ian Murray: That is exactly what Michel Barnier said. The Secretary of State for Exiting the European Union wants a Canada-plus-plus-plus deal with a special arrangement for banks, and the chief negotiator has said that that is impossible for two reasons. It is against the red lines that the Government have already drawn for themselves, so they are arguing against their own policy. Indeed, we already have special arrangements in place for free and unfettered access for all our sectors: they are called the single market and the customs union. When we have debated the matter in this Chamber on other days, I have made the point that the question of whether or not we agree with the single market and customs union is essentially irrelevant to the Bill. The Government’s negotiating position should, at the very least, keep those options on the table so that the Government can look at them and ask whether they are the way forward.

Why might we remain members of the customs union and the single market for the transition period? We would do that to allow businesses the certainty, security and stability that they require to make the changes that they need to make. When we come out of that transition period—it will not be in two years, according to Michel Barnier; it may be much sooner—we will have to have a system that is, no doubt, worse than that which we had during the transition period.

I am grateful to my hon. Friend the Member for Bristol East (Kerry McCarthy) for raising Canada-plus-plus-plus-plus, because that is impossible to achieve with the red lines that have been drawn. Perhaps the Minister will come to the Dispatch Box—he can intervene on me, if he likes, or on any other hon. Member—and tell us which red lines the Government are willing to drop to achieve the Government’s aspiration of Canada-plus-plus-plus-plus with a special deal for financial services.

Mr Ben Bradshaw (Exeter) (Lab): Just as my hon. Friend the Member for Bristol East (Kerry McCarthy) took evidence this morning from the Environment Secretary, the Health Committee took evidence yesterday from representatives of the pharmaceutical industry. They were completely realistic about the fact that the Government are not going to get any special sectoral deals, and that there will not be any cherry-picking. They unanimously made it clear to us that the only solution for us is to stay in the customs union and the single market, certainly for the transition and possibly—hopefully—beyond that.

Ian Murray: That is the key. We will have had 64 hours of debate in this Committee by the time we vote at 10 minutes past nine this evening. If we distil all our debates over those 64 hours, we get to the conclusion that we should stay in the single market and the customs union. I cannot understand why the Government have decided to throw that entire strategy out the window, probably for ideological reasons.

Mike Gapes: Is not the reality that all this talk of Canada or Canada-plus-plus-plus-plus is an illusion, and that it would be far better to go for the far better deal that is Norway-plus? We should actually stay in the single market because that will be best for our economy and for our political influence in Europe.

Ian Murray: This of course brings us to the crux of the Government’s ideology, and no Government Members can ever stand up again and confidently pronounce that the Conservative party is pro-business.

The Government’s strategy and the red lines they have drawn in relation to the Bill are destroying business and are anti-business. Every sector that gives evidence
to the Health Committee, the Business, Energy and Industrial Strategy Committee, the Foreign Affairs Committee or the International Trade Committee—and on and on—tells us that the only way to resolve these problems is by staying in the single market and the customs union. If such sectors—the people who create the jobs, employ the people and create the wealth in this country—are telling us that, we should listen to them, rather than to those on the extreme right wing of the Conservative party. They claim to be free traders, but they want to throw out 57 trade deals for some aspirational Conservative party. They claim to be free traders, but let’s just pause, look at the arguments for being put to the country and see whether this is what people actually want.

If we distil down all the arguments about the customs union and the single market, the only solution we can come to that does not damage this country in any way—in relation to jobs, the cost to business, or the future aspirations of students or of our children—is to stay in the best possible platform for free trade and regulatory alignment, which is the single market and the customs union. No one will forgive this Government, or anyone else who argues against that, when the first person leaves a financial services company in my constituency with their P45 in their hand. I will take no pleasure in saying “I told you so,” but the Government can pull back now, can sort out the Bill, can agree to some of these amendments in principle and come back on Report and put on the table, at the very least, a negotiation about keeping the UK in the single market and the customs union. To do anything less, with the red lines that they have drawn and the aspirations that they have, is pulling the wool over the eyes of the public, and they should be brave enough to admit it.

Mr Duncan Smith: I shall be brief because I support amendments 381 and 400, advocated by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox). I congratulate them on arriving at quite sensible arrangements. I know others want to speak, so I will not be drawn into the wider debate that the hon. Member for Nottingham East (Mr Leslie) initiated with his new clause, and took some pleasure in pursuing—as others have done, too. A lot of today’s debate has been about rerunning the arguments around the referendum and coming to a different conclusion. People are welcome to do that as much as they like, but when they say that the British people have not been consulted, I think they were consulted, and they voted and that vote was binding, and we are now getting on with it.

I congratulate Ministers on their persistence on the Front Bench over the past eight days of debate on the Bill. I believe that they listened carefully to those with different opinions and made many, many changes. I say to many of my right hon. and hon. Friends who have disagreed with the Government over this issue on a number of occasions—and even voted against them, where necessary, as I have done in the past—that I am just a touch jealous of them. When I voted against the Government on Maastricht, I knew I did not have a hope in hell of getting anything changed. I was always told, “You can’t change any of this because we have just signed an agreement.” I am jealous because they have actually managed to get some change, so I congratulate them on achieving something that I was never able to achieve 25 years ago. None the less, I hope that tonight they do not necessarily choose to pursue that course of action with the amendments before us.

I say so because I think, in congratulating Ministers and others on signing up to the amendments, they do tidy up something that has been a concern—not just a concern felt by right hon. and hon. Friends who were in
a strongly opposed position, but many others. I feel it is right to put the date of our departure in the Bill. I think it is quite right because it makes a statement of reality, which is that we are bound under article 50. The Bill, which is a process, should have the same provision in it. But we have to retain some flexibility within that. Following clause 1, which essentially says that we are repealing the European Communities Act 1972, we do not want to get into a mess where we end up having one set of dates for the repeal of that Act and another set of dates for a final conclusion of any arrangements we make with the European Union.

That conflict of law would have created a bigger problem, and I am sure we would have had to return to the matter on Third Reading, or even after the Bill came back from the other place. I therefore think that this way of doing things is neater and more flexible than the alternative, which would have been to pass a set of primary legislation to modify this Bill, as and when we reach agreements. I think that would have been a bit of a nightmare for my right hon. and hon. Friends. To that extent, I believe that this is a better way to do things.

The words in article 50 are pretty clear. I have read them on a number of occasions—I do read other things as well. Article 50 states quite clearly—it has always been clear—that the treaties shall cease to apply “from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification...unless the European Council, in agreement with the Member State concerned, unanonymously decides to extend this period.”

Article 50 has always been clear that, should there be a requirement for an extension for practical reasons or whatever, it is up to the 28 countries to agree unanimously. To that extent, the amendment achieves that rather succinctly, but I stand by the fact that it was right for the Government to have been firm in wanting to put the date in the Bill. It would have been an anomaly not to have a date in the Bill and they would have had to come back at some stage to put it in. To provide that flexibility now makes it worthwhile.

7.30 pm
I have heard that some colleagues do not like the amendment, because they cannot trust the Government to stick to it and to make only marginal changes. The problem for those of us who have supported the Government is that we have had to bite the bullet a lot and give them a great deal of trust. For over 44 years, I have watched successive Governments—I have been a part of some of them, happily, up to a certain point—implement, through section 2 of the European Communities Act 1972 and the use of statutory instruments, vast changes to the way we regulate and legislate here in the United Kingdom. The Government’s original position when this was first debated was that they did not think it would lead to many changes being brought in by statutory instrument. I wonder if those who pushed the Bill through, on revisiting the scale of the changes brought in by statutory instruments over 40 years, would think that they had misread what they were actually giving Governments the power to do.

I have a lot of sympathy for those who do not want to be left in the position of trusting the Government—none of us do. One reason why I felt all along that I was prepared to give the Government the benefit of the doubt is simply because the process has a conclusion beyond which they will not be able to proceed. The process of leaving the European Union will ultimately bring back—this is one of the reasons I am very keen on it—an enhancement of Parliament’s role to a far greater degree than it has been over the years. I have on many occasions watched pointless debates in the House knowing full well there was absolutely nothing we could change—not just Maastricht, but all the other treaty changes and so on—as we in Parliament had no power whatever to call the Government to account on any of these issues. The reality was that they were already bound by a process in another place.

The argument that the use of statutory instruments to push European regulations through the House was legitimate because Government Ministers entertained a debate among Government Ministers within the European Union does not make any sense to me. Those who advance that argument then say they want Parliament to have all the say and that they do not trust the Government on statutory instruments. They seem to be colliding in their own argument from two different directions.

I fully accept that we want to ensure that the Government are not just working on the basis of trust. To that extent, I recognise and accept that the changes will help to ensure that they do not. However, I would say that we cannot just sweep away the past 40 years on the basis that this was somehow okay because Government officials and Ministers discussed these things. Parliament had no say whatever for 40 years. It could not change anything. As I said when I talked about Maastricht, we could not change anything. I knew it was pretty pointless, but I none the less opposed various elements and voted accordingly. I knew there was not a chance of us changing anything because Parliament had no power. Parliament will now again have power over a Government. I think that some of the very poor behaviour of Governments of both parties over the years in being able to ignore Parliament will start to fall away. I hope and believe that Parliament will again reassert itself.

I say to my right hon. and hon. Friends who are concerned about this, the idea—

Sir Edward Leigh (Gainsborough) (Con): We have no concerns at all here.

Mr Duncan Smith: Is my hon. Friend asking me to give way?

Sir Edward Leigh: No, no.

Mr Duncan Smith: Excellent. It is always good to take a sedentary intervention from my hon. Friend.

I said I would be brief, so I will bring my remarks to a conclusion. I support the amendments and I congratulate those who drafted them. I want the Government to get through this as best they can. They should listen carefully where there are changes to be made but, if we have to return to this matter on Report, they will certainly have my support in making whatever changes are necessary to accommodate concerns so that we get a Bill that is reasonable, feasible and puts the power back into the House.

I would make one small point, however, to those who opened up this massive debate about what happened during the referendum and the idea that we can guess
what was in people’s minds. It was said again and again, as I recall, by the then Prime Minister, by the then Chancellor, by Lord Mandelson and also by many in the vote leave campaign, that voting to leave meant leaving the customs union and the single market. Now, I understand and accept that people might not want to do that—they advance all sorts of reasons for not doing it—but it was said again and again. On the idea that the British people were too stupid to understand what they were voting for, I say that they were right in their decision and made a decision that was a lot more intelligent than people give them credit for.

Mr Kenneth Clarke: When that was said—it probably was said by one or two campaigners on the remain side during the referendum campaign—it was used as an argument against voting to leave. The reaction of leave campaigners was to dismiss it, saying it was the politics of fear, that people were being alarmist in talking about leaving the single market and that in fact our trading arrangements would remain absolutely unchanged, because the Germans had to sell us their Mercedes. That was the role it played in the referendum campaign.

Mr Duncan Smith: I always like to take an intervention from my right hon. and learned Friend. We agree on many things, but not on this, it has to be said. He will remember that, when he was Lord Chancellor, I supported him in getting through his very good and far-reaching reforms—I wish they had all been put through, but they were not, as he knows. To that extent, I have long supported him, but on this I do not fully agree with him. I think it was clear. It is no good saying that “some” people on the remain side said it. The Prime Minister and the Chancellor were the leaders of the remain campaign, certainly on the Government Benches, but also from the standpoint of the country, and they were very clear on this. I do not recall anyone—I certainly did not—saying, “No, no, we’ll stay in the single market and customs union.” I have always made the point that leaving means leaving the Court of Justice, the customs union and the single market. Voters were, I believe, clear about that, but we can all debate and rerun the arguments.

Anna Soubry: I will undertake to send to my right hon. friend a list of the various quotes from leading members of the leave campaign who told the British people: “There will be no change in our trading arrangements”, “We’ll do deals in a day and a half”, “We can be like Norway”, “We might want to be like Switzerland”, and so on and so forth. It was made very clear to the British people that the trading arrangements and economic benefits of the EU would remain the same. Does he honestly think that in his constituency of an evening in the Dog and Duck people sat there and said, “I tell you what, you know this single market, well I’m all for out of that”? Does he honestly think they really understood the issue, when there are obviously right hon. and hon. Members in this House who still do not understand what the single market and the customs union are?

Mr Duncan Smith: That may be. I do not know of the Dog and Duck, unless they have moved a new building into my constituency, but I say to my right hon. Friend that people made a decision to leave, and that argument was debated extensively: it was on television, the Prime Minister was questioned endlessly and others such as Lord Mandelson said categorically that if people voted to leave, we would be leaving these institutions.

Peter Kyle: We are debating what was said to the electorate during that period, but none of us are talking about what the electorate are thinking now. That is the most important thing. Does the right hon. Gentleman agree that, as we enter the most crucial part of this stage of the negotiations, the Government should put far more energy into understanding what the public actually think and aspire to for our future relationship with the single market, the customs union and the EU in general and take that into account?

Mr Duncan Smith: I am all for consulting the British people. That is what we are here for as MPs, right? It is what we do when we go back to our constituencies and talk to people. The honest truth, however, is that we can consult them as much as we like, and we will get different opinions all the time, depending on the question. The biggest consultation I have ever seen took place in 2016: it was called a referendum. The difference between my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and the rest of the House is that he has been opposed to referendums throughout his political life and has never voted for them, whereas most other Members did vote for a referendum. When Members vote for a referendum, they are bound by the decisions that the British people make, and in this instance the British people asked us to leave the European Union.

Much of the debate has been about rerunning the referendum. I fully understand that some people will never be reconciled to the idea of departure or of leaving the customs union and the single market, but what we are talking about today is getting out of the European Union. It is not a question of the date, but a question of the process. We are leaving anyway. I support the Government because I believe that leaving the customs union and the single market and taking back control of our laws is exactly the right thing to do, and I do not think they should listen to the siren voices that tell them otherwise.

Several hon. Members rose—

The Temporary Chairman (Sir David Amess): Order. The debate will finish at 9.10 pm, and there are still 17 Members wishing to speak. Interventions will shorten the time even further. I very much want to call everyone. I have no powers in this regard, but I appeal to colleagues to try to limit their speeches to five minutes so that everyone can be called. I hope we shall see a good example of that now from Mr Tom Brake.

Tom Brake: Thank you, Sir David. Your timing is perfect.

It is a pleasure to follow the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). It enables me to remind him of the promises that were made during the referendum about the £350 million a week that would be available to the NHS post-Brexit. I am as imbued with the good spirit of Christmas as others, Sir David, and I will therefore seek to limit my comments to the five minutes that you have specified.
A number of Members referred to what the Prime Minister said to the Liaison Committee in connection with amendment 7. I understand that she was asked no fewer than five times to confirm that she would provide a meaningful vote, by which I mean a vote that would take place on a Bill that will be amendable and would allow the debate to take place at a time when the Government could be instructed to go back and negotiate some more.

Let me briefly comment on new clauses 13 and 54. New clause 13 would ensure that we stayed in the customs union. That, I think, remains the only solution to the Ireland-Northern Ireland border issue apart from the Ireland-Northern Ireland border issue apart from the Irish Sea, which I do not think the Democratic Unionist party would support.

Jim Shannon (Strangford) (DUP): Never.

Tom Brake: As for new clause 54, it would be strange if Ministers did not want to support the Prime Minister’s words. I suspect that, if they did not support them in tonight’s vote, that would amount to a rebellion. We know that had the Foreign Secretary and the Secretary of State for Environment, Food and Rural Affairs been here, they might have led such a rebellion, but I doubt whether junior Ministers would want to be responsible for a rebellion that would set aside what the Prime Minister said in her Florence speech.

My main purpose is to refer to amendment 120, tabled by the Liberal Democrats, which amounts to a request for a vote on the deal. I am sure that, if there were time, I would give way to a great many interventions about the will of the people, but the will of the people as expressed on 23 June last year is not necessarily the will of the people as expressed today. It is because I respect the will of the people that I believe that the people should be given the chance to vote on the final deal that the Prime Minister secures. There is absolutely no doubt that the final deal will look very different from the deal that they were offered on 23 June last year.

I promise not to refer too often to the £350 million that was offered on the side of the bus, but people will remember that pledge, and it is not going to be honoured. They will also remember a pledge about a significant cut in immigration. There has, in fact, been a drop in immigration, but I think that it has happened because the UK economy has shrunk rather than for any other reason. It has certainly not happened in respect of non-EU citizens coming to the United Kingdom, because over many years the level of non-EU immigration has remained consistently high—and, of course, every Member will know that that is something of which our Government are in complete control.

Finally, there were the threats made about the 5 million people who were supposedly going to arrive in the UK as a result of our membership of the EU, and our Foreign Secretary who talked about opening the borders to Turkey and the claim that there would be marauding gangs of armed criminals out and about threatening people in our towns and villages.

I welcome the fact that the hon. Member for North East Fife (Stephen Gethins) used conciliatory language in describing his position on the idea of having a vote on the deal, but I recommend to him, and perhaps others, that the Liberal Democrats are first adopters of this policy, with the Green party, and I hope he will develop an appetite for it—and, indeed, that some Labour Members might as well. It would require legislation, followed by a three-month election campaign, and then a vote that would have to take place before we finally leave the EU, but that is perfectly possible.

I conclude by saying that that would enable the UK population to have a vote on the deal; they would be able to express their views on whether they still want to accept now what they were offered on 23 June last year.

Anna Soubry: I rise to support new clauses 54 and 13, both of which, if put to the vote, I shall vote for.

I made it clear to the people of Broxtowe when I stood back in June that I would continue to make the case and vote for the single market, the customs union and, indeed, the positive benefits of immigration. We are on day eight of our Committee proceedings, and, goodness me, if only we had had all this quality debate and this exposition of all the arguments—before the referendum, we perhaps would have had a different result.

My constituents might not have changed their minds, but they overwhelmingly say to me now, “I didn’t know it was going to be so complicated; I didn’t know what it would be like.” I have to say to my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) that customers in the Nelson and Railway pub in Kimberley—a fine pub, and I will take him there one day—did not sit there talking about the customs union.

Mr Duncan Smith: Of course they didn’t.

Anna Soubry: Exactly, of course they didn’t. They did not talk about the single market. They did talk about immigration, however, and they thought they pretty much did not like it, even though in Kimberley there have probably been about four immigrants over the course of about 200 years.

We have had that part of the debate, but there is a grave danger in looking at the result of the referendum and saying, “The British people have definitely said they don’t want the single market and the customs union and all the rest of it”. We are leaving the EU, so I have voted to trigger article 50—I have taken that big step against everything I have ever believed in, and I accept we are leaving the EU—but I am not going to stay silent, and I am not going to stop making the case for us to do the right thing as we leave. I gently say to those who stand up and bang on about the devilment of the single market and the customs union that that is gravely insulting to British business.

What have we seen in this peculiar debate? It has been peculiar. I endorse everything my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and the hon. Member for Nottingham East (Mr Leslie) have said; it must be a Nottingham thing that there is this agreement between the three of us about the merits of the customs union and the arguments made about the Florence speech and why it should be on the face of the Bill.

I also observe that the Government have not really conceded very much at all. They have accepted that there was a real problem with the Henry VIII powers and they have accepted amendments that they pretty much drafted themselves, and they now accept the amendment of my right hon. Friend the Member for...
West Dorset (Sir Oliver Letwin), but we must be honest about that: it was an amendment rightly put forward by him, but to solve a problem of the Government’s creation, because they lost the vote on amendment 7. It might be a very good fudge, but we must not make any mistake about it: if it had not come as an idea from the Government, it would not be before us as an amendment—I say that with no disrespect to my right hon. Friend.

The Government have not actually conceded anything at all. They have gone away and said some warm words, but I am now worried and concerned. Last week, 11 very honourable and brave people on this side of the House had to face what some of my colleagues think is just a bit of intimidation. We have seen national newspapers hurling abuse, and putting up photographs almost like “Wanted” posters. In the face of all that and of a lot of strong-arm tactics—I will not go into that here, but those responsible for them know exactly what was going on behind the scenes; let us not pretend otherwise—they voted, in some cases for the first time ever; and in others for the first time in more than 20 years of honourable and loyal service to their party, in accordance with their conscience when they voted for amendment 7.

Today, however, our Prime Minister appears to be rowing back on that, and the Minister is unable to give us an unequivocal statement at the Dispatch Box that the Government will honour amendment 7. Let me make it very clear that if there is any attempt by the Government to go back on amendment 7, the rebellion will be even greater and have even bigger consequences.

Mr Baker: I am happy to give my right hon. Friend an early Christmas present. I can give her the following assurance on behalf of the Government. The Government have accepted amendment 7. Our written ministerial statement on procedures for the approval and implementation of the EU exit agreement stands. There will be the following meaningful votes in accordance with that statement: on the withdrawal treaty, and on the terms of the future agreement. There will also be a withdrawal and implementation Bill, which the House will consider in detail, and of course all legislation is amendable.

Anna Soubry: I think that that is the unequivocal statement I am looking for. If it is, I am extremely grateful to the Minister for clearing that up. It is indeed a great Christmas present.

It is obvious that the two main parties in this place remain deeply divided, just as the country does. The irony of the situation will not be lost on future generations as they read Hansard. We have a considerable number of hon. and right hon. Members sitting on the Opposition Benches who completely agree with a considerable number of hon. and right hon. Members sitting on these Benches, yet we are prevented from building consensus and finding agreement because of the divisions within the two parties and, it has to be said, some intransigence on our two Front Benches. It is not for me to comment on the state of the Labour party, however; I will leave others to do that.

My right hon. and learned Friend the Member for Rushcliffe has already identified the fact that, 18 months on, we still do not know what the Government see as their endgame. Our own Cabinet remains totally divided on this great issue—the greatest issue that we have had to wrestle with for decades. I say to my honourable and dear colleagues that there are some on these Benches who are entrenched in their ideological view about the European Union and will not move from it. They are a small group—they are the minority—but I feel as though they are running our country, and that cannot be right.

Then there is another group, a big wide group of Conservative colleagues. Some of them are reluctant remainers, some are leavers-lite, and as they hear our debates and listen to the businesses that come to speak to them in their constituency offices, they are feeling uneasy and queasy. I do not say that they have to agree with me—of course they do not—but I asked them to listen to the arguments that are being advanced by those of us who speak on behalf of our constituents, notably businesses, about a deal.

We are not going to get a bespoke deal from the European Union—well, not unless we pay shed loads of money for access to this or that market—but there is something available to us. It is EFTA. It is the customs union. It is sitting there as a package. We can take it and seize it, and British business would be delighted if we did so. And then it would be done. The British people would say, “Thank God! They’ve got on and delivered Brexit”, and all would be well. We need to get on with it, so that we can then address the great domestic issues. I beg my hon. Friends to google EFTA and the customs union over the Christmas period. I urge them to understand them and to look at what Norway gets. Norway is able to determine its own agricultural and fisheries policies, for example. My hon. Friends need to know and understand these things. Then we need to come back in the new year and make a fresh start on forming that consensus that our constituents are dying to hear about, because they are fed up to the back teeth with what is going on.

Stephen Kinnock (Aberavon) (Lab): It is important to note the difference between EFTA and the customs union, which is mainly that EFTA countries are able to strike trade deals with third countries. For example, Iceland has a bilateral trade deal with China.

Anna Soubry: I am grateful to the hon. Gentleman. That is the sort of detail we need. We have to understand all the different arrangements that are there that will work and suit our country, and I beg right hon. and hon. Members to look at them. The solutions are there. We are not going to get a bespoke deal, but arrangements are there on the shelf. We can grasp them, sort out Brexit, move on and do the right thing by our country and our constituents.

Mary Creagh: I begin by expressing my condolences and those of all Members to our friend and colleague Mr Deputy Speaker. He has suffered such a grievous loss, and we hold him in our hearts and prayers this Christmas season.

It is a pleasure to follow such interesting, well-informed speeches. I will discuss new clause 61 and amendment 291, which are in my name. We have heard much from the Minister today and from the Prime Minister, but my concern is that the blandishments and reassurances that we have been given actually contain more fudge than I hope to find in my Christmas stocking on Monday. As we look forward to the phase 2 negotiations, I am clear
about one thing: there is no free trade agreement that we can negotiate that will be as comprehensive as the one we have with the EU now. New clause 61 recognises both that and the importance of the UK chemicals industry.

The Bill attempts to cut and paste EU law into UK law, but it cannot do that for the chemicals industry, which is vital to this country. We export almost £15 billion-worth of chemicals to the EU each year. Some 60% of all our chemicals go to the EU, and 75% of all our chemical imports come from the EU. We no longer make some basic chemicals due to that close relationship, which is really important for the pharmaceutical industry. Chemicals are our second largest export to the EU after cars, and the industry provides half a million jobs, both directly and indirectly. However, the regulatory uncertainties around Brexit—this hokey-cokey on whether we are going to be in the single market or the customs union or have a free trade deal—are sending shockwaves through the chemicals industry.

The industry is concerned that the UK will no longer participate in the EU’s regulation on the registration, evaluation, authorisation and restriction of chemicals or REACH, and new clause 61 would require us to remain in that arrangement. REACH covers over 30,000 substances and pharmaceuticals that are bought and sold in the single market. It also covers products—everything from the coating on a non-stick frying pan to flame retardants in sofas, carpets and curtains, to gases, fertilisers, plastics, specialty adhesives, rubbers, paints and dyes—and hazardous substances. It seeks to protect human health and the environment, particularly paints and dyes—and hazardous substances. It is estimated that that would cost the UK chemicals industry £600 million a year. That is before we get to the non-tariff barriers that I have just discussed. By March 2019 when we leave, UK companies will have spent £250 million registering their chemicals—6,000 of them—with the European Chemicals Agency. They have a deadline to meet of next May. Why should they pay money in May 2018 to get chemicals authorised that they will not be able to sell in May 2019? They are concerned about the risk of market freeze as well.

Of those 6,000 substances, 5,400 have animal study data associated with them. If we leave, we may end up needing to test more products on more animals, which I am sure nobody in this House wants. We will be duplicating EU legislation on this. That has an effect on jobs. The Prime Minister’s constituency of Maidenhead has over 400 workers in the chemicals industry. The hon. Member for Cleethorpes (Martin Vickers) has 900 jobs in his constituency that are dependent on the industry. In South West Wiltshire and South Thanet, more than 15% of employment depends on the chemicals industry.

When I first asked the Environment Secretary about this issue, he said that when we leave, the area will be regulated better. He told the Committee in November that he is “looking at how we can use the European Chemicals Agency and the REACH Directive in order to ensure we can trade freely”. I am telling him now: he simply cannot. Leaving now and diverging will harm jobs, growth, manufacturing and investment in this country.

In view of the time, I will not share my comments on amendment 291. Suffice it to say that the powers in the Bill for tertiary legislation should be curtailed and contained, and we should time-limit new public bodies’ powers to legislate for parts of the economy.

Robert Neill: It is a pleasure to see you in the Chair, Sir David. I start by associating myself with the condolences of the hon. Member for Wakefield (Mary Creagh) to the right hon. Member for Chorley (Mr Hoyle) and his family. He is greatly regarded by every one of us across the Chamber, I am sure.

I pay particular tribute to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I listened to his speech, as I did to pretty much all of today’s speeches, and invariably I found myself agreeing
with pretty much every word he said. He has been an absolute stalwart in working to improve the Bill. As others have said, our purpose, through our amendments, has been to improve, not to obstruct. We do not want to obstruct the outcome of the referendum, but we want to ensure that the legislation does the best possible job of the important task that it must do. I hope that the Government have come to recognise that, and that we can continue forward in that spirit.

In a similar vein, it is worth endorsing the comments made by my right hon. Friend the Member for Broxtowe (Anna Soubry). She is right: most people were not consumed by the minutiae of our arrangements. A fairly broadbrush debate, which was often pretty unsatisfactory and low grade, infected both sides from time to time. Frankly, the topic in hand was not done the justice it should have been done. We must now deliver on the decision, but it is pretty rich when some media commentators seem to regard the efforts of hon. Members to do their job as parliamentarians as some kind of betrayal, which is of course nonsense.

One is reminded more and more of the continuing relevance of those words of Stanley Baldwin when he got his cousin, Rudyard Kipling, to supply some lines about power without responsibility being, if I might paraphrase, the prerogative of the journalistic harlot throughout the ages. Those words are as applicable now as they were in the 1930s.

My three amendments relate to financial matters and matters linked to the City of London Corporation. I am grateful to the Minister and to the Solicitor General for their constructive approach.

Obviously I will not seek to press new clause 71 to a Division. I welcome the Government’s recognition of the centrality of the financial services sector to our economy, which is the point I want to stress. The deal we reach has to look after the interests of this jewel in the crown of the British economy. I am sure that that is the intention, but it is critical that we achieve it. To walk away without a deal would, of course, be of no value at all to the financial services sector, because WTO rules do not apply to it—it is not tariffs but regulatory burdens that would be the obstacle to our successful financial services sector.

As my constituency is that with the 16th highest number of financial and professional services workers in the country, it is my absolute duty to make sure that I am able to have a meaningful say on a deal that will affect their livelihoods and the livelihoods of their neighbours, friends and families. Thanks to the good work of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and others, I hope we are now in a position for me to have that say on their behalf. It is important we retain that say.

I was grateful for the Minister’s intervention on my right hon. Friend the Member for Broxtowe. The truth is that the more a person kicks a hornets’ nest, the angrier they get. I take the Minister’s comments in the spirit in which they were made, and I hope we can move forward constructively.

New clause 72 addresses another aspect of the City’s work: the question of port charges and port authorities. Again, I welcome the helpful clarification of the Government’s stance. The port of London, of course, is one of the country’s largest ports, and the City of London is the port health authority. Estimates by port health authorities indicate that there could be a minimum increase in their workload of 25%. The facilities needed to carry out checks will involve a cost not just in revenue terms but in capital terms. If we are able to secure a continuing alignment on standards—I am grateful to the Minister for quoting a number of the regulations—it would obviate those difficulties, which is in the interest of the agricultural sector both here and in the EU, and in the interest of the food retail sector because of the last-minute delivery systems that now play a full part in its way of working.

Amendment 362 addresses the interpretation of contracts, and I am grateful that the Government have said we can continue working on that. Contractual certainty is critical, because many international legal contracts are written using English law because of the high regard in which it is held. That makes our legal services sector a considerable national asset. Maintaining certainty for the sector is important to all the business that comes into the UK, and it underpins the rest of the financial sector, too. I am grateful for the Government’s recognition of that important point.

Finally, I come to new clause 56, on Gibraltar, which I signed, but which stands in the names of SNP Members and others across the House. It has had cross-party support, for which I am grateful. I declare my interest as the chair of the all-party group on Gibraltar. I welcome the Government’s statement, both from Ministers today and from the Prime Minister earlier, of their full commitment to Gibraltar. What is important for Gibraltar—the new clause was designed to probe this—is not just the issue of the predatory approach that Spain takes to Gibraltar and the border. Although that is one issue on which we must fight on Gibraltar’s behalf, we must also address its people’s real desire—this is an absolute necessity for their wellbeing—to maintain access into UK markets and, in particular, to preserve the rights that we and they currently have as common members of the EU. I welcome the fact that the Government will try to find a constructive way of taking that forward. Gibraltar has a thriving financial services sector. It has transformed its economy from a dockyard and garrison economy to one with a significant financial services base. That economy complements the City of London in a number of key sectors, including insurance. Maintaining access is crucial and to the advantage of both the UK and the Gibraltararians. I am, again, grateful to Ministers on that.

I end on this note: the vote was about leaving, not the form of the new relationship. We are talking today about the process. In terms of where we end up, the one thing that has been made clear to me by the many constituents I speak to, particularly those in financial services, manufacturing and many other areas of business, is the absolute criticality of having a proper transitional period. That is vital for the financial services in particular, but also for many other areas. A constituent of mine has a manufacturing business that feeds into a complicated supply chain across EU boundaries. He wants to have certainty about the availability of the supply chain to make his products, and it is critical that there is certainty about the City’s ability to adapt. The City does adapt, and financial services can and will adapt, but they need time to do so, given the varied and complex nature of regulations.
My right hon. Friend the Member for Broxtowe hit on a fair point when she said, “Perhaps don’t start ruling out things that you don’t need to have to rule out.” Some people on the other side of the argument from me never ruled out either the customs union or the single market during the referendum campaign, but it seems that many of them seek to do so now. I would have thought that we ought to be keeping as many options open as possible, and the European Free Trade Association is one such option. I speak as a lawyer and someone who is concerned that we should have a proper dispute resolution mechanism. EFTA does have a court, which, although its jurisprudence historically tends to follow that of the ECJ, is institutionally independent. That is perhaps important for those who regard the move away from a direct jurisdiction as one of the important issues for the negotiations. EFTA is capable of ticking that box, so I simply say that we should not rule it out from the mix of the things we should look at.

In that—I hope—constructive spirit, may I wish you, Mrs Laing, and all hon. Members a happy Christmas? I might exclude from that the gentleman who sent me a card that said on the outside, “The peace and joy of God be with you,” but said on the inside, “Judas, leave the country at once and never come back.”. [Laughter.] Given that that probably is the least thing that has been said to some people, it is one thing we can laugh about. I say merry Christmas sincerely to all hon. Members. I hope that everybody has a good Christmas and that we can have a constructive new year as we take forward a great issue, on any view of the debate, for this country.

Kate Green: It is a great pleasure to follow my good friend the Chair of the Justice Committee. I had the honour of serving on that Committee when we prepared our report on Brexit’s impact on the justice system, to which the Government provided their response earlier this week. May I say to Ministers that new clause 31, which is about the best interests of children and safeguarding those interests, has a particular relevance to some of the issues that the Committee uncovered? Those relate to family law, which has not been the subject of much debate in Committee but is, none the less, an extremely complicated and important issue for the wellbeing of children. Our EU membership gives us access to institutions that protect and safeguard children as potential victims of crime.

8.15 pm

I am particularly pleased to have tabled new clause 31, which would support the Government in their intention of maintaining continuing close co-operation with the EU on policing and criminal justice, and putting in place new arrangements across a wide range of structures to ensure the protections for children provided by our engagement in those criminal justice mechanisms. It is uncertain what that future relationship will look like, and there has been little clarification of how we will replace or adapt to mechanisms such as Europol, Eurojust and the European arrest warrant, but they are important in a context in which children are increasingly the victims of complex cross-border crime, including child sexual abuse, online abuse, abduction and trafficking. Those crimes are committed across EU borders. It is extremely important that we have mechanisms both to protect children and to hunt down the perpetrators of such crimes. We must also be able to foster, on a pan-European basis, crucial educational and support mechanisms and measures that help to build children’s resilience in the face of such terrible crimes.

New clause 31 is particularly important in relation to fostering and adoption processes. Potential carers may be non-UK EU nationals. Rightly, they have to undergo rigorous criminal, medical and social services background checks in the UK, and that information has to come from another country if they have lived abroad. It is extremely important that we can make such checks on EU nationals working in our education, healthcare or care systems, and we must ensure that we can carry them out expeditiously and effectively. We must have the same kind of access as at present to full information about individuals who may be working with our children.

The European arrest warrant has been extremely important for the protection of children. Its use resulted in 110 arrests for child sexual offences in the UK between 2010 and 2016. In return, EU countries made 831 requests to the UK in relation to child sexual offences. Of those cases, 108 arrests were made in the UK. In 2016, the EU made 33 requests to the UK in relation to cases involving child sexual exploitation. Such cases are really important, so we need to ensure that the mechanisms that we put in place if we exit the EU are at least as strong and resilient as those we have now.

In 2015-16, some 60,000 children were reported missing in the UK. Last night, we had an important debate in the Chamber on the Schengen information system and SIS II, which is about to be enhanced under a proposed regulation that will ensure that there is a more proactive system of alerts if a child might be vulnerable to abduction or going missing. It would be extremely regrettable if we were not able to take advantage of the continuing development of legislation and practice on the protection of children who might be at risk of going missing or of abduction, including parental abduction. In that regard, I underline how important it is that we have really good reciprocal family law arrangements so that it is clear that parents must abide by their responsibilities to their children. Wherever the responsibilities are determined and wherever the parent lives, we must know that those responsibilities and obligations can be enforced.

I am concerned that at the point of exit we may lose much of the existing advantage of having a seamless system of information sharing and enforcement that can bring back perpetrators to face justice. I know that Ministers do not want that to be the outcome of our departure from the EU, but unless children are put absolutely front and centre in the negotiations, there is a real risk that children will be harmed. Nobody in the House would want that.

New clauses 32 and 33 are about the socioeconomic wellbeing of children in this country who currently benefit, for example, from European structural and investment funds. We can already see the damaging effect that Brexit is having on family incomes and budgets. We need to be proactive in protecting children, particularly our poorest children, from some of the potentially negative economic consequences that exit from the EU would bring.

New clause 32 would ensure the Government’s continued funding of projects currently funded by the European social fund that tackle disadvantage and regional
inequalities. I recognise that Ministers have said that they wish to guarantee that funds currently provided through these mechanisms by the European Union will be replaced or underwritten by the UK Government in the event of our leaving the EU. I want to see that written as an obligation in the Bill, which is what new clause 32 would do, so that following our withdrawal there is a commitment to a continuity of funding for projects that work to help disadvantaged children and young people.

New clause 33 would require the Secretary of State to lay before Parliament a strategy for mitigating the risk that withdrawal from the EU might present to low-income families with children by ensuring that benefit rates would be reviewed annually, with any inflationary risks addressed. There is a major risk that the economic uncertainty caused by our withdrawal from the European Union will affect low-income families. Addressing any risks that Brexit poses to low-income families and disadvantaged young people would be a clear way to ensure that Brexit works for everyone.

As Members will know, poverty is not spread evenly, and some communities face particularly high levels of poverty and disadvantage. We know that child poverty in the UK is projected to rise, and that Brexit will present additional risks on top of what has already been modelled as a consequence of some of the Government’s austerity cuts to welfare benefits. If our trade relations result in a reduction of economic activity, with a knock-on effect on jobs and wages, that would clearly also be very damaging for low-income families.

The right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) has said:

“British business will have to learn to get by in a different world.”

That is all very well, but what is absolutely clear is that disadvantaged families, and certainly children, cannot and should not be expected to do so.

There is a great risk that our withdrawal could compound child poverty due to the loss of European funding and inflationary pressures on our economy. I urge Ministers to look carefully at my new clauses 32 and 33, which would require them to think proactively about how to address those risks. So far, we have had no firm guarantees that they are even on the Ministers’ radar, but I hope that the Committee will unite around these important measures and stress their importance. I commend new clauses 31 to 33 to the House.

May I add my support to a couple of other new clauses? I strongly support and will vote in favour of new clause 13, which proposes keeping our continuing membership of the customs union on the table. I am absolutely convinced that that is a prerequisite for financial success for low-income families. I am also very pleased to support new clause 61, tabled by my hon. Friend the Member for Wakefield (Mary Creagh), in relation to regulation around the chemical sector. This is an issue of huge concern to businesses in my constituency, which have been happy to sign up to REACH and have seen its benefits. They are extremely worried that they will now have to go through a new and potentially expensive replica process, which is quite unnecessary. They feel they should not be disadvantaged compared with other competitors, or indeed with laxer standards than at present.

The Minister, who is no longer in the Chamber, asked us to accept a number of assurances from him about the Government’s intentions in the debates that have been held in this House, particularly in relation to amendment 7. I think that the will of the House was expressed very clearly on amendment 7—we had a vote and it was carried. The Government should respect the spirit and terms of that amendment, and I hope that Ministers will take that message on board. That is the way Parliament takes back control and expresses its will. I do not expect Ministers to seek to amend or weaken the provision on Report.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Since the moment when Sir David Amess was in the Chair and asked hon. Members to speak for no more than five minutes or so, everyone has taken at least 10 or 11 minutes. That really says something about behaviour in the Chamber.

Sir Edward Leigh: It is a truth universally acknowledged that one’s own speeches seem short and incisive, while others’ seem long and discursive. If I speak for more than five minutes, please order me to exit, Mrs Laing.

Frankly, there has been a lot of hype about this Bill. We have had nearly 70 hours of debate on it, which is all very welcome, but there has also been a lot of hype. All this Bill does is put into our own law what was previously in EU law. It does not change how we leave the EU. Therefore, I for one welcome the spirit of compromise that seems to have broken out today. I welcome the fact that we are all going to vote, if there is a vote, for amendment 400 and for the original amendment 381 that put the date in the Bill. Perhaps we should have put the date in the Bill in the first place, because Brexit means Brexit, Brexit means that we are leaving the EU and Brexit means that we are leaving the EU on 29 March 2019. For all the hundreds of hours of debate, that is all that matters because we are obeying the instructions given to us by the British people.

I was slightly worried about amendment 400 when I was first told about it very kindly by the Whips Office over the weekend, but I listened to the Prime Minister’s assurance today that this measure would only be used to delay the exit date by a very short period, only in exceptional circumstances and only by an order subject to the affirmative resolution procedure. All that amendment 400 does is to ensure that this Bill—it will then be an Act—marches step by step in accord with our treaty obligations under article 50.

Make no mistake that, whatever amendment 7 says, it does not make much practical difference. The situation could, of course, be dealt with by simply withdrawing clause 9. The amendment prevents the Government from making preparatory orders, but it does not delay the process. I therefore welcome what the Minister has said today. He has been clear from the Dispatch Box—I say this to the hon. Member for Stretford and Urmston (Kate Green), who has just again repeated the question—that the Government are not seeking to subvert the will of the House of Commons as expressed last week. That is good for us leavers, as we are leavers because we believe passionately in the sovereignty of Parliament. I welcome the fact that we are having 60 hours of debate and that we will come back to debate the Bill in another week. I welcome the fact that more legislation will be
needed. The more Bills, the more motions, the more affirmative orders—I welcome them all, because we cannot reverse this process.

I say to my right hon. Friend the Member for Broxtowe (Anna Soubry) that, yes, there will be an implementation period. During that period, we will be law takers, not law givers. To that extent, we will be a colony of the EU. That is why it has to be a short period, and it is why—this is a firm policy of the Government and the firm view of the overwhelming majority of Conservative Members of Parliament—we will leave the single market and the customs union after that short implementation period. That does not necessarily mean that we will not be a member of a customs union or a single market, but we would not be a member of the regulatory single market, because if we were, we would not control our own borders.

I say to Members on the Government Front Bench, if they need any encouragement: I welcome the spirit of compromise today; I welcome the fact that we are going to be generous to EU citizens here and that we have made progress; and I welcome the fact that the Brexiteers are co-operating with every single compromise that the Government are prepared to make in order to take this process forward and ensure that we have a long and lasting friendship with our friends in Europe.

8.30 pm

Helen Goodman: I would like to speak first about a new clause 13, because, for my constituency, the customs union is absolutely vital. I have a lot of constituents involved in manufacturing—pharmaceuticals and the automotive industry, for example. On pharmaceuticals, I think Glaxo told the Health Committee yesterday that the cost it has already faced in making plans for how to deal with Brexit is £70 million. We keep asking Ministers for certainty, and there is none.

For farmers, this issue is also absolutely crucial. There is a big risk with the free trade agreements Conservative Members are arguing for that we get floods of cheap lamb imports coming in. That will destroy the uplands. It will destroy not just farming livelihoods but the British countryside.

On the automotive industry, my hon. Friends have spoken about the importance of having shared regulation. How do Conservative Members think the European Union will agree with them to have no tariffs if it thinks that we are going to compete on different regulatory standards? It is not going to agree that. Conservative Members need to get into the real world.

Let us look also at the scope for these new great, fantastic free trade agreements, taking New Zealand as an example. Its economy is the same size as the Greek economy. This is not some great, fabulous opportunity. All that the New Zealanders and the Australians want to do—whatever sentimentality people have about the Commonwealth—is to sell their agricultural produce into the British market.

Conservative Members were enthusiastic about the idea that they could do these deals quickly. In fact, because other parts of the world also have regional trading blocs, that is highly unlikely. Latin American countries, for example, belong to a regional trading block called Mercosur. They are going to be going at the pace of the slowest, not the fastest.

The reason why I think there is a distinction to be drawn between the customs union and the single market is the Irish border. Membership of the customs union is vital for the maintenance of the soft border, in a way that membership of the single market is not. That is because of the nature of free movement. What does free movement mean? It does not mean being able to go somewhere on holiday. It does not mean Schengen—we are not in Schengen now. Free movement means being able to have a job and to take part in the social security system elsewhere.

The way to deal with the free movement problem, which is undoubtedly the immigration problem that has been raised by our constituents on the doorsteps over the last two years, is to change the rules about who can work and who can be eligible for social security in this country; it is to stop giving out national insurance numbers like confetti, as we do at the moment. I am therefore pleased that we have had this separate moment to look at the customs union, and I hope that hon. Members will reflect more carefully on the great significance of the customs union for achieving what we want in Ireland.

I must say that I am not yet reassured by what the Minister said at the Dispatch Box about amendments 381 and 400. When amendment 7 was passed last week, there was a shift in power from the Executive to Parliament. With amendment 381, whether or not it is amended by amendment 400, we are seeing the Executive yank back control to set the exit date. What Ministers have not been able to explain to us this afternoon is what happens if the legislation under amendment 7 is not passed. They can still set the exit date.

I was going to say that Opposition Members see the Tory party as extremely unstable. We are not convinced that this Government, in their current form, will last the course. However, I could not say that nearly as fluently or as lucidly as the right hon. Member for Broxtowe (Anna Soubry) said it. She laid out the problems and the divisions far more fully than I ever could. But even if we do not look into the future, we can all be alarmed by what the Prime Minister said to the Liaison Committee this afternoon. That is why we cannot be confident in what this Government are doing and that is why amendments 381 and 400 fatally undermine amendment 7.

Huw Merriman: It is a great pleasure to speak in the last half hour of the 64 hours of the Committee stage of the EU (Withdrawal) Bill. I am absolutely delighted to speak in support of amendment 400. I congratulate my hon. Friend on putting it forward. We now have a position akin to article 50, whereby we leave no later than two years from the trigger date. We know when that date will be, but we retain the flexibility should it be required. That shows a great compromise across the House, demonstrating to us and to the public at large that we are capable of finding a way through where we had some discord previously.

I listened intently to the points made by Opposition Members about requiring the Government to honour their commitment on amendment 7. The Government have done so. I therefore ask all those Members that the rest of the Bill that has not been amended be honoured on that basis as well. I very much hope that they have accepted that reciprocal commitment.
I have sat through eight hours in this Committee, and the key thing that strikes me is the lack of optimism and ambition that I have heard. That in no way reflects the country at large, this being the day when it has been announced that, for the very first time, the UK ranks first in the Forbes annual survey of the best countries for doing business. If Forbes had been tuning into this debate, it may well have been wondering if it had got the right country.

The reality is that the world is changing. We must of course look for trade with our European partners. The Prime Minister has set out quite clearly that we want to continue to trade with mainland Europe and to purchase the goods that we have always purchased from it, and we will continue to do so. However, let us take Africa, for example. Germany and Spain have declining populations. Africa has 1.2 billion people at present; by 2050, that will have doubled to 2.4 billion. There are trade opportunities for us to take advantage of. Remaining inside the customs union, as new clause 13 would have it, would not allow us to take advantage of those opportunities.

Wes Streeting (Ilford North) (Lab) rose—

Huw Merriman: I will not give way because of the lack of time.

This also misses the point that we trade as part of the EU under WTO rules with a number of countries, such as the US, China, Hong Kong, Australia, Russia, and Saudi Arabia. To say that we cannot continue to trade with those countries under WTO rules when we already do so as part of the European Union misses the point.

I now come to the real point that I wish to make. During the referendum campaign, unlike many Members in this place I did not take a view. I chaired debates but I did not take any view. Instead, I listened to the arguments going on from both sides. I dare say that right hon. and hon. Members who took a view were not listening to both sides because they were so passionate about their own. I cannot remember any individual who wanted to leave the European Union arguing, “I fancy a bit of what Norway has got. I would like to leave the European Union and remain within the single market.” The customs union has also been mentioned in that context, but of course Norway is not part of the customs union. It is quite clear to most members of the public—it was certainly made clear by those on both sides of the argument—that the EU is effectively a brand. The substance of the EU is the single market and the customs union. If more people voted to leave the European Union than to remain, which was indeed the case, there is a very fair chance that those people knew what they were voting for, and certainly did not want to leave and then return through the back door, as many hon. Members have suggested.

This is the key part for me. I really believe—I put this respectfully—that many in this Chamber are seeking to re-engineer the arguments to get them on their side because they do not want to leave. Even though most of them voted to trigger article 50, so they have chosen to leave, they now want to redesign the terms. They are seeking to have the public on their side by asking, as the hon. Member for Bath (Wera Hobhouse) mentioned, that the public are asked what they think—as if we have a spreadsheet big enough for that. The reality is that the majority of the public have voted to leave. They now look to the Executive to lead the negotiations, and they look to Parliament to support the negotiations and provide scrutiny, as it is doing. Ultimately, they want us to get on with the job and to be optimistic and ambitious about the future of this country, rather than sitting on our hands.

Peter Grant: I am grateful for the chance to contribute to tonight’s debate. First, I will deal with new clause 56, which is in my name and those of many other hon. and right hon. Members from across the House. I am grateful to everybody who supported the new clause, which is designed to give legislative certainty to the people and businesses of Gibraltar. Having heard the Minister’s comments—a long, long time ago now—my understanding is that the Government of Gibraltar are happy that the assurances they have been given provide the certainty they are looking for. On that basis, I do not intend to press the new clause to a vote, but I want to reserve the ability to bring it back at a later stage should the position of the Government of Gibraltar change.

We have heard a lot this afternoon and tonight about the wonderful opportunities for trade that await the United Kingdom if we leave the customs union and the single market. I welcome the fact that although the Minister repeatedly said that we would be leaving the customs union and the single market, he did not say—I listened very carefully—that we had to do so. He did not say that it was impossible to remain in either or both when we leave the European Union, even though a lot of people on the Brexit side have said that. That is simply not true; it is perfectly possible to leave the European Union without leaving those two trading agreements. The Government’s decision to leave them is purely political and it was not part of the referendum, despite what some people say. It is not yet too late for the Government to accept that that is a catastrophically bad political decision and that it should be reversed, even if doing so would come at a high political cost for some.

Earlier, we heard the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) justifying the need to leave the single market because the losing side in the referendum said that we had to. I am quite happy to go through some of the things that were in the losing Conservative manifesto in Scotland about what would happen if people voted SNP. If we are going to be bound by the promises that the losing side made, the SNP is in for a bit of a field day.

I still find it astonishing that there are Labour Members looking for a complete exit from the European Union. Only today, the Court of Justice of the European Union delivered a massive victory to Uber drivers and workers by ruling that Uber is a taxi business—surprise, surprise; that is what it is. The ruling has given Uber drivers massively better employment protection than they would have had without it. I cannot believe that any Labour Member would argue to remove those drivers from the protection of the European Court and leave their employment rights at the mercy of a Conservative Government, but that is what at least one Labour Member, the hon. Member for Vauxhall (Kate Hoey), argued for just now. I know that she is very much in the minority in her party, but I am astonished that a Labour Member can express such views.
The same hon. Member commented on how much of the UK’s trade is done outside the European Union. She forgot to mention that if we include the trade that relies on trade deals that the European Union has already made with big trading nations, more than 60% of the UK’s trade effectively depends on the European Union. When we build in the trade deals that the European Union is in the process of finalising, the figure increases to 88%. In other words, in a couple of years’ time, 12% of the United Kingdom’s overseas trade will not depend on our membership of the European Union. Twelve per cent of our trade will probably be guaranteed, but the other 88% is up for grabs. Believe me, a lot of other trading nations will be very keen to nibble away at that 88%.

I want to comment on the confusion of the hon. Member for Edinburgh South (Ian Murray). His stamina also seems to have deserted him, although I cannot say that I blame him. He said tonight, as he has said on several occasions, that he cannot understand the contradiction between the Government’s statement that we can have free, open and easy trade across international borders, and their insistence in the run-up to the independence referendum in Scotland—where, by his own admission, he shared a platform with some people who are now on the Conservative Benches—that that would not be possible.

I can put the hon. Gentleman out of his misery. There is no inconsistency. What the Government are saying now is correct, and what they and he said in 2014 was complete and utter rubbish. There is absolutely no need, in today’s modern world, for an international border to be anything more than a line that demarcates the jurisdictions of different Parliaments, Governments and courts. That is how international borders are seen all over western Europe, and that is the kind of international border we should be seeking. It will be difficult if not impossible to maintain open borders, even the open border we want to maintain across the island of Ireland. It will be difficult to deliver what the people of Northern Ireland so desperately want to maintain if we leave the customs union and the single market.

8.45 pm

By drawing red lines on decisions about the customs union and the single market, which were not part of the referendum question, the Government have significantly and, I think, disastrously restricted their ability to come up with solutions in relation to trade across the channel, cross-border issues in Northern Ireland and so many of the headaches now facing the United Kingdom that could have been and might still be achieved if the Government would just have the humility to say that they got it wrong.

Let us remember that this Government were in the Supreme Court this time last year trying to prevent this supposedly sovereign Parliament from having a say on article 50, and they suffered a humiliating defeat. Last week, they were in the Chamber trying to prevent this so-called sovereign Parliament from having a say on the final deal, and they suffered a humiliating defeat. The Prime Minister called an unnecessary election to increase her majority, and she suffered a humiliating setback. Surely the lesson of the past 12 months is that the Government need to learn some humility. As regards the customs union and the single market, why do they not just fess up that they got it wrong and then put this right before it is too late?

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): I call Suella Fernandes.

Huw Merriman: Last again.

Suella Fernandes (Fareham) (Con): Saving the best till last, perhaps.

I rise to speak in favour of amendment 400, to which I am proud to have put my name. I applaud the constructive efforts and sincere energies invested in the amendment by right hon. and hon. Members across the Brexit divide, uniting our party and working in collaboration with the Government to improve the Bill and to reflect the genuine concerns voiced during that process. I pay tribute to the Front Bench team and the civil servants, as well as all those who have contributed to enriching the passage of the Bill during the extensive opportunities we have had for scrutiny, debate and discussion.

Amendment 400 represents a very sensible and pragmatic way forward in resolving some of the concerns raised. It provides legal certainty because, by placing the exit date in the Bill, we will have confirmed the time and date when the UK will be leaving the EU in accordance with article 50. It will ensure that the operative provisions of clauses 1 to 6 apply from that date, and it avoids a potential failure in the construction of clause 3 in that, if exit day was later than 29 March 2019, the conversion of direct EU legislation might fail. That is because clause 3(1) applies to such legislation only in “so far as operative immediately before exit day”, but that legislation will cease to be operative when we leave the EU in accordance with article 50. It also limits ministerial discretion, which, after all, is to some extent what Brexit is about. Brexit is about restoring power to Parliament and about giving elected representatives a say. Finally, the amendment complements those two objectives by providing a degree of flexibility on the exit day. The Prime Minister confirmed earlier today that the date might be changed only in exceptional circumstances and for a short amount of extra time.

I want to comment on the Bill more generally. I think that 2017 has been an extraordinarily successful year for Brexit. The Government have triggered article 50, supported by a convincing and large majority of this House. The Prime Minister has moved us on to phase 2 of the negotiations, and we are now at the point of discussing the exciting and new opportunities for future trade. The Bill has also been very successful in its passage.

I want to emphasise the fact that we are making progress. Everybody here in this House has been entrusted with the instruction from the British people to deliver Brexit. We want a smooth and a meaningful Brexit. That is an honour and it is also a duty. The British people are watching, and the world is watching. They might not be interested in the technicalities of constitutional law, or know exactly what the common commercial policy means, but they want us to get on with the job, and to do otherwise would be a gross betrayal of that duty.

We have to talk up the opportunities. We are the sixth-largest economy in the world. We have the world’s language. We are leaders of the Commonwealth. We have a legal system emulated around the world.
parliamentary system envied by other countries, and financial services that are unrivalled. Britain will succeed after Brexit, and we have to find ways in which we can deliver Brexit, not reasons why we cannot.

Angela Smith: I wish to speak briefly, as chair of the all-party group on the chemical industries, to new clause 61, tabled by my hon. Friend the Member for Wakefield (Mary Creagh). I am not going to rehearse the arguments that she has already made; she gave an incredibly strong account of why we should stay within REACH. It suffices only to say that the chemicals industry does not want to see any drop in regulatory standards. It wants to stay within REACH, for obvious reasons, not least because it wants a smooth transition post-Brexit, and staying within REACH makes sense in that regard. When an industry as big and as important to our export profile as chemicals is so vociferous in its argument that it wants to stay within REACH, this House and every Member of this House should take notice and think very carefully about how they proceed on that point.

The remaining comments I want to make are on new clause 13. It really saddens me to say this, but I am very sad to see those on my own Front Bench making an argument about new clause 13 that I believe to be erroneous. Their argument tonight has been—on paper, if not on the Floor of the House—that the clause actually ties us into the customs union. Nothing could be further from the truth. My hon. Friend the Member for Nottingham East (Mr Leslie) made it absolutely clear that this clause is about making sure that the option of staying in the customs union is not taken off the table.

I shall not go into all the various arguments that have been made, because we have not got time, but I do want to ask every Member of this House, particularly my colleagues, to bear in mind the importance of not ruling out membership of the customs union. Voting for the new clause tonight will be an act of conscience that will send a powerful signal to the country and the Government that we understand the importance, potentially, of the customs union and the importance of giving the Government the strongest possible negotiating position when it comes to that regulatory alignment that we have heard so much about in recent days.

On Ireland—I will finish on this point—my hon. Friend the Member for Nottingham East made the case about avoiding a hard border between Northern Ireland and southern Ireland, and made the point that that is one of the key reasons why this new clause, and the potential for staying in the customs union, is so important.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. We have hardly any time left. Ireland was debated last week.

Angela Smith: The right hon. and learned Member for Rushcliffe (Mr Clarke) and my hon. Friend the Member for Nottingham East said that Ireland raised the point about the customs union and the hard border. That is why it is relevant to this clause. It is about trade between those two countries—the UK and the Republic. The point is that it is also about avoiding the hard border in relation to our other, very important, relationships with Ireland.

I ask every Member of this House to bear in mind the emotional and powerful speech made last week by our right hon. Friend the Member for North Down (Lady Hermon). It is really important that we remember those days when the hard border between the two countries, and the troubles, delivered so much devastation, hatred and agony to the people of Northern Ireland. On those grounds alone, I ask people to support new clause 13 tonight, and I ask Members on the Opposition Benches, including Members of my own party, to support the new clause, because to do so is in the interests of the country and in the interests particularly of our friends in Northern Ireland.

Joanna Cherry: I rise to speak to new clause 44, which is in my name and those of a number of Opposition Members, and was moved by my hon. Friend the Member for North East Fife (Stephen Gethins).

This very important new clause would require the Government, a year after the Bill is passed, to prepare an independent evaluation of the Act in respect of the health and social care sector across the UK, after consulting with the devolved Governments. As well as cross-party support on the Opposition Benches—I am very grateful for the support of the Labour party and others—it has the support of 57 organisations that work in the sector. It was inspired by the Camphill movement, which will be familiar to many Members. It has a base in my constituency, in Tiphereth in the Pentland hills. The movement has been inspiring people to realise the potential of those with learning and other disabilities for many years. Camphill has many bases across Scotland. I very much hope Scottish Conservative MPs who have a base in their constituency will support the new clause, because it is not about stopping Brexit or confounding the Bill but about measuring the impact of the Act on employment and funding in the health and social care sector.

I am delighted that so many organisations across the United Kingdom have lent their support to new clause 44. I say to those on the Government Front Bench that tonight there are many people across the UK watching from the 57 organisations in the health and social care sector. They were watching earlier at Prime Minister’s questions when the Prime Minister told us how much healthcare matters to her and how dear the NHS is to her. I ask them to remember that many, many EU nationals work in the health and social care sector. I very much hope Scottish Conservative MPs who have a base in their constituency will support the new clause, because it is not about stopping Brexit or confounding the Bill but about measuring the impact of the Act on employment and funding in the health and social care sector.

I ask the Government to set party politics aside for once and support the new clause. I ask them to look at the list of 57 organisations who support it—many Government Members will have them in their constituencies—because they want to know about the impact of the Act on the health and social care sector. All the new clause asks the Government to do is commission an independent evaluation of the Act’s impact on the sector.

There are many political things I could say about the Bill, but I am not going to say them this evening. With an eye on the Prime Minister, I am going to appeal to the Government’s decency—for the record, I say to the many organisations watching tonight that I am sorry I have so little time—and ask them to throw party politics
aside for once. Give us something out of the Bill and support the new clause. It has cross-party support on the Opposition Benches and support across the nations of these islands.

Stephen Kinnock: I raise to support amendment 43. Hon. Members will know that this year marks the 150th anniversary of Walter Bagehot’s “The English Constitution”. At the heart of Bagehot’s masterpiece is the definition of the expressive function of this place, meaning that it is our duty as parliamentarians to express the mind of the people on all matters that come before it.

Amendments 381 and 400 are a betrayal of the expressive function of this House. They are a silent coup d'état masquerading as a technical necessity, so before we go through the Division Lobby this evening, let us reflect on what Bagehot would think of them, and of the Government’s behaviour throughout this process. The fact is that he would be appalled. He would be appalled at the attempt to sideline Parliament on the most important issue that has faced our country since the second world war, and he would be appalled by the direct assault on the expressive function of this place.

There is, however, a broader point that goes to the heart of our political culture. Bagehot always believed, and I have always agreed with him, that Britain is a land of common sense, compromise and realism, but the Brexit referendum has replaced moderation with division and realism with dogma. I say that the wild men of Brexit have been allowed to drive this debate for too long. I say that amendment 43 represents an opportunity for us in this House this evening to take back control in the name of the Government’s behaviour throughout this process.

As the months go by and the Government’s legitimacy for implementing their version of Brexit becomes less and less legitimate, obeying the will of the people becomes the last remaining legitimacy, but nobody bothers to find out what the will of the people is now. Indeed, the last to be asked are the people themselves. Hon. Members are right to say that Britain is a parliamentary democracy, but now we have had a referendum, there is no obvious mechanism for updating, confirming or reviewing the referendum result. The 2017 general election provided no mandate for overturning the referendum result. It is obvious that 650 MPs cannot update, confirm or review the decision taken by 33 million people, but the people themselves can, and the people themselves should be allowed to change their minds, in either direction.

There are people now who voted remain who feel that the decision has been taken and the Government should get on with it. There are others who voted leave who fear that they will be let down by politicians who have used them for their own ends. The will of the people is a mixed bag. The Government are legislating for a Brexit in the name of the people. Their problem is that they might find themselves pressing ahead without the people’s consent. Last week, Parliament voted to give itself a vote on the deal. This was a welcome step forward, but what started with the people must end with the people. The people must sign off or reject the deal. Only the people can finish what the people have started.

Alex Cunningham (Stockton North) (Lab): I rise to speak to new clause 61. CF Fertilisers owns Britain’s only two complexes still making fertilisers in this country. Its comments are simple enough. David Hopkins writes:

“Right across the country, the chemical industry has made a huge investment into REACH compliance. It is not perfect – far from it. It is however becoming an international standard, and our compliance with – and involvement in – such a regulation is essential in enabling us to continue trading effectively across border, both from an import point of view but much more significantly from an export perspective.”

Neil Hollis of BASF says:

“BASF does not take a rigid view on whether REACH is the best possible regulation for current and new chemicals, but it is established, tested and most importantly, a requirement for selling chemicals within the EU. Regardless of what model of Brexit any of us prefer, that isn’t going to change...Our supply chains, operating between ten UK manufacturing plants, and many more across Europe, require clarity that materials can be legally processed and sold, in transition, and after the UK has left the EU.”

Philip Bailey, general manager of Lucite International, reminds me of the investment that takes place in my constituency. He says:

“We have many concerns about the implications of Brexit on our ability to trade effectively and competitively within the EU, where we export 60-70% of our products.”

The Chemical Industries Association reminds us that UK companies hold 6,364 registrations covering 2,563 substances. In that respect, the UK is second only to Germany. The association says:

“The UK Government’s decision to leave the single market will have significant implications.”

On Monday I raised the issue directly with the Prime Minister after her EU summit speech. I asked whether she could offer some reassurance to the chemical companies that the registration, evaluation, authorisation and restriction of chemicals regulation would apply after we left the EU and beyond the implementation phase.
[Alex Cunningham]

Sadly, she had no such reassurance to give, dismissing my concerns and those of the industry as just another area for negotiators to talk about. This is about so much more than that. The very future of our chemical industry is at stake. I fear that if we do not retain a system that enables our chemical companies to remain within REACH, some of the forward planning that we hear about will not be for the UK; it will be for elsewhere, and we will pay for that in terms of investment and jobs.

For Teeside, which leads the world in so many ways in chemicals, the outcome could be particularly bad. We need Ministers to spell out very specifically how the UK will ensure that our chemical companies have the business environment and associated regulations that will guarantee their future trade.

Geraint Davies: I rise to support amendment 120, which would give the people the final say.

People whom I meet in Swansea who voted in good faith to leave the EU on the basis of more money, market access and less migration, and to take control, are saying to me now, “This is not what I voted for.” They were told by the Foreign Secretary that they would have £350 million a week more for the NHS. The Financial Times has just told us that we will lose £350 million a week. The London School of Economics has told us that inflation is 1.7% higher than it would have otherwise, at 2.7%.

The average worker is losing a week’s wages every year thanks to this decision. That is not what people voted for. They are told that they will have to pay a £40 billion divorce bill—£1,000 for every family. That is not what they voted for. In 2015, they were told by the Conservatives that we would be part of the single market, which we may not be. We are haemorrhaging jobs as various institutions relocate. That is not what people voted for. They were told that they would take back control, but it is clear from clause 9 of this shoddy Bill that Ministers are still seeking to take powers—Henry VIII powers—to change things as they think appropriate. That is not what people voted for.

There are Members who seem to assume implicitly that nothing has changed, but the latest polling by Survation shows that half the people want a referendum on the exit package and only a third do not. What is more, 51% of people want to stay in the European Union and 41% now want to leave. The facts are changing, and as Keynes said:

“When the facts change, I change my mind. What do you do, sir?”

I think that we have a democratic duty to give people the final say. I predict that this Christmas, as families throughout Britain come together to talk about the issue, the leavers will be saying, “Actually, I will think again”, and the remainers will be saying, “I will stay where I am.” There has been a shift, and we need to reflect that. The great majority of politicians here know that it is bad for Britain to leave, yet they are going ahead with it although the majority of people have woken up to the fact that it is not in their interests. It is an absolute democratic disgrace that we are pushing it forward in this absurd way. My prediction is that there will be a final-say referendum at the end of next year, and that we will step back from the precipice.

Mr Leslie: This is an incredibly important Bill. New clause 13 would keep open the option for the United Kingdom to stay in the customs union, which is something I hope particularly my hon. Friends will support. We must avoid that hard border, particularly between the Republic of Ireland and Northern Ireland. We do not want our manufacturing industry to be turned upside down, given all the jobs at stake and the potential of Brexit austerity hitting our constituents for years to come. I do not want that on my conscience. We have to act now, which is why I shall press new clause 13 to a Division.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 114, Noes 320.

Division No. 81 [9.9 pm]

AYES

Ali, Rushanara
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Blackford, rh Ian
Blackman, Kirsty
Bradshaw, rh Mr Ben
Brake, rh Tom
Brock, Deidre
Brown, Alan
Bryant, Chris
Buck, Ms Karen
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Cherry, Joanna
Clarke, rh Mr Kenneth
Chwyd, rh Ann
Coffey, Ann
Cowen, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
Davies, Geraint
Day, Martyn
Docherty-Hughes, Martin
Eagle, Maria
Edwards, Jonathan
Ellman, Mrs Louise
Farrelly, Paul
Farron, Tim
Flynn, Paul
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Grogan, John
Hayes, Helen
Hendry, Drew
Hempton, Lady
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hosie, Stewart
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Jones, Susan Elan
Kendall, Liz
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Law, Chris
Leslie, Mr Chris
Linden, David
Lucas, Caroline
MacNeil, Angus Brendan
Malhotra, Seema
Mc Nally, John
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Murray, Ian
Newlands, Gavin
O’Hara, Brendan
Owen, Albert
Reeves, Ellie
Reeves, Rachel
Ryan, rh Joan
Saville Roberts, Liz
Sheerman, Mr Barry
Sheppard, Tommy
Shuker, Mr Gavin
Siddiq, Tulip
Slaughter, Andy
Smith, Angela
Sobel, Alex
Soubry, rh Anna
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeling, Wes
Swinson, Jo
Thewlis, Alison
Thomas, Gareth
Timms, rh Stephen
Tellers for the Ayes:  
Stephen Doughty and  
Heidi Alexander

NOES

Adams, Nigel  
Afolami, Bim  
Afriyie, Adam  
Aldous, Peter  
Allan, Lucy  
Allen, Heidi  
Andrew, Stuart  
Arger, Edward  
Atkins, Victoria  
Bacon, Mr Richard  
Badenoch, Mrs Kemi  
Baker, Mr Steve  
Baldwin, Harriett  
Barclay, Stephen  
Baron, Mr John  
Bebb, Guto  
Bellingham, Sir Henry  
Benyon, rh James  
Berkeley, Sir Paul  
Berry, Jake  
Blackman, Bob  
Blunt, Crispin  
Boles, Nick  
Bone, Mr Peter  
Bottomley, Sir Peter  
Bowie, Andrew  
Bradley, Ben  
Bradley, rh Karen  
Brady, Mr Graham  
Breereton, Jack  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, rh James  
Bruce, Fiona  
Buckland, Robert  
Burghart, Alex  
Burns, Conor  
Burt, rh Alistair  
Cairns, rh Alun  
Campbell, Mr Gregory  
Cartidge, James  
Cash, Sir William  
Caulfield, Maria  
Chalk, Alex  
Chishti, Rehman  
Chope, Mr Christopher  
Churchill, Jo  
Clark, Colin  
Clark, rh Greg  
Clarke, Mr Simon  
Cleverly, James  
Clifton-Brown, Geoffrey  
Coffey, Dr Thérése  
Collins, Damian  
Costa, Alberto  
Courts, Robert  
Cox, Mr Geoffrey  
Crabb, rh Stephen  
Crouch, Tracey  
Davies, Chris  
Davies, David T. C.  
Davies, Glynn  
Wishart, Pete  
Woodcock, John  
Zeichner, Daniel  
Davies, Mims  
Davies, Philip  
Davis, rh Mr David  
Dinenna, Caroline  
Djanogly, Mr Jonathan  
Docherty, Leo  
Dodds, rh Nigel  
Donaldson, rh Sir Jeffrey M.  
Donelan, Michelle  
Durries, Ms Nadine  
Double, Steve  
Dowden, Oliver  
Doyle-Price, Jackie  
Drax, Richard  
Duddridge, James  
Duguid, David  
Duncan, rh Sir Alan  
Duncan Smith, rh Mr Iain  
Dunne, Mr Philip  
Ellis, Michael  
Ellwood, rh Mr Tobias  
Eustice, George  
Evans, rh Ms Nigel  
Evennett, rh David  
Fabricant, Michael  
Fallon, rh Sir Michael  
Fernandes, Suella  
Field, rh Frank  
Field, rh Mark  
Ford, Vicky  
Foster, Kevin  
Fox, rh Dr Liam  
Francois, rh Mr Mark  
Frazier, Lucy  
Freeman, George  
Freer, Mike  
Fysh, rh Mr Marcus  
Gale, Sir Roger  
Garnier, Mark  
Gauge, rh Mr David  
Ghani, Ms Nusrat  
Gibb, rh Nick  
Gillan, rh Mrs Cheryl  
Girvan, Paul  
Glen, John  
Goldsmith, Zac  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Luke  
Graham, Richard  
Grant, Bill  
Grant, Mrs Helen  
Gray, James  
Grayling, rh Chris  
Green, Chris  
Greening, rh Justine  
Grieve, rh Mr Dominic  
Griffiths, Andrew  
Gyimah, Mr Sam  
Hair, Kirstene  
Halfon, rh Robert  
Hall, Luke  
Hammond, rh Mr Philip  
Hammond, Stephen  
Hancock, rh Matt  
Hands, rh Greg  
Harper, rh Mr Mark  
Harrington, Richard  
Harris, Rebecca  
Harrison, Trudy  
Hart, Simon  
Hayes, rh Mr John  
Heald, rh Sir Oliver  
Heappye, James  
Heaton-Harris, Chris  
Heaton-Jones, Peter  
Henderson, Gordon  
Herbert, rh Nick  
Hinds, Damian  
Hoare, Simon  
Hoey, Kate  
Hollingbery, George  
Hollinsrake, Kevin  
Hollobone, rh Mr Philip  
Holloway, Adam  
Hopkins, Kelvin  
Howell, John  
Hudleston, Nigel  
Hughes, Eddie  
Hunt, rh Mr Jeremy  
Hurd, rh Mr Nick  
Jack, rh Mr Alister  
James, Margot  
Javid, rh Sajid  
Jayawardena, Mr Ranil  
Jenkin, Mr Bernard  
Jenrick, Robert  
Johnson, rh Boris  
Johnson, Dr Caroline  
Johnson, Gareth  
Johnson, Joseph  
Jones, Andrew  
Jones, rh Mr David  
Jones, rh Mr Marcus  
Kawczynski, Daniel  
Keegan, Gillian  
Kennedy, Seema  
Kerr, Stephen  
Knight, rh Sir Greg  
Knight, Julian  
Kwarteng, Kwasi  
Lamont, John  
Lancaster, Mark  
Latham, rh Mrs Pauline  
Leadsom, rh Andrea  
Lee, Dr Phillip  
Lefroy, Jeremy  
Leigh, Sir Edward  
Letwin, rh Sir Oliver  
Lewer, Andrew  
Lewis, rh Brandon  
Lewis, rh Dr Julian  
Liddell-Grainger, Mr Ian  
Lidington, rh Mr David  
Little Pengelly, Emma  
Lopez, Julia  
Lopresti, Jack  
Lord, Mr Jonathan  
Loughton, Tim  
Mackinlay, Craig  
Maclean, Rachel  
Main, Mrs Anne  
Mak, Alan  
Malthouse, Kit  
Mann, Scott  
Masterton, Paul  
May, rh Mrs Theresa  
Maynard, Paul  
McLoughlin, rh Sir Patrick  
McPartland, Stephen  
McVey, rh Ms Esther  
Menzies, Mark  
Mercer, Johnny  
Merriman, Huw  
Metcalfe, Stephen  
Miller, rh Mrs Maria  
Milling, Amanda  
Mills, Nigel  
Milton, rh Anne  
Mitchell, rh Mr Andrew  
Moore, Damien  
Mordaunt, rh Penny  
Morgan, rh Nicky  
Morris, Anne Marie  
Morris, David  
Morris, James  
Morton, Wendy  
Mundell, rh David  
Murray, Mrs Sheryl  
Murrison, Dr Andrew  
Neill, Robert  
Newton, Sarah  
Nokes, Caroline  
Norman, Jesse  
O'Brien, Neil  
Offord, Dr Matthew  
Opperman, Guy  
Paisley, Ian  
Parish, Neil  
Patel, rh Priti  
Paterson, rh Mr Owen  
Pawsey, Mark  
Penning, rh Sir Mike  
Penrose, John  
Percy, Andrew  
Perry, Claire  
Philp, Chris  
Pincher, Christopher  
Pow, Rebecca  
Prentis, Victoria  
Prisk, Mr Mark  
Pritchard, Mark  
Pursglove, Tom  
Quin, Jeremy  
Quince, Will  
Raab, Dominic  
Redwood, rh John  
Rees-Mogg, Mr Jacob  
Robertson, Mr Laurence  
Robinson, Gavin  
Robinson, Mr Mary  
Rosindell, Andrew  
Ross, Douglas  
Rowley, Lee  
Rudd, rh Amber  
Rutley, David  
Sandsbach, Antoinette  
Scully, Paul  
Seely, Mr Bob  
Selous, Andrew  
Shannon, Jim  
Shapps, rh Grant  
Sharma, Alok  
Sheelbrooke, Alec  
Simpson, David  
Simpson, rh Mr Keith
9.22 pm

More than eight hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 14

INTERPRETATION

Amendments proposed: 381, in clause 14, page 10, line 25 leave out from “means” to “(and” in line 26 and insert “29 March 2019 at 11.00 p.m.”

This amendment removes the power for a Minister of the Crown to appoint exit day by regulations and ensures that exit day is fixed at 29 March 2019 at 11.00 p.m. for all purposes.

Amendment 399, page 10, line 26, leave out “subsection (2)” and insert “subsections (2) to (2C)”.

This amendment is consequential on amendment 400 and signposts, “subsection (2)” and insert “subsections (2) to (2C)”.

Question put (single Question on amendments moved by a Minister of the Crown), That amendments 381 and 399 be made.—(Mr Baker.)

The Committee divided: Ayes 319, Noes 294.

Division No. 82 [9.23 pm]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Caufield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, rh Mr Gregory
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Lyn
Davies, Mims
Davies, Philip
Davies, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Frank
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gymah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
HoeY, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, rh Alister
James, Margot
Javid, rh Sayid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordant, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pown, Rebecca
Prestis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Purseglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Roshidia, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shebrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, rh Royston
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sukh, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Sym, rh Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tilhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Wating, Giles
Whatley, Helen
Whittingdale, rh Mr John
Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniuzzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, rh Clive
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Bradford, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, Mr Ali
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clwyd, rh Ann
Coaker, Veronica
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creegh, Mary
Creasy, Stella
Crudaas, Jon
Cryer, John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Mrs Heather Wheeler and Craig Whittaker

NOES
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tammanjeet Singh
Dochez-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flinn, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Fris, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Gillond, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Amendments 381 and 399 agreed to.

A yes 295, Noes 318.

**Question put.** That the amendment be made.

**The Committee divided.** Ayes 295, Noes 318.

**AYES**

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzii, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman-Kristy
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Caddby, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan

**Tellers for the Ayes:**

Nic Dakin and
Thangam Debbonaire

**Question accordingly agreed to.**

Amendments 381 and 399 agreed to.

**Amendment proposed:** 349, page 10, line 46, leave out “for a term of more than 2 years” — (Paul Blomfield.)

This amendment would prevent Ministers using delegated powers to create criminal offences which carry custodial sentences.

**Question put.** That the amendment be made.
Kane, Mike
Jones, Susan Elan
Jones, Sarah
Jones, Mr Kevan
Jones, Gerald
Jones, Darren
Johnson, Diana
Jarvis, Mr George
Harrington, Emma
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frisby, James
Furness, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Gibbons, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffiths, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Homes
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinocks, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, Mr David
Lavery, Ian
Law, Chris
Lee, Mr Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mans, Ben
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonald, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.<p>&gt;
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
Moloney, Liz
Mckinnell, Catherine
McMahon, Jim
McMorran, Anna
Mears, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Graham
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamar, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pickford, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyne, Lloyd
Ryan, rh Joanne
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, rh Keith
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Nic Dakin and
Thangam Debbonaire

NOES

Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Breerton, Jack

NOES

Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
(2) Amendments made: 382, page 11, line 24, leave out “Act” to end of line 32 and insert “United Kingdom’s withdrawal from the EU.

This amendment is consequential on amendment 381 and ensures references to exit day in the Bill and other legislation operate correctly in relation to the time as well as the date of the United Kingdom’s withdrawal from the EU.

Question accordingly negatived.

Tellers for the Noes: Mrs Heather Wheeler and Craig Whittaker

Endings
Amendment 400, page 11, line 32, at end insert—

“(2A) Subsection (2B) applies if the day or time on or at which the Treaties are to cease to apply to the United Kingdom in accordance with Article 50(3) of the Treaty on European Union is different from that specified in the definition of “exit day” in subsection (1).

(2B) A Minister of the Crown may by regulations—

(a) amend the definition of “exit day” in subsection (1) to ensure that the day and time specified in the definition are the day and time that the Treaties are to cease to apply to the United Kingdom, and
(b) amend subsection (2) in consequence of any such amendment.

(2C) In subsections (2A) and (2B) “the Treaties” means the Treaty on European Union and the Treaty on the Functioning of the European Union.—(Mr Baker.)

This amendment confers power on a Minister of the Crown to amend the definition of “exit day” in Clause 14(1) if the day or time on or at which the United Kingdom ceases to be a member of the EU is different from that specified in the definition. There is also power to amend Clause 14(2) in consequence of amending the definition of “exit day”.

Clause 14, as amended, ordered to stand part of the Bill.

Schedule 6 agreed to.

New Clause 44

DUTY TO MAKE ARRANGEMENTS FOR AN INDEPENDENT EVALUATION: HEALTH AND SOCIAL CARE

'(1) No later than 1 year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.

(2) The evaluation carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, must analyse and assess—

(a) the effects of this Act on the funding of the health and social care sector;
(b) the effects of this Act on the health and social care workforce;
(c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and
(d) any other such matters relevant to the impact of this Act upon the health and care sector.

(3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—

(a) the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department;
(b) providers of health and social care services;
(c) individuals requiring health and social care services;
(d) organisations working for and on behalf of individuals requiring health and social care services; and
(e) any persons whom the Secretary of State deems relevant.

(4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before Parliament.'—(Joanna Cherry.)

This new clause would require an independent evaluation of the impact of the Act upon the health and social care sector to be made after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department, service providers, those requiring health and social care services, and others.

Brought up.

Question put, That the clause be added to the Bill.
Hosie, Stewart
Hopkins, Kelvin
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Keven
Jones, Sarah
Jones, Susan Eian
Kane, Mike
Keeley, Barbara
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart
Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mears, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Graham
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellis
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodd, Matt
Rowley, Daniellle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Sawstud Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sheriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snel, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, rh Mr Paul
Swinson, Jo
Tami, Mark
Thewiss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thomberry, rh Emily
Timms, rh Stephen
Tricket, Jilan
Turley, Anna
Turner, Karl
Adams, Nigel
Af olan, Bim
Afryle, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Mr Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, rh Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bretton, Jack
Bridgen, Andrew
Brine, Steve
Brookeshire, rh James
Browne, Fiona
Burke, Ian
Burkland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Reham
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleavey, James
Clifton-Brown, Geoffrey
Coffey, Dr Therese
Collins, Damian
Costa, Alberto
Courts, Robert
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes: Patricia Gibson and David Linden

NOES

Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djungle, Mr Jonathan
Docherthy, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Downing, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nasratt
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
New Clause 54

**IMPLEMENTATION AND TRANSITION**

‘(1) Her Majesty’s Government shall seek to secure a transition agreement of not less than two years in duration, during which—

(a) access between EU and UK markets should continue on the terms existing prior to exit day,

(b) the structures of EU rules and regulations existing prior to exit day shall be maintained,

(c) the UK and EU shall continue to take part in the level of security cooperation existing prior to exit day,

(d) new processes and systems to underpin the future partnership between the EU and UK can be satisfactorily implemented, including a new immigration system and new regulatory arrangements,

(e) financial commitments made by the United Kingdom during the course of UK membership of the EU shall be honoured.

(2) No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal agreements between the UK and the European Union.’—(Mr Kenneth Clarke.)

This new clause would ensure that the objectives set out by the Prime Minister in her Florence speech are given the force of law and, if no implementation and transition period is achieved in negotiations, then exit day may not be triggered by a Minister of the Crown. The appointment of an ‘exit day’ would therefore require a fresh Act of Parliament in such circumstances.

**Brought up.**

**Question put, That the clause be added to the Bill.**
The Committee divided: Ayes 296, Noes 316.

Division No. 85] [10.5 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Ca务必, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, rh Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambo
Cheru, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Crown, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Craddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, rh Mr Jim
Dakin, Nick
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kilien, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marased, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mears, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morriss, Graeme
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O’Hara, Brenda
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Piddock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruang, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherrard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Soubry, rh Anna
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thelwa, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Clause 15

Amendment made: 401, page 12, line 37, leave out “and (2)” and insert “to (2C)” — (Mr Baker.)

This amendment is consequential on amendment 400 and ensures that the definition of “exit day” and related expressions in the definitions of “The Treaties” and “the EU Treaties” which are being inserted into Schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) refers to the new subsections which are being inserted into Clause 14 by amendment 400.

Amendment proposed: 120, page 14, line 40, leave out subsection (2) and insert —

“(2) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum.”

(Tom Brake.)

This amendment is intended to ensure that before March 2019 (or the end of any extension to the two-year negotiation period) a referendum on the terms of the deal has to be held and provides the text of the referendum question.

Question put. That the amendment be made.

The Committee divided: Ayes 23, Noes 319.

Division No. 86] [10.19 pm

AYES

Bradshaw, rh Mr Ben
Brake, rh Tom
Cable, rh Sir Vince
Clwyd, rh Ann
Davey, rh Sir Edward
Davies, Geraint
Edwards, Jonathan
Farron, Tim
Fylnn, Paul
Godsiff, Mr Roger
Hayes, Helen
Hobhouse, Wera
Jardine, Christine

Tellers for the Ayes: Mrs Heather Wheeler and Craig Whittaker

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward

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Question put. That the amendment be made.

The Committee divided: Ayes 23, Noes 319.
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin

Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and
Craig Whittaker

Question accordingly negatived.
Clause 19 ordered to stand part of the Bill.
The Deputy Speaker resumed the Chair.
Bill, as amended, reported (Standing Order No. 83D(6)).
Bill to be considered tomorrow.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): On a point of order, Madam Deputy Speaker. Is the position of the Secretary of State for Exiting the European Union now untenable? He said that he would resign if the former Deputy Prime Minister was forced out.

Have you received any indication, Madam Deputy Speaker, that the former Deputy Prime Minister will come to the House and correct the misleading statement that he made to us?

Madam Deputy Speaker (Mrs Eleanor Laing): Order. That is simply not a point of order. We are dealing with serious business here, and it needs no further comment from me.

Business without Debate

COMMITTEE ON STANDARDS

Ordered,
That Simon Hart be discharged from the Committee on Standards and Mr Gary Streeter be added.—(Ms McVey.)

COMMITTEE OF PRIVILEGES

Ordered,
That Simon Hart be discharged from the Committee of Privileges and Mr Gary Streeter be added.—(Ms McVey.)

Madam Deputy Speaker (Mrs Eleanor Laing): The Public Bill Office has informed me that a Member’s vote was unfortunately missed from the counting process earlier today. The correct results are as follows.

In respect of the Question relating to local authorities (mayoral elections), the Ayes were 231. Of those Members representing constituencies in England and Wales, the Ayes were 221, so the Ayes still have it. In respect of the Question relating to combined authorities (mayoral elections), the Ayes were 231. Of those Members representing constituencies in England, the Ayes were 226 and the Noes were 195, so the Ayes still have it. I am sure the House will appreciate that it is important to set the record straight.

PETITIONS

Closure of RBS branches in East Kilbride, Strathaven and Lesmahagow

10.34 pm
Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I rise to present a petition regarding the closure of Royal Bank of Scotland branches in East Kilbride, Strathaven and Lesmahagow.

The petition states:
The petition of residents of East Kilbride, Strathaven and Lesmahagow,
Declares that closure of the RBS branches in Lesmahagow and Strathaven, and indeed many other rural branches across Scotland, unfairly affects rural communities that will have to travel further to withdraw their own money or seek monetary advice from their own bank; further that RBS is 72%-owned by taxpayer and rural taxpayers have been unfairly targeted in the closures; further that it could be of serious detriment to our local rural economies; and further that the closure of these local branches will have the biggest negative impact on the most vulnerable people in our community such as the elderly and the disabled.

The petitioners therefore request that the House of Commons urges the Government, as a major shareholder in RBS, to undertake a full review into the decision by the bank to close a third of its branches in Scotland; further that the government acknowledges the targeted impact this will have on rural communities; and further that the Government will urge RBS to rethink its list of proposed branch closures.

And the petitioners remain, etc.

[002093]

Urgent treatment centre, Westmorland General Hospital

10.36 pm
Tim Farron (Westmorland and Lonsdale) (LD): I rise to present a petition calling for an urgent treatment centre at the Westmorland General Hospital. There are 2,500 petitioners.

The petition states:
The petition of residents of the United Kingdom,
Declares that many people in South Lakes have to endure long journeys to the Accident and Emergency units at Royal Lancaster Infirmary in Lancaster and Furness General Hospital in Barrow as the Westmorland General Hospital in Kendal does not have the necessary facilities to cope with the majority of Accident and Emergency cases.

The petitioners therefore request that the House of Commons urges the Government to bring an Urgent Treatment Centre to Westmorland General Hospital, not only to provide urgent care closer to home for South Lakes residents, but to also help relieve pressure on the Accident and Emergency units at the Royal Lancaster Infirmary and Furness General Hospital and ensure ambulances are not stuck waiting there in long queues.

And the petitioners remain, etc.

[002094]

Congestion on the A40 between Witney and Oxford

10.37 pm
Robert Courts (Witney) (Con): I rise to present a petition calling for action to be taken on congestion on the A40.

The petition states:
The petition of residents of Witney and West Oxfordshire,
Declares that current high levels of traffic congestion on the A40 between Witney and Oxford have become unsustainable and the residents of Witney and West Oxfordshire require a permanent solution; further that the Government should bring forward
proposals for improvements to be made to the A40; further that West Oxfordshire residents and businesses unduly suffer due to current poor provision for roads, cycleways and public transport; further that changes should be made to the A40 to ensure the area’s ongoing commercial and residential success; and further that with plans for significant further development at the Oxfordshire Cotswolds Garden Village, alongside other projected growth in the area, the aforementioned factors will continue to worsen over time.

The petitioners therefore request that the House of Commons urges Her Majesty’s Government to offer proposals and relevant expertise to provide a long-term permanent solution to the congestion issues on the A40 between Witney and Oxford as soon as possible.

And the petitioners remain, etc.

Local Authority Housing

Motion made, and Question proposed, That this House do now adjourn.—(Stuart Andrew.)

10.38 pm

Dr David Drew (Stroud) (Lab/Co-op): I am grateful that, at this late hour, I have the opportunity to secure the Adjournment debate. I am grateful, too, to see a few Members still here, including my right hon. Friend the Member for Wentworth and Dearne (John Healey) on the Labour Front Bench, and the Minister. Madam Deputy Speaker, I would also like to associate myself with the earlier comments in respect of your colleague, Mr Deputy Speaker: he is a good friend of mine, and I can only imagine what he is going through.

At this auspicious time, with yet another Cabinet Minister falling on his sword, I do think that we ought to get back to some reality after the European Union (Withdrawal) Bill and talk about housing and what it means, and the threat of homelessness to far too many of our people. However, I come here today not to pick fault or to criticise but to try to find solutions. I believe that the Government need some help in this area, and one of the ways in which they could meet their laudable aim of providing 300,000 new units a year would be to recognise that local authority housing has a part to play.

I am grateful for the help I have received in preparing for this debate from the Local Government Association, the District Councils Network, the Energy Efficiency Infrastructure Group and my own council, Stroud District Council, to which I will largely be referring. I am also grateful to the researchers who have helped me with this: Jessica Cobbett, Jessie Hoskin and Vicky Temple.

I make no apology for using Stroud as an exemplar. It is the authority that I associate myself with, having been a councillor there on two previous occasions, and I know the area very well. It is also a good example because it is an authority that has now bought its stock, thanks to the Government’s initiative, which we very much welcome. For £92 million, we effectively own our 5,000 units. That is a good thing, but it comes at a cost, as I will explain in a minute.

We have been able to build 230 units of accommodation over the past few years, which is a considerable achievement for a relatively small district council. To illustrate the impact of that on Stroud, I can tell the House that we still have a waiting list of 2,275 people, which is estimated to be about 51.4% of the shortfall in social housing, according to the local authority district measurement. That shows the scale of the problem. We need to replicate those 230 houses on a regular basis. An additional problem is that Stroud is included in the same local housing allowance area as Gloucester, which is a lower rent area. So, because Stroud has higher rents, the differential between the benefit available and the rents charged means that many of our residents in the private sector are disadvantaged. That is the reason that they are looking for local authority housing.

I hope that, in this debate, we can look at areas in which we can make progress. We are not just dealing with statistics; we are dealing with real, living individuals. I shall give the House two examples to illustrate how the problem is affecting people in my constituency. We were recently approached by a very young family living in
totally unsuitable accommodation. They have been waiting a year for resettling, but whenever they bid, they are unsuccessful. Likewise, we heard from a lady with two young children who is renting a one-bedroom flat in the private sector. The accommodation is totally unsuitable and in a poor state of repair. Every time she bids, she fails, and she is around 300th on the list. That shows the scale of the problem in areas such as Stroud.

To be fair, the Government have looked at ways in which they might begin to address the problem. On page 63 of the Red Book, they say that “the Budget will lift Housing Revenue Account borrowing caps for councils in areas of high affordability pressure, so they can build more council homes. Local authorities will be invited to bid for increases in their caps from 2019-20, up to a total of £1 billion by the end of 2021-22.”

Stroud is in this dilemma, because it has reached its borrowing cap.

Dr Drew: I totally accept that. The point I am making to the Minister is that Stroud has reached the cap. We are trying to do our bit to overcome the immediate housing problems in Stroud, and yet we are unable to build any more houses. The situation is made worse, however, by the fact that 70% of the money goes back to the Government whenever a unit of council accommodation is sold under right to buy. We have bought the stock, and we are trying to do our bit, but we face a borrowing cap that has been totally imposed on us without any consideration of the value of the asset that we have. Then, the Government still reap the benefits from our accommodation when units are sold, so I ask the Minister to consider that. If we are to be part of the solution, how is that an incentive? How is that fair? How is it in any way reasonable?

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for securing this debate. The situation is slightly different in my constituency back in Northern Ireland. Some 1,000 people are on the priority list, with some 4,000 on the list overall, so there is a real need for housing. One of the key sources of need in my constituency—I suspect they are the same in the hon. Gentleman’s constituency—comes from young married couples who cannot buy a house because houses are too dear, so they need social housing. Does the hon. Gentleman have the same problem in his area? Other than by building more social housing, which is what he and I want, how could the Government address the issue?

Dr Drew: Of course I want to build more social units. The leader of Stroud District Council—Councillor Steve Lydon, who is a good friend of mine—came to see the Housing Minister and has written to the Prime Minister to ask for help with this particular problem. We are pleased to be a pilot area for business rates retention. That helps with the problem of potentially negative revenue support grants, which affected our ability to do some of the things that we would like to do with housing, but this is a different matter. This is about the housing revenue account and about allowing Stroud to have freedom to go on and do what the Government want local authorities to do, which is to provide the answer to the immediate housing problems. This is about having the vision to look back and to look forward.

The last time we genuinely met housing targets was in the 1950s, when that well-known socialist Harold Macmillan was able to prove that public authority housing was the best way to deal with a housing crisis. He was convinced of that, and I am convinced that we can play our part.

Wera Hobhouse (Bath) (LD): The hon. Gentleman is making a good case for his local authority to be able to build more houses, although the circumstances are difficult. Does he agree that we also need to ask the Minister about the 50% of local authorities which, after being encouraged by the Government to sell off their local housing stock to housing associations, no longer have a housing revenue account? What should they do when all their housing stock has been transferred to social housing associations?

Dr Drew: I am largely talking about the role of the local authority, and we had that issue, but we defeated large-scale voluntary transfer. That happened the last time I was an MP, and I actually led the campaign against the Conservative council. We won because the tenants decided that it was important that we kept local authority housing not for ourselves, but for the generations that follow. I am pleased because we still have the ability to do the things that we need to do both strategically and in reality by building our own houses.

Lloyd Russell-Moyle: On tenant participation in council housing, does my hon. Friend agree that no estate should be redeveloped anywhere in the country without the agreement of the tenants who live in that estate? There should be no bulldozing, no ghettoising, and no pushing tenants out.

Dr Drew: Of course, and to be fair, that was how large-scale voluntary transfer was supposed to work. Sadly, because of the way that debates were often handled—the manipulation and the propaganda—it did not work that way, but thankfully in Stroud we saw through that and kept our stock.

To add to our dilemma, we are still trying to do other things. I am not here to talk about private renting or the housing association answer, but Stroud District Council has a good reputation for trying to have an impact in those different areas. To add to the frustration, in the order of 5,800 units of accommodation have been given planning permission, but we have no ability to bring forward the development of those sites. That adds to the problem of a lack of affordable units, which means that the local authority is even more crucial to how we deal with housing issues today.

There is support across the political spectrum. The Local Government Association and the District Councils Network, both of which are Conservative-led, are convinced that local authorities can be part of the solution, so it is vital that we be given the tools, and that the barriers and hurdles are removed. Otherwise, the Government will...
never reach their 300,000 target, which is a steep climb as it is, given that they are at just over half that number of units per year. We all have to do our part.

Although the Minister is principally here to answer on local authority housing, I ask him to recognise that planning is part of the problem. We would love to have “use it or lose it” and the opportunity for planning permission to be “lost” to the local authority, so that it had the traction to start to solve our immediate problem. Yesterday, a number of things were said about the new homes bonus. I have not yet quite got my head round how that will benefit or disadvantage Stroud, but that incentive to bring forward new units of accommodation is important. However, that is all unimportant if we are not able to provide the right type of accommodation in the right places.

The gallant thing is that people now want to move into local authority accommodation because the houses are of better quality. It is not the lender of last resort. We talk about energy efficiency, conservation and how we are trying to bear down on carbon, which is so important in the building industry; local authority housing is leading the way. This is not about trying to dump people in a council house as a cheap alternative; it is now a genuine choice that people are pursuing.

In conclusion, I ask the Minister—he has plenty of time to respond—to please give Stroud and other authorities in a similar situation freedom from the cap. Secondly, can we please renegotiate the idea that 70% clawback from every sale is fair or justified? Then we will be part of the Government’s solution, not part of their problem.

10.53 pm

The Minister for Housing and Planning (Alok Sharma):

I congratulate the hon. Member for Stroud (Dr Drew) on securing this important debate on local authority housing, and I commend him on the manner in which he has presented his point of view.

Successive Governments over many decades have not overseen the building of enough homes in the right places. We are determined to address that, and we are making progress. Last year, there was a net addition of 217,000 homes across England—the highest number in almost a decade—and housing was front and centre in the recent Budget, in which there was a commitment of at least £44 billion over the next five years to address the broken housing market. That includes the £15 billion of new financial support announced in the Budget—the biggest budget for housing in decades. More money was announced for infrastructure and to help small and medium-sized builders. There were more financial guarantees for the house building sector and a revamp of a more muscular Homes and Communities Agency; and, of course, there was more support for local authorities to get more homes built. I will return to that point shortly.

Of course, providing good-quality, affordable homes for people who need them most is an absolute priority for this Government—Members on both sides of the House can all agree on that—and we are making progress on delivering those homes. Since 2010, more than 357,000 new affordable homes have been delivered through the affordable homes programme, including 128,000 homes for social rent, but we recognise that there is much more to do. That was why the Prime Minister recently announced an extra £2 billion to deliver new affordable housing, including for social rent, taking our total investment in the affordable homes programme between 2016 and 2021 to £9 billion. David Orr, the chief executive of the National Housing Federation, described that extra money as “a watershed moment for the nation.”

Local authorities, as well as housing associations, will be able to bid for the money, which will go where it is most needed—areas of acute affordability pressure.

As the hon. Member for Stroud mentioned, the Budget provided a further boost through the decision to increase local authority housing revenue account borrowing caps by a total of £1 billion. The hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) talked about increasing HRA headroom and, as at 31 March 2017, there was £3.5 billion of headroom available in housing revenue accounts across England. Again, we will deploy that £1 billion in areas of high affordability pressure where authorities are ready to start building.

Stroud District Council has previously raised the issue of the borrowing cap with my Department and, as the hon. Member for Stroud noted, its leaders have written to the Prime Minister. I sense that the decision to lift the HRA caps by up to £1 billion is welcome news. From 2019-20, local authorities will be able to bid for increases in their caps of up to a total of £1 billion by the end of 2021-22. We will be releasing information in the spring on how councils can apply for an increase in their HRA cap.

The Budget also more than doubled investment in the housing infrastructure fund to £5 billion, and of course an additional £400 million has been made available to regenerate run-down estates. On top of all that extra funding, we are giving local authorities and housing associations more certainty over their rental income up to 2025. From 2020, they will be able to increase rents by up to CPI plus 1%, and the feedback I have received suggests that the sector will build more homes more quickly as a direct result of receiving that certainty.

All of that—rent certainty, additional HRA borrowing and billions for new affordable housing—affirms our commitment as a Government to building social housing. I know that Stroud District Council, like other local authorities and many housing associations to which I have spoken, welcomes these measures.

Matt Western (Warwick and Leamington) (Lab): Does the Minister accept that many authorities are struggling, particularly with the allocation of housing through developers? The viability studies supposedly always prevent such houses being built. As we have recently seen with Persimmon, the lack of viability is purely because the developers do not make enough profit. They are in fact making huge profits, but there are just no teeth available to local authorities.

Alok Sharma: I will address that point, because it was also raised by the hon. Member for Stroud. I agree it is important that developers build the required amount of affordable homes.

Lloyd Russell-Moyle: On affordability, is there not a huge problem in our planning guidelines at the moment? Affordability is often the criterion we use but, in many of our cities, affordability is not affordable for the vast majority of people. Instead, councils should be encouraged, and be able, to require a percentage of
council-owned and council-run social housing as part of planning considerations, which would be a real game-changer.

Alok Sharma: First, I would say that we have talked about the extra £2 billion, with a proportion to be made available for social rent. Secondly, we just need to get more homes built. The reality is that we have not built enough homes over many decades and successive Governments have not gripped the issue sufficiently. That is what we are now trying to do.

I want to get on to the point about right to buy that was raised by the hon. Member for Stroud. I know he has expressed his concerns about how this is affecting councils’ ability to invest in new housing. The Government remain committed to ensuring that for every home sold, an additional one will be provided nationally. There is a rolling three-year deadline for local authorities to deliver replacement affordable homes, through new build or acquisitions, and so far they have delivered within the sales profile. As the hon. Gentleman knows, the 2012 reinvigorated right-to-buy scheme introduced a requirement to replace every additional sale nationally with another property through acquisition or new supply. By September 2014, after the first 30 months of reinvigoration, there had been 14,732 additional sales, and by September 2017, three years later, there had been 14,736 starts and acquisitions. However, I recognise—

Dr Drew rose—

Alok Sharma: Let me continue, as I may be able to deal with the point that the hon. Gentleman wants to raise.

I recognise that there are limits on how local authorities can use the receipts from sales under right to buy. We do, of course, encourage local authorities and housing associations to work together at a local level to provide social housing. A council can bring its right-to-buy receipts to the table and a housing association can supplement that with its own resources to get homes built. The extra HRA borrowing should make a real difference in helping councils to deliver more replacements more quickly, but of course we will keep under review whether there are further flexibilities we can offer.

Dr Drew: The point I am making is that Stroud District Council took on the onerous task of buying the stock. We used the option that the Government gave us to own that stock, for which we are grateful, yet the Government are still taking money off the assets that we have to sell. That cannot be fair or reasonable.

Alok Sharma: Local authorities have received almost £2 billion as a result of the voluntary right to buy in order to provide additional affordable housing across the country. Some of this money flows back to the Treasury, but that is part of the self-financing settlement and it is to tackle the budget deficit. Perhaps the hon. Gentleman should encourage Stroud District Council, at the appropriate time, to bid for an increase in its HRA cap.

Wera Hobhouse: As I understand it, in the financial year that has just finished, we lost more than 12,000 homes to right to buy and rebuilt only 5,000 new council homes, so clearly this system does not work with the like-for-like replacement.

Alok Sharma: I have just set out that this is over a three-year cycle and I have set out the numbers available to me now. However, I would be happy to discuss this with the hon. Lady when we meet to discuss it and other matters.

Let me get back to Stroud District Council, which has a track record of building replacement homes and has worked with affordable housing providers and neighbouring authorities to achieve that. As the hon. Member for Stroud may know, we expect to make a decision early in the new year on the council’s application to designate 32 parishes within the Stroud District Council area as “rural” for the purposes of section 157 of the Housing Act 1985. If they are designated as such, that will enable the council to impose restrictions on the resale of properties that it sells under the statutory right to buy.

I have a few minutes, so I shall address a couple of points made in the debate. The hon. Member for Stroud talked about planning permissions not resulting in homes being built fast enough. As he will know, the Chancellor announced at the Budget that my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) will be conducting a build-out review. Indeed, his work has already started.

As Members will know, we consulted on viability in the local housing needs consultation that closed on 29 November. We will of course consider the feedback on that. We have been clear that we want viability to be considered much earlier in the process—at the plan-making stage—so that local councils and developers can be clear about what is required with respect to affordable housing.

Lloyd Russell-Moyle rose—

Alok Sharma: I think I should move on.

The hon. Member for Stroud talked about regeneration. To be clear, the Government believe that residents’ engagement with and support for a regeneration scheme is crucial for its viability.

The hon. Member for Brighton, Kemptown asked what local authorities should do if they have sold housing stock to a housing association. It is up to the housing association to bid through the affordable homes programme for a grant to build new housing. Of course, housing associations can also borrow. We are taking action on all fronts, providing significant new funding and working with local authorities to deliver, as the Prime Minister has put it, a new generation of council housing. Following the terrible events at Grenfell Tower, an important part of that is our work on the forthcoming Green Paper on social housing, which will be informed by the views of the social housing tenants throughout the country whom I have been meeting over the past few months. I am hugely grateful to them for sharing their experiences. I look forward to working with the hon. Member for Stroud and others to ensure that we deliver the safe, secure, affordable homes that people need and absolutely deserve.

Question put and agreed to.

11.6 pm

House adjourned.
Deferred Divisions

LOCAL GOVERNMENT

That the draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2017, which were laid before this House on 13 November, be approved.

The House divided: Ayes 318, Noes 231.

Votes cast by Members for constituencies in England and Wales: Ayes 294, Noes 221.

Division No. 79]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cardidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverley, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, Davies
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, rh Mr David
Dinenage, Caroline
Djionglo, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Dolye-Price, Jackie
Drax, Richard
Dudridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Ev Bennett, rh David
Fabricant, Michael
Fernandes, Suelia
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halton, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huston, rh Matthew
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Laumont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVeigh, rh Ms Esther
Menzies, Mark
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Paye, Mark
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quine, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rospeddell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Akol
NOES

Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniacci, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Caddbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Corbyn, rh Jeremy
Coyle, Neil
Creasy, Sir David
Creagh, Mary

Tomlinson, Justin
Creasy, Stella
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davie, rh Sir Edward
David, Wayne
De Cordova, Marsha
De Piero, Gloria
Debonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliot, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flyn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Firth, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary

Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hepburn, Mr Stephen
Hill, Mike
Hobhouse, Wera
Hodgson, Mrs Sharon
Hoey, Kate
Hollam, Kate
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kyle, Peter
Laird, Lesley
Lavery, Ian
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhan
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorran, Anna

Mears, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Morgan, rh David
Morgan, Stephen
Morr, Grahame
Murray, Ian
Nandy, Lisa
Norris, Alex
Onasanya, Fiona
Onn, Melanie
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sharma, Mr Virendra
Sheeran, Mr Barry
Sheriff, Paula
Shuker, Mr Gavin
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
 Smyth, Karin
Snell, Gareth
Spellar, rh John
Starmer, rh Keir
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Tami, Mark
Thomas, Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
Western, Matt
Whitehead, Dr Alan
Deferred Divisions

20 DECEMBER 2017

Deferred Divisions

Whitfield, Martin
Williams, Dr Paul
Williamson, Chris
Wilson, Phil

Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, rh Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, rh Sir Greg
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Philip
Lefroy, Jeremy
Leigh, Sir Edward

LET

Levin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Loughton, Tim
Mackinnon, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O’Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penrose, John
Percy, Andrew
Perry, Claire
Phlip, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
deferred Divisions deferred Divisions
1259 20 DECEMBER 2017 1260

Timms, rh Stephen  Vaz, Valerie  Williams, Dr Paul  Woodcock, John
Trickett, Jon  Walker, Thelma  Williamson, Chris  Yasin, Mohammad
Twigg, Derek  Watson, Tom  Wilson, Phil  Zeichner, Daniel
Twigg, Stephen  Western, Matt
Twist, Liz  Whitehead, Dr Alan
Umunna, Chuka  Whitfield, Martin

Question accordingly agreed to.
House of Commons
Thursday 21 December 2017

The House met at half-past Nine o’clock

PRAYERS

[Mr Speaker in the Chair]

BUSINESS BEFORE QUESTIONS

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY (ANSWER TO ADDRESS)

The Vice-Chamberlain of the Household reported to the House, That the Address of 12 December, praying that Her Majesty will appoint Mr William Lifford to the office of ordinary member of the Independent Parliamentary Standards Authority for a period of five years with effect from 11 January 2018, was presented to Her Majesty, who was graciously pleased to comply with the request.

Oral Answers to Questions

DIGITAL, CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Channel 4

1. David Hanson (Delyn) (Lab): When she plans to announce her decision on a new location for Channel 4.

Karen Bradley: My right hon. Friend speaks with great experience and knowledge on this matter, and the House does well to listen to his wise words.

Christine Jardine (Edinburgh West) (LD): Does the Secretary of State agree that, as Channel 4 is not a programme maker but only a programme commissioner, there is limited benefit in moving staff, and surely it should be the programme making that reflects the diversity of the country?

Karen Bradley: This is one of the arguments that has been made about how Channel 4’s business model operates. We have seen what happened with the BBC’s move to Salford—although I accept that the BBC has a different business model. That creativity and clustering of talent has had benefit. One has only to look at the analysis of the amount of programming that is currently commissioned outside London to see that basing Channel 4 outside London could have significant benefits for those independent production companies that are not in SW1.

National Lottery Funding: Charities

2. Wes Streeting (Ilford North) (Lab): What steps her Department is taking to ensure that the level of National Lottery funding for charities is maintained.

Tracey Crouch: We are working with the Gambling Commission and Camelot to ensure that there is no continuous fall in lottery funding. The national lottery has raised more than £37 billion for good causes since it started in 1994. Indeed, the hon. Gentleman’s own constituency has received £35 million for good causes since it started in 1994. The Government have already agreed to underwrite any shortfall for UK Sport. Will the Minister now commit to doing so for other funding bodies?

Tracey Crouch: We are working with the Gambling Commission and Camelot to review their strategy, to ensure that there is no continuous fall in lottery funding. The national lottery has raised more than £37 billion for good causes since it started in 1994. The Minister may not be able to meet their financial commitments. The Government have already agreed to underwrite any shortfall for UK Sport. Will the Minister now commit to doing so for other funding bodies?

Amanda Milling (Cannock Chase) (Con): May I wish you, Mr Speaker, and everybody else a happy Christmas, Mr Speaker? We are working with Camelot and the Gambling Commission to ensure that there is no continuous fall in lottery funding. The national lottery has raised more than £37 billion for good causes since it started in 1994. Indeed, the hon. Gentleman’s own constituency has received £35 million for good causes since it started in 1994. The Government have already agreed to underwrite any shortfall for UK Sport. Will the Minister now commit to doing so for other funding bodies?

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invaluable funding for charities and good causes; so, too, do society lotteries. Last week we had an excellent Westminster Hall debate about society lotteries, and it was clear that there was cross-party support for reform. Will my hon. Friend commit to looking at society lottery reforms at the earliest possible opportunity in the new year?

Tracey Crouch: As my hon. Friend has said, we had an excellent debate last week in Westminster Hall. The answer to her question then and now is yes.

Chris Elmore (Ogmore) (Lab): Since my election in 2016 I have held funding advice surgeries twice a year to encourage charities in my constituency to gain lottery funding. One of the reasons for that is that the Big Lottery told me that it receives a very small number of applications from my constituency. What more can the Minister do to get the lottery out into constituencies such as mine to enable charities to access the funds and to help them with applications?

Tracey Crouch: That is an excellent idea. I encourage the hon. Gentleman to write to colleagues across the House to explain how he set that up in his constituency and how they can benefit from doing the same.

Ms Nusrat Ghani (Wealden) (Con): Happy Christmas to you, Mr Speaker, and to my right hon. Friend the Member for New Forest West (Sir Desmond Swayne), who does not seem to have any Christmas spirit.

Sir Desmond Swayne (New Forest West) (Con): Humbug!

Ms Ghani: Does the Minister agree that national lottery funding should also be made available to smaller charities? Although they may help fewer people, in my constituency of Wealden there are very few options for vulnerable young and old people. In particular, clued-up.info in Crowborough helps teenagers; Sussex Oakleaf in Hailsham helps people with mental health issues; and the Now! Charity Group provides furniture for unemployed people and those on low income across East Sussex.

Tracey Crouch: I join my hon. Friend in congratulating the small charities in her constituency. Small charities provide a huge benefit in their locations. We celebrated the work of small charities on Local Charities Day last Friday, and we will continue to do all we can to support them in the future.

Jim Shannon (Strangford) (DUP): I thank the Minister for her responses so far. Will she further outline whether she intends to oversee a more streamlined approach to administration, which would allow more funding to go to charities, and how would she envisage such a scheme?

Tracey Crouch: We look at administration issues all the time. This was reviewed recently and I am sure it will be a key part of the conversation as we take forward the next licence discussion.

Tom Watson (West Bromwich East) (Lab): I would like to announce to the House that the Commonwealth games have just been awarded to Birmingham. As you know, Mr Speaker, the lottery provides vital support for sport, which is why it is so disturbing that this week the National Audit Office published a report saying that since 2009, lottery income for good causes has risen by just 2%, while the shareholder profits of the lottery licence holder, Camelot, have risen by 122%. Does the Minister think that those ratios seem fair? Will grassroots sport and the Commonwealth games be secure for lottery funding in the future?

Tracey Crouch: The cheek of the hon. Gentleman! We did all hard work on the Commonwealth games, along with Mayor Andy Street. It was announced formally at 9.30 this morning in Birmingham. I was pleased to sign the host city contract and I am pleased that we will hold the Commonwealth games in 2022. Obviously, the hon. Gentleman’s constituency will benefit from that, as will we all. Turning to the substance of his question, the Secretary of State and I are not unsympathetic to the points he made.

Public Libraries


The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (John Glen): Libraries play an important role in giving everyone opportunities to improve their life chances and achieve their full potential. That is why the Government have established the libraries taskforce and funds under Libraries Deliver to assist in that goal.

Luke Pollard: The Minister will know from his time as a parliamentary candidate in Plymouth how important libraries are to social mobility in the city. The Conservative council in Plymouth has this year closed six of our libraries—two in the constituency I represent and four in the constituency in which the Minister stood. Will he spread some festive cheer and tell library users in Plymouth that there will be no more library closures in the new year?

John Glen: What I can say is that Plymouth City Council received £56,000 for cultural learning activities last summer, which saw 5,000 young people visit, and 3,000 were given healthy lunches, involving a collaboration with the Theatre Royal, Music Makers and the National Marine Aquarium, which represents the sort of grown-up thinking about the way libraries act in our constituencies across the country.

Several hon. Members rose—

Mr Speaker: Order. I congratulate the hon. Member for Kettering (Mr Hollobone) on his tie, which is as flamboyant as my own.

Mr Philip Hollobone (Kettering) (Con): Northamptonshire County Council is proposing to cut 28 of its 36 libraries. Will the Minister send in the Government’s libraries taskforce to see whether a county-wide libraries trust might be set up to save these vital public services?

John Glen: My hon. Friend makes a reasonable point. I will be visiting a number of libraries in the new year, following the seven I have already visited, with the new
chair of the libraries taskforce, and I will be happy to engage with my hon. Friend and his local authority to see whether there are alternative ways forward.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Ebenezer Scrooge, and indeed Charles Dickens, would recognise exactly the mood in this country at the moment, with libraries closing and children being unable to go there to do their homework or access computers. What kind of Britain is this, when we think of Dickens and Scrooge at this time of year, with this Government?

John Glen: I think that is an unfortunate characterisation of the hard work of thousands of librarians up and down the country and thousands of volunteers. Libraries are working hard to deliver a range of social outcomes, promoting literacy and digital skills, providing support for jobseekers, and career and business decisions are helped by library services. It is unfortunate that the hon. Gentleman takes such a downbeat view at this time of year.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Mr Speaker, I am sorry that my tie has not caught your eye as well as the tie of my hon. Friend the Member for Kettering (Mr Hollobone), did but I will try harder in 2018.

Does the Minister agree that all libraries can play a part in social mobility? Will he join me in thanking the volunteers of Colehill community library in my constituency for all their hard work? It is not just a traditional library; there is a jigsaw library and there are one-to-one computer sessions, and I have even held my surgery there.

Mr Speaker: It sounds very exciting.

John Glen: I think that my hon. Friend’s tie is fantastic. I am very happy to pay tribute to his local library. We are seeing a range of models up and down the country delivering a range of outcomes appropriate to the needs of different communities, and Dorset is no exception.

Kevin Brennan (Cardiff West) (Lab): My tie is very plain, Mr Speaker.

I can announce to the House that over 100 libraries closed this year. Libraries are genuine engines of social mobility. Why are the Government content with that situation, because the Minister seems to be? Does he agree with the editor of Public Library News, who recently stated:

“The example of other countries shows that the decline of the library in this country is not a natural thing: this is a man-made disaster, brought on by short-sighted but long-term cuts”?

He is right, is he not? And merry Christmas.

John Glen: Merry Christmas to the hon. Gentleman, and to you, Mr Speaker. The reality is that different library services tackle the provision they deliver for the local communities in different ways. There are clearly challenges in the libraries sector. I am working hard with the libraries taskforce, and with librarians across the country, to look at ways of delivering better services, and I will continue to do that. In many communities we are seeing more volunteers enthusiastically engaging with library provisions in order to deliver better services.

Broadband: Scotland

4. Stephen Kerr (Stirling) (Con): If she will assume responsibility for ensuring the delivery of broadband in Scotland.

The Minister for Digital (Matt Hancock): Merry Christmas to you, Mr Speaker, and a happy Christmas to friends across the House, including the hon. Member for Weaver Vale (Mike Amesbury). In the past we decided to deliver broadband in Scotland through the Scottish Government. We provided additional funding in February 2014 to support further roll-out, but the Scottish Government have only just begun the procurement process using the funding and are not expecting to have an agreed contract until the end of next year—over three years behind Wales, England and Northern Ireland. In future, therefore, the Government will implement the new full fibre programme and the 5G programme directly with local authorities to ensure efficient delivery.

Stephen Kerr: I thank the Minister for his response and for his recent visit to my constituency. Given the Ofcom “Connected nations” report, which describes the situation he has summarised—the Scottish Government have not even started the second phase of delivery—will he confirm that his Department will work directly with local councils in Scotland to implement future phases of broadband roll-out?

Matt Hancock: Yes, I will.

Alan Brown (Kilmarnock and Loudoun) (SNP): Scottish Tory Back Benchers have agreed that clause 11 of the European Union (Withdrawal) Bill is flawed and amounts to a power grab. Is the situation with broadband not the same, and is it not time that the Minister worked with the Scottish Government instead of trying to bypass them?

Matt Hancock: We have tried to work with the Scottish Government for years, but when the First Minister first took my hand on a cold Christmas eve, she promised me broadband was waiting for me. It is three years later and we are still waiting for the Scottish Government to get on with it.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): My constituency is on the southern side of the border, which is just a line on the map as far as they are concerned. North Northumberland is still struggling to get the broadband it needs so that my many small villages are not cut off. Will the Minister ensure that, in 2018, we will see progress there?

Matt Hancock: Yes, absolutely, and increasingly we need to ensure that the delivery works on both sides of the border. Obviously, what matters is getting the roll-out of superfast broadband to everybody in the borders and throughout the country. No matter where the administrative boundaries are, what matters is getting broadband connections to people.

Brendan O’Hara (Argyll and Bute) (SNP): In this the season of good will, will the Minister join me in congratulating the Scottish Government following last week’s announcement that, despite it being a reserved
matter, they are to invest £600 million in rolling out 30 megabit superfast broadband across Scotland, with priority given to rural Scotland, thereby making Scotland a truly world-class digital nation by 2021?

Matt Hancock: I will certainly join the hon. Gentleman in wishing a merry Christmas to everybody in the Scottish National party and the SNP Government in Scotland. I am delighted that, finally, three and a half years after being granted the money, they have got on with the start of the procurement, but it will take another year for the second phase of the roll-out to get going. He, and more importantly his constituents, will understand why we have grown tired of waiting for the Scottish Government and are getting on with delivering directly through local councils in Scotland in future.

Public Libraries

5. Liz McInnes (Heywood and Middleton) (Lab): What recent assessment she has made of the effect on public libraries of changes to local authority budgets. [903079]

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (John Glen): Local authorities have a duty to provide a comprehensive and efficient service that meets local needs within available resources. The Government fully recognise the importance and significance of public libraries for local communities.

Liz McInnes: I thank the Minister for that response. My local authority, Labour-run Rochdale Borough Council, has endeavoured to keep all our public libraries open, recognising their importance to our communities. They are much more than just books; they are information, support and advice centres. I hold surgeries at our libraries, as does the citizens advice bureau. What action will the Minister take to support such good practice and, in the face of further cuts, how will he ensure its sustainability?

John Glen: I was delighted to see that the Manchester combined authority, which includes Rochdale, received £250,000 from the libraries opportunities for everyone fund. I will continue to work with the libraries taskforce to extend benchmarks, toolkits and best practices, and to look at different models of delivering services to ensure that libraries continue to thrive, as we see in Rochdale.

Superfast Broadband

6. Sir Edward Leigh (Gainsborough) (Con): What recent assessment she has made of progress towards the target of 95% superfast broadband coverage. [903080]

13. Lee Rowley (North East Derbyshire) (Con): What recent assessment she has made of progress towards the target of 95% superfast broadband coverage. [903089]

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (John Glen): Superfast broadband is available to more than 94% of homes and businesses in the UK. We are confident that that will reach 95% by the end of the year. More than 4.6 million additional homes and businesses have superfast broadband available for the first time thanks to the Government’s superfast broadband programme.

Sir Edward Leigh: When it comes to broadband in rural Lincolnshire, there is not much of a season of good will. The fact is that even 150 years ago, the Post Office could roll out a universal service—it did not matter where people lived—but in many rural villages in Lincolnshire, including mine, the broadband is appalling. People are trying to do business in these villages, so will the Minister get his skates on and get BT to roll out broadband to them?

Matt Hancock: My hon. Friend is quite right, and I have some Christmas cheer for people in Lincolnshire who want better broadband, because yesterday we announced that we are taking forward the legal guarantee for decent high-speed broadband under the universal service obligation. All I can say on this, Mr Speaker, is that all I want for Christmas is USO.

Mr Speaker: Very well done.

Lee Rowley: I am not sure how to follow that, Mr Speaker. A number of villages in my constituency, including Spinkhill, Renishaw and those bordering the Peak District national park, are suffering from similar issues to those that have just been raised. Will the Minister outline all the work the Government are doing to try to improve that?

Matt Hancock: Of course, the USO for broadband will be UK-wide, so wherever someone lives in the UK they will have a legal right to high-speed broadband by 2020.

Mr Speaker: The right hon. Gentleman makes it all sound very exciting, I must say. I obviously have not lived yet.

Conor McGinn (St Helens North) (Lab): Will the Minister join me in welcoming moves by the Advertising Standards Authority to ensure that providers advertise more accurate average broadband speeds rather than “up to” speeds? Will the Government push for that to be introduced immediately rather than next May, as currently proposed?

Matt Hancock: Yes, I strongly agree with the hon. Gentleman that the promises made on broadband need to be based on what people actually get, and the end of these so-called “up to” speeds cannot happen too soon.

Nic Dakin (Scunthorpe) (Lab): Constituents in parts of my constituency, such as Cadney, Howsham and Cleatham, are getting very poor broadband services at the moment. Do they really have to wait until 2020 for the USO or will the Minister act more quickly?

Matt Hancock: I would like it to be in place more quickly if possible, but I am not willing to commit to that because this area has been bedevilled in the past by people overpromising and underdelivering. If we can go faster, we will, but we will have it in place by 2020.

Online Ticket Sales

8. Paul Masterton (East Renfrewshire) (Con): What steps her Department is taking to tackle problems associated with online ticket sales. [903084]
The Secretary of State for Digital, Culture, Media and Sport (Karen Bradley): We are committed to cracking down on unacceptable behaviour in the ticketing market and improving fans’ chances of buying tickets at a reasonable price. We are strengthening the existing ticketing provisions in the Consumer Rights Act 2015, and we intend to introduce a new criminal offence of using automated software to buy more tickets than allowed. We also welcome the work of the Competition and Markets Authority in this area, as well as the industry’s own initiatives.

Paul Masterton: Too many of my constituents will not be getting the tickets they had hoped for this Christmas as a result of mass harvesting by electronic bots. I welcome the Secretary of State’s commitment, but will she confirm when this new offence will be introduced and when my constituents will see changes?

Karen Bradley: I sympathise greatly with my hon. Friend’s constituents and their concerns. At Christmas in particular, when parents, friends and family are looking to buy tickets for events, it can be very frustrating. That is why we introduced the offence in the Digital Economy Act 2017 and are committed to introducing these changes as quickly as possible, hoping to bring in secondary legislation in the spring.

Mr Speaker: From Christmas goose to online ticket sales in fewer than 24 hours. I call Clive Efford.

Clive Efford (Eltham) (Lab): Thank you, Mr Speaker. It is no good the Secretary of State coming here and wringing her hands; the Government had plenty of opportunity to put the restrictions in place to prevent the resale of these tickets online. The Government were warned about this and failed to act—small wonder since they had one of these online ticket touts on the board of directors giving them advice. It is time they stood up for consumers.

Karen Bradley: I am slightly confused, Mr Speaker. We changed the law. We did something. We have acted on this and we will introduce the secondary legislation in the spring.

Grenfell Tower Fire

9. Bob Blackman (Harrow East) (Con): What estimate she has made of the amount donated to support the victims of the Grenfell Tower fire; and if she will make a statement. [903085]

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Tracey Crouch): The Secretary of State for Communities and Local Government made a statement to the House on Monday that set out the latest position on the £26 million raised in charitable funds, of which £20 million has now been distributed to survivors and next of kin.

Bob Blackman: I thank my hon. Friend for that answer. Will she explain the criteria that are being used to distribute this much-needed money to the victims and survivors and whether there are any restrictions on its use by the survivors when they receive it?

Tracey Crouch: I will write to my hon. Friend with the specific details on the criteria. Of the £6 million that is still to be distributed, £2 million is being looked after by the charities for eligible individuals whose claims are in progress or who have not yet submitted a claim. The remaining £4 million will be allocated to longer-term support projects that will benefit the wider community.

Public Funding: Charities and Voluntary Organisations

10. Mike Amesbury (Weaver Vale) (Lab): What steps her Department is taking to increase the number of public funding sources available to charities and voluntary organisations. [903086]

Merry Christmas, all.

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Tracey Crouch): That warms my heart—thank you.

Charities and voluntary organisations are receiving funding from Government through a number of programmes, including LIBOR fines, the tampon tax and, for youth organisations, the youth investment fund and the iwill fund in partnership with the Big Lottery Fund.

Mike Amesbury: Charities are set to lose a massive £250 million a year in EU funding, but the Government appear to have no plans to replace it. Will the Minister give charities some Christmas cheer and ensure that no charity loses out post-Brexit?

Tracey Crouch: I am discussing with the whole charity sector how we can look more closely at the EU funding that the hon. Gentleman refers to and what we will focus on in future. Those discussions have been taking place for some time, and we are already working with organisations, including in the voluntary sector, on how we will set up the framework.

Mr Steve Reed (Croydon North) (Lab/Co-op): The Government have promised to repay the remaining £425 million borrowed from the national lottery to build the Olympic stadium, but at the current rate of repayment they will not pay it back for 30 years. Charities are struggling to house the homeless and feed the hungry this Christmas, and they need that money now. Will the Minister spread a little more Christmas cheer, back the Big Lottery Refund campaign and commit to repaying the money they owe during this Parliament?

Tracey Crouch: We are committed to repaying the funds that the hon. Gentleman refers to, but we are working hard to ensure that our charities across all sectors are well funded. He will be aware that we will be launching a civil society strategy in the new year, which will work across all Departments in Whitehall to ensure that the sector is well recognised and that we continue to fund it so that we get to the heart of the social issues that we face. Furthermore, we will shortly look at what to do with the next tranche of dormant assets, which will go to support many good causes such as those he refers to.
Topical Questions

T1. [903093] Mrs Pauline Latham (Mid Derbyshire) (Con): If she will make a statement on her departmental responsibilities.

Karen Bradley: I have to agree with my hon. Friend. I know that part of the world very well, as I am sure you can imagine, Mr Speaker, and I agree, particularly about the use of cycling to get people to see these incredible parts of our country, the scenery, the UNESCO world heritage sites, and others. However, I would point out that you do not have to go to Derbyshire to enjoy the Peak district; you can also enjoy it in Staffordshire.

Dr Rosena Allin-Khan (Tooting) (Lab): Merry Christmas to you, Mr Speaker, and to one and all, in particular my opposite number, the Under-Secretary of State, the hon. Member for Chatham and Aylesford (Tracey Crouch), who it is a pleasure to serve opposite.

The Gambling Commission’s annual report confirmed that children as young as 11 are being introduced to forms of online gambling. The Gambling Act 2005 was introduced before many young gamers could trade in loot boxes. Right now, there is nothing to stop a child gambling away money for virtual prizes in video games. Can the Minister please tell me when the Government will look to close this loophole and put an end to loot box gambling?

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Tracey Crouch): May I extend my Christmas festive wishes to the hon. Lady and to all those on the Opposition Front Bench? She raises an important point. The recent report by the Gambling Commission was an incredibly useful document. We are doing all we can to protect children and vulnerable people from the harm and risk of gambling. We are working with the Gambling Commission on these issues. It keeps the matter very much under review. It is an emerging issue in the market, but the Gambling Commission has strong powers to regulate gambling, and the convergence between gambling and video games is being monitored quite closely.

Mr Speaker: Yes, and I think that the BBC overseas sports personality of the year is the inimitable and unsurpassable Roger Federer, my all-time sporting hero.

Mrs Latham: May I take this opportunity to wish you, Mr Speaker, and the whole House, including all the members of staff here, a very merry Christmas and a happy new year?

I encourage people to visit places in my constituency such as the Derwent Valley world heritage site, which encompasses the Strutt’s mills in Belper, which won the first Great British high street award. We are working towards having a cycle way up the entire Derwent valley, to encourage international visitors to the area. Does my right hon. Friend agree that visitors would have an amazing visit if they came to the Derwent valley and other parts of Derbyshire rather than just staying in London?

Dr Rosena Allin-Khan: This week the German competition authority ruled that the collection and use of data by Facebook was abusive. Does the Minister agree?

The Minister for Digital (Matt Hancock): The hon. Lady raises an important question. Of course, competition rules are rightly decided on independently in this country,
so she would not expect the Government to express a definitive view one way or the other, but the question she raises is a very interesting one.

T7. [903100] Mr John Whittingdale (Maldon) (Con): Is my right hon. Friend aware that estimates show that something like over 1 million people will be watching their festive TV and films using illegal streaming devices? Does she agree that this does huge damage to our creative industries, and will she look at what more can be done to tackle it?

Karen Bradley: My right hon. Friend again speaks with great knowledge and experience. He has very wise words for us—one very wise man in the Chamber at Christmas time is a start—and his points are well made. We want to ensure that content is protected and that those who provide and produce it are able to make the money that they should rightly make from it. We are working with the creative industries as part of the sector deal in the industrial strategy on how to protect content in the most effective way.

T4. [903097] Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I am sure the Minister agrees that a vital aspect of creating a thriving and exciting community for all parts of the UK is safeguarding our national built heritage. In my city of Glasgow, the Glasgow Building Preservation Trust, of which I am a member, the renovation of the Fairfield Heritage Centre, in which I am involved, and the Springburn winter gardens project in my constituency could be threatened as we come out of the European Union, as European regional development funding is unavailable to safeguard these heritage projects. Can the Minister guarantee that any funding available to these projects will be safeguarded when European Union funding is no longer available?

Mr Speaker: Order. Just as a general piece of advice to the House, may I say that the best way to cope with the additional time pressure in topical questions is not to blurt out the same number of words at a more frenetic pace, but to blurt out fewer words?

John Glen: I assure the hon. Gentleman that all my colleagues in the Department are working very hard to make sure that all funding is protected, as far as possible, beyond the changes following Brexit.

Kirstene Hair (Angus) (Con): As the Secretary of State is aware, Dundee city has put together a transformative bid to be the European city of culture. I desperately want Dundee—its bid will have clear benefits for all of Tayside—and the other cities to have a chance to test their bids. May I urge my right hon. Friend to find an alternative way of taking forward this contest so that all the time, money and, most importantly, vision for Dundee is not put to waste?

Karen Bradley: My hon. Friend has been an absolute stalwart in campaigning for Dundee, both before the very disappointing announcement by the European Commission and since, and in finding a way of recognising the work that has been done. Dundee should be congratulated: it made a bid for city of culture in 2017, when Hull was given the award, and since then, the same team has worked together and really built up the Dundee waterfront, with the new V&A coming next year. We are working with Dundee and the other cities to find a way through this, but I once again commend my hon. Friend for her incredible work in promoting the bid.

T5. [903098] Ian C. Lucas (Wrexham) (Lab): The Prime Minister herself referred to allegations of police misconduct in her correspondence with the former First Secretary of State last night. Is it not high time that the Secretary of State commenced this unfinished business, and honoured the promise of a previous Conservative Prime Minister to get Leveson 2 under way?

Karen Bradley: We have consulted on Leveson, and we will release the responses and our response to the consultation in due course. We are currently having conversations with all those involved to make sure we follow the proper process that is required before we can release the figures.

Mims Davies (Eastleigh) (Con): I declare an interest as the chair of the all-party group on commercial radio. Will the Minister update the House on the long-awaited positive deregulation plans announced this week? Commercial radio has long been struggling with outdated, old-fashioned restrictions, meaning that the industry has been unfairly treated.

Matt Hancock: This week, we published the response to the consultation, which was incredibly warmly received. We will remove over 100 measures in the very outdated legislation on commercial radio to free up commercial radio stations to support their communities and to deliver for their audiences in the best way they see fit.

T6. [903099] Stephen Timms (East Ham) (Lab): On the Minister’s current consultation on reducing the maximum stake on fixed-odds betting terminals, will she place in the Library the Treasury’s estimate of the fiscal impact of each of the four options being consulted on?

Tracey Crouch: The impact assessments, which we published alongside the Government consultation document on 31 October, have already been placed in the Library. I hope that answers the question posed by the right hon. Gentleman.

Robert Courts (Witney) (Con): The residents of West Oxfordshire have welcomed the recent announcement by the district council and Gigaclear on the roll-out of broadband. Will the Minister join me in pressing for real progress in 2018 not only on broadband, but on mobile signals, which is so many villages suffer problems, including in my constituency?

Matt Hancock: Oh, yes. Tell me about it. My hon. Friend is completely spot-on. I pay tribute, at this Christmastime, to his personal leadership locally in delivering better connectivity across West Oxfordshire.

Danielle Rowley (Midlothian) (Lab): Members on both sides of the House may enjoy many festive films over the Christmas period. The Secretary of State will be aware that there are plans for a new film studio in my
Karen Bradley: I absolutely agree with the hon. Lady. The creative industries are a real UK success story. They are growing much faster than the rest of the economy, and they make up a significant proportion of our economic value and our power in the world. We have a brilliant film industry in the UK, and I urge all hon. Members, if they have not yet done so, to go and see “Paddington 2” and “Star Wars” this Christmas, as they are both British-made films. I also welcome the initiative in her constituency. I assure her that we are working closely with the creative industries to make sure they are on the same secure footing post-Brexit as they are today.

Tom Tugendhat (Tonbridge and Malling) (Con): Since we are focusing on “Paddington 2” I should announce an interest because we are going this weekend—please don’t tell my son! “Paddington 1”, which we intend to watch on catch-up the day before, will be problematic because while some people are enjoying fibre lines and some have copper, we in some parts of Kent appear to have a hemp line that connects us to the rest of the internet.

Matt Hancock: I am pretty sure that my hon. Friend’s son does not watch Parliament TV, so his secret should be safe—[Interruption.] Well, he certainly does not watch it yet. My hon. Friend makes the point that we need decent connectivity everywhere, and the Government are bringing in the universal service obligation to ensure that decent broadband can be available to everybody, fulfilling our manifesto commitment and delivering that by 2020.

Ronnie Cowan (Inverclyde) (SNP): Last week the Gambling Commission issued a report that highlighted that 80% of young people aged between 11 and 16 have seen gambling on television, 70% on social media, and 66% on websites. Does the Minister agree that more action must be taken to educate young people positively about the risks of gambling, as that could help them to avoid gambling-related harm later in life? A statutory levy on bookmakers could go a long way to funding that education.

Tracey Crouch: The quick answer is yes, and GambleAware will lead a responsible gambling advertising campaign as part of the consultation that we publish.

Carolyn Harris (Swansea East) (Lab): May I say, Mr Speaker, that flamboyant scarves have just as much place in the Chamber as flamboyant ties? I congratulate the Minister on the work she has put into securing the universal service obligation to ensure that decent broadband is available to everybody, fulfilling our manifesto commitment and delivering that by 2020.

Karen Bradley: I do not think there is anything that is not in there. The creative industries work with us, and these are sectoral analyses that set out the analysis we have made as Government, working with the industry. I am sorry to disappoint the hon. Lady at Christmastime if she feels that she is missing something, and I hope that when Christmas comes it will provide everything she is looking for.

ATTORNEY GENERAL

The Attorney General was asked—

Prisoner Voting

1. Ms Nusrat Ghani (Wealden) (Con): What plans does the Government have to implement the agreement reached by the Council of Europe on prisoner voting in the UK.

The Attorney General (Jeremy Wright): On behalf of the Law Officers may I take this early opportunity to wish all Members and staff of the House a very merry and, of course, lawful Christmas?

I very much welcome the decision by the Council of Europe’s Committee of Ministers to support our proposals on prisoner voting. We hope to complete implementation of those proposals by the end of next year, and we have agreed to provide an update on progress to the Council of Europe on 1 September.

Ms Ghani: I thank the Minister for his response, and I am pleased that an agreement has finally been reached to settle what has been a long-running dispute between ourselves and the Council of Europe in Strasbourg. Will the right hon. and learned Friend confirm to me and my constituents that it remains Government policy that convicted offenders detained in prison should not be allowed to vote, and that the recent agreement will not start us off on a slippery slope?

The Attorney General: Yes, and it is important that the Government comply with the judgment of a Court whose jurisdiction we have accepted. As my hon. Friend says, however, it is equally important that we stick to the clear view of this House and those beyond it that convicted prisoners should not vote from their cells, and they will not do so.

Jim Shannon (Strangford) (DUP): Will the Attorney General outline how many prisoners the extension will apply to and what type of short-term licences will make them eligible to vote?
The Attorney General: The extension will apply to prisoners released on temporary licence. We think it will affect something like 100 prisoners—so, very few.

Mr Speaker: It would be of great benefit to the House if there were placed in the Library without delay a copy of the just-delivered lecture by the hon. Gentleman.

The Attorney General: Picking up on my hon. Friend’s last point first, he is right to highlight that all that went wrong in this case, and there was a great deal, highlighted what is good about the criminal justice system as well as what went wrong. We owe a debt of gratitude to those involved in the system, in whatever capacity, who exercise their judgment in such cases. That applies, of course, to this particular counsel.

On my hon. Friend’s wider point, he knows, because I have said it before, that my view is that these were indeed appalling failures of the criminal justice system. We need urgently to understand what went wrong in these particular cases, but we also, as he says, need to look more broadly at the question of disclosure, which has been an issue for some time. It relates to what people know they should be doing and how much information they are prepared to take account of, but it also relates to the challenges we face from a very large amount of electronic material and a very large number of cases. The systems need to be fit for purpose and the review I am undertaking will seek to ensure that they are.

Public Legal Education

3. Nigel Huddleston (Mid Worcestershire) (Con): What steps he has taken to promote public legal education in the last 12 months.

7. Jo Churchill (Bury St Edmunds) (Con): What steps he has taken to promote public legal education in the last 12 months.

The Solicitor General (Robert Buckland): In July I launched a public legal education panel to support and drive forward legal education initiatives. Bringing together key organisations will mean a more joined-up approach to PLE, and will ensure that more people can reap the benefits of the good work that is being done. The panel is currently combining its resources to map the provision of, and need for, PLE around the country.

Nigel Huddleston: Does the Solicitor General agree that there is a particular need to enhance understanding of the law relating to social media? What is being done to enhance that understanding, especially among young people?

The Solicitor General: I know from my hon. Friend’s professional career in this field that he knows more about it than many other Members. He will be glad to know that, through programmes such as the Lawyers in Schools initiative, young people are being taught about the do’s and don’ts of social media because of the growing problem of offences being perpetrated through it. I have seen that great work at first hand on many occasions.

Jermaine Baker

2. Mr David Lammy (Tottenham) (Lab): What the timetable is for the Director of Public Prosecutions to complete her review of the charging decision in relation to the fatal shooting of Jermaine Baker; and if he will make a statement.

The Attorney General (Jeremy Wright): The Crown Prosecution Service is very conscious that the family of Jermaine Baker is waiting to hear the outcome of the review of the charging decision in relation to his death. Senior counsel has been instructed to advise on the case and the CPS anticipate that a final decision will be reached early in the new year.

Mr Lammy: I am very grateful to the Attorney General for that answer. He will understand that in a democracy there is nothing more serious than death as a result of police contact. This case has caused tremendous concern across my constituency and beyond in the wider black community. It is a very important decision and a number of lawyers up and down the country think, following the Independent Police Complaints Commission’s address, that this matter should come before a jury. I want it to be clear that the decision will be looked at very closely indeed by the wider community.

The Attorney General: I understand what the right hon. Gentleman says. May I take this opportunity to pay tribute to him for his advocacy on behalf of the family? He will understand, however, that the decision was taken initially at the highest levels of the Crown Prosecution Service. Because of that, and because of the victims’ right to review process, it is right that external counsel is brought in to advise. That is taking the decision extremely seriously. That will mean, as he has already discovered, that the decision takes a little longer, but I think it is right that full attention is paid to that decision and he will hear about it in due course.

Robert Neill (Bromley and Chislehurst) (Con): The charging process requires full and wholly objective analysis of all material held. I am sure the Attorney General will agree that the same applies to disclosure if charges are brought. Recent high-profile cases, together with the joint inspection report of the criminal justice agencies, have highlighted what the Attorney has called appalling failures of the Crown Prosecution Service and the Criminal Law Solicitors Association, in a review of its members, found the same. Given its significance, will the Attorney General ensure that the review he is carrying out, as announced by the Prime Minister, looks not just at the working practices but at the professional culture and the independence and objectivity of the Crown Prosecution Service in these matters? I add in parenthesis that I note it was an independently instructed member of the Bar, Mr Jerry Hayes, who was responsible for highlighting the clear failure of the Crown Prosecution Service and the police in this case.
Jo Churchill: One third of the population experience civil justice cases, and nearly two thirds are unaware of basic legal rights and concepts. Minor legal challenges are commonplace, but, owing to a gap in public knowledge, many cases go unchallenged. What specific steps is the Crown Prosecution Service taking to reach the “harder to reach”—vulnerable people with physical and mental issues, and also the elderly, who are particularly vulnerable to scams?

The Solicitor General: As the hon. Lady says, there is a wide range of people with vulnerabilities. I am glad to say that the CPS is doing some excellent work, especially in the field of hate crime. The packs that it produces for schools in particular, dealing with disability, race, religion and LGBT issues, are being downloaded and used by schools in regions throughout the country, including the hon. Lady’s region. They are designed to teach students about the nature, effects and consequences of this type of crime, and have a strong anti-bullying focus which encourages young people to become active citizens.

Tom Tugendhat: I welcome the work that my hon. and learned Friend has done on public legal education. I also welcome the work done by Citizens Advice in such places as Edenbridge in Kent. Does my hon. and learned Friend agree, however, that the spread of contract law through every clickable website and every app that is downloaded means that the emphasis must now be on legal education throughout people’s lives, not just in schools but through general services as well?

The Solicitor General: I pay tribute to my hon. Friend, who, in the last Parliament, chaired the very first all-party parliamentary group on public legal education. He shares my passionate desire to enable young people in particular to understand that when they buy a mobile phone they sign a contract, and thus enter into legal obligations at a very early age. It is our duty to try to educate, encourage and support them in order to prevent some of the legal problems that they might encounter.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): As the Solicitor General knows, this is one area in which ignorance is not bliss. So many of our constituents all over the country suddenly have to know something about the law for a short period of their lives, but the level of knowledge is very poor indeed. Could not our further education colleges provide some help?

The Solicitor General: I can see a role for local practitioners. Lawyers could work with FE colleges as they currently do with many schools. What the hon. Gentleman has described is what I call “just in time” public legal education, which helps people with immediate crises. I am also interested in what I call “just in case” PLE, which is all about early intervention and prevention, but he is absolutely right to identify those issues.

Nick Thomas-Symonds (Torfaen) (Lab): May I wish you, Mr Speaker, and all Members and staff a very happy Christmas?

Public legal education is also important in giving victims the confidence to come forward. This week the Attorney General published data on the use of complainants’ sexual history in the most serious sex trials. He also announced the provision of training. When will that training be available?

The Solicitor General: May I add my compliments of the season to those of the hon. Gentleman?

The training is available now, and is ongoing. As the hon. Gentleman knows, the current structure of the law has been in existence for the best part of 20 years, and in my own professional experience it is used rigorously. It must be used rigorously, so that future complainants and victims of this appalling crime can be confident, first, that inappropriate questions will not be asked, and secondly, that they will not be ambushed in court in an inappropriate way.

Nick Thomas-Symonds: The data collection exercise has been necessary because we do not systematically collect data in every case. Could we consider doing that, and also recording the reasons why judges grant such applications or not, as the case may be? Would that not increase confidence in the process?

The Solicitor General: I can confirm that that data will be collected. This issue came to my attention when both the Attorney General and I wanted a widespread number of cases to be examined. It will be done in a more thorough way so that we have up to date and accurate data on this important issue.

Returning British Jihadists

4. Mr Philip Hollobone (Kettering) (Con): How many British jihadists (a) have been prosecuted and (b) are being considered for prosecution since returning from Syria or Iraq.

The Attorney General (Jeremy Wright): There is no specific offence related to returnees from Syria or Iraq as they can be prosecuted for a range of offences, but I can tell my hon. Friend that 97 people were charged with a terrorism-related offence in the year ending September this year, and as of last month 30 have been prosecuted and found guilty and a further 65 are awaiting prosecution.

Mr Hollobone: British jihadists who go abroad to fight Her Majesty’s armed forces are traitors and should be prosecuted for treason. My understanding is that the reason why they are not is that an official declaration of war has not been made against ISIS. Given that, should we not take away the nationality of these people so that they are not allowed back into the country in the first place, and if they are allowed back in, should not all of them be prosecuted and awarded the maximum sentences?

The Attorney General: We do prosecute wherever we can, and, of course, the appropriate place for some of these individuals to be brought to justice is the countries where their crimes are committed. On allowing them back into this country, as my hon. Friend may know, this country, as other countries, has an international law obligation to take back its own citizens. Where people have dual citizenship, it is feasible to take away their citizenship, and the Government do on occasion pursue the opportunity to do so, but we cannot leave people without a state.
Crime Agency?

interference when tasked to investigate by the National

how the SFO will continue to operate free from ministerial

the Home Secretary's written

about the Government's plans for the future of the

the fellow: Tanmanjeet Singh Dhesi.

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most serious instances of fraud, bribery and corruption. The SFO will continue, as an independent organisation, to conduct its own investigations and prosecutions of some of the most serious and complex economic crime, and a recruitment campaign is now under way for its next director.

Serious Fraud Office

5. Mr Tanmanjeet Singh Dhesi (Slough) (Lab): What the Government's plans are for the future of the Serious Fraud Office.

The Attorney General (Jeremy Wright): The Serious Fraud Office does vital work in tackling some of the most serious instances of fraud, bribery and corruption. The SFO will continue, as an independent organisation, to conduct its own investigations and prosecutions of some of the most serious and complex economic crime, and a recruitment campaign is now under way for its next director.

Mr Speaker: Sir Desmond Swayne.

Sir Desmond Swayne (New Forest West) (Con) rose—

Mr Speaker: So attentive was I to the words of the Attorney General that I failed to realise that we have not yet heard the supplementary question. Let's hear the fellow: Tanmanjeet Singh Dhesi.

Mr Dhesi: Merry Christmas to you as well, Mr Speaker.

I am grateful to the Attorney General for his response about the Government's plans for the future of the SFO. However, following the Home Secretary's written statement last week, will the Attorney General clarify how the SFO will continue to operate free from ministerial interference when tasked to investigate by the National Crime Agency?

Mr Speaker: My apologies to the hon. Gentleman.

The Attorney General: We demonstrate here that no one is overlooked at Christmas.

The hon. Gentleman is right that the Home Secretary's announcement was that on occasion tasking powers will be used by the NCA to ask the SFO to investigate particular matters. I suspect that they will be used very rarely, and they can be used only with the consent both of the Home Secretary and of me; and I do not expect that this will compromise the SFO's independence in any way. Indeed, the Solicitor General and I are assiduous in ensuring that, both in choice of cases to investigate and in decisions to prosecute, the independence of the director of the SFO is preserved, and it still will be.

Sir Desmond Swayne: Can it be forthcoming for the victims who have reported these serious frauds but then hear absolutely nothing?

The Attorney General: That should not happen, but I know that my right hon. Friend will recognise that these are, by their nature, complex investigations and that it can take the SFO a large amount of time to get through all the relevant material in order to make a judgment. If he has a specific case in mind, I am sure that he will let me know so that I can look into it.

8. [903072] Tony Lloyd (Rochdale) (Lab): Serious fraud in this country is well investigated, because we have the right frameworks, investigatory bodies and legal processes to do that, but that does not apply to the mass-based fraud that leaves many of our fellow citizens feeling badly let down by the judicial process. Is it not time we began to look at what can be done to improve the definition of volume crime?

The Attorney General: I rather agree with the hon. Gentleman, and his experience as police and crime commissioner will underline what he has just said. We need to do more, and we are. There is a joint fraud taskforce, as he may know, which involves not just the criminal justice agencies but the banks and other organisations. In addition, the Home Secretary has announced the creation of the National Economic Crime Centre, which will do a better job of co-ordinating our activities against economic crime of all kinds.

Knife Crime

6. Mike Amesbury (Weaver Vale) (Lab): What recent discussions he has had with Cabinet colleagues on tackling knife crime.

The Solicitor General (Robert Buckland): I am a member of the inter-ministerial group on ending gang violence and exploitation, which meets regularly to discuss the reduction of gang-related crimes such as knife crime. In October, my right hon. Friend the Home Secretary announced that a serious violence strategy would be published in the early new year, and I regularly discuss the Crown Prosecution Service's contributions to that strategy with ministerial colleagues.

Mike Amesbury: The Guardian project, “Beyond the blade”, states that national data on the number of children and teens killed by knives in any given year is not publicly available. Will the Solicitor General explain why?

The Solicitor General: I would be interested to know more about that, because I am particularly keen to ensure that the reporting and recording of knife crime are improved. We are seeing a rise in the number of reported cases because the police are recording them more accurately, and there is no doubt a problem in certain parts of the country where knife crime is rising, particularly here in London. I would be happy to talk further with the hon. Gentleman to explore a way forward to ensure that we have as much information as possible about this appalling crime.

Several hon. Members rose—
Mr Speaker: A question, perchance, of fewer than 20 words? I call Mr Bob Blackman.

Bob Blackman (Harrow East) (Con): I thank my hon. and learned Friend for his answers, but is it not the truth that if we stop people acquiring and carrying knives in the first place, knife crime will cease?

Mr Speaker: Splendid!

The Solicitor General: I will try to respond with similar brevity. My hon. Friend is absolutely right to talk about prevention, and we are consulting on further restrictions on the online sale of knives to under-18s, and on tightening up the law on the possession of knives in educational institutions other than schools.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I wish a happy Christmas and a good new year to you and your family, Mr Speaker, and to Members and staff across the House.

Knife crime is still a big problem in Scotland, but of the 35 children and teenagers killed as a result of knife crime in the UK so far this year, none was in Scotland. Does the Solicitor General agree that in his and his Cabinet colleagues’ efforts to reduce knife crime, they would do well to look at the work of Police Scotland’s violence reduction unit, which has helped to oversee a 69% decline in the incidence of handling an offensive weapon in a decade?

The Solicitor General: We have a long history in the England and Wales jurisdiction of learning lessons from our friends in Scotland, and I would be interested to explore those particular factors further with the hon. Gentleman. I am sure that we can enter into correspondence on that.

Paul Masterton (East Renfrewshire) (Con): Will the Solicitor General explain a little bit more about the steps that the Government are taking to stop children and minors being able to purchase knives and other weapons online?

The Solicitor General: As I said earlier, a consultation into the tightening up of the criminal law on the sale of knives online has just closed, and the Government will respond as urgently as possible to it because it is quite clear that we need to take as many measures as possible to make it as difficult as possible for young people to carry these lethal weapons.
We need to act sooner rather than later. The many people Union (Withdrawal) Bill is moving to the other place, many people have different things to do. As the European that a Thursday was not an appropriate day because listened to the Members from across the House who felt renewal debate. I know that the Leader of the House shoes on already.

getting the Commonwealth games—I have my running as it rings in 2018.

the staff of the House a very relaxing Christmas and a colleagues on both sides of the House, all our staff and every success.

for the people of the west midlands, and we wish them 2022 Commonwealth games, which is excellent news people of Melbourne as the troubling situation there Committee.

This morning, our thoughts and prayers are with the 2018. The subjects for those were determined by the Backbench Business Committee.

This morning, our thoughts and prayers are with the 2018. The subjects for those were determined by the Backbench Business Committee.

Finally, at the end of this busy term, I wish Mr Speaker, colleagues on both sides of the House, all our staff and the staff of the House a very relaxing Christmas and a happy and healthy new year. I am sure that we are all looking forward to hearing Big Ben's chimes once again as it rings in 2018.

Valerie Vaz: I thank the Leader of the House for the future business. I am also pleased about Birmingham getting the Commonwealth games—I have my running shoes on already.

I note that there was no date for the restoration and closing that gap in policy. That is what we would like to see on our Opposition days. We want to work constructively where there are gaps in policy.

I asked the Leader of the House about the sifting committee for statutory instruments, and she indicated that she will propose changes to Standing Orders when the European Union (Withdrawal) Bill has received Royal Assent. If she could do that when the Bill is in the other place, that might be quite helpful. Given the many statutory powers the Government are reserving to themselves, will she confirm through the usual channels, fairly quickly perhaps, that the chair of the committee will be from the Opposition?

May we have a statement on why the Equality and Human Rights Commission is not appointing people because Ministers are vetoing appointments on political grounds? At the moment, the board cannot function. Sarah Veale, the former head of the equality and employment rights department at the TUC, has not been reappointed despite being supported by the chair of the board. She was told that the decision not to reappoint her was taken because a political adviser at No. 10 had noticed a tweet she had sent disapproving of on the Joint Committee on the Palace of Westminster worked on the report, but it has taken a long time to get that debate going.

Prime Minister’s questions are becoming more like Prime Minister’s slogans. We have heard “fit for the future”, so, if this is a way to stop her, we say, “Fit for the future with Labour.” Someone needs to update the Prime Minister, because she mentioned sustainable and transformational partnerships in relation to an integrated health and social care system, which she says Labour is opposed to, but of course we are because it is another reorganisation, such as the disastrous Health and Social Care Act 2012, which cost the country £3 billion. The Prime Minister did not mention accountable care organisations, but to whom are they accountable? Last week, I asked the Leader of the House when the Government were intending to lay the relevant regulations before the House, but unfortunately she did not give me an answer, so will she confirm that there will be adequate time for a debate and a vote?

Another week means another U-turn or two. On Tuesday, we found out that plans to end the revenue support grant and allow councils to keep 100% of business rates would be put on hold. Not everyone has Oxford Street in their constituency, so we hope the change will end the bizarre policy of councils buying shopping malls. [Interruption.] I do not know why the Whip is chuntering when you asked for no chuntering or murmuring, Mr Speaker. If he would just listen, that would be helpful. The Government are consulting on a fair funding review, and the consultation closes on 12 March. Given that the House is in recess for two weeks over Christmas, will the Leader of the House ask the Secretary of State for Communities and Local Government whether the consultation could be extended until the end of March to give people time to respond?

The other U-turn came on Tuesday, when my hon. Friend the Member for Wigan (Lisa Nandy) led a Westminster Hall debate on the exclusion of foster carers from being able to claim free childcare for their foster children. Foster carers do a fantastic job for society. I did not understand the policy, but the Minister ended the exclusion and should be congratulated on closing that gap in policy. That is what we would like to see on our Opposition days. We want to work constructively where there are gaps in policy.
some Government policy. Will the Leader of the House confirm that the Government are not vetoing appointments on grounds of dissent from the Government, and will the Government look again at reappointing Ms Veale? She is highly qualified and supported by the chair.

As the Prime Minister travels to Poland, and given that the EU has just formally advised the other 27 member states that the Polish Government’s legislative programme is putting at risk fundamental values expected of a democratic state, including judicial independence, will the Leader of the House confirm that the Prime Minister will be raising the rule of law with the Polish Government? Is this the kind of Government our Government are to do trade deals with? Our country played a vital role in drafting, and was the first to sign up to, the European convention on human rights. We promote the rule of law throughout the world.

The Leader of the House mentioned the events in Melbourne. Looking back on the year—from Westminster to Manchester, from London Bridge to Finsbury Park—I think of the families spending their first Christmas grieving for their lost loved ones, including our own Deputy Speaker. Our prayers are with him and his family at this difficult time. I am pleased that, following the statement by Mayor Burnham, the Government, who initially were only going to put £12 million towards Manchester’s public services, will now pay the full £28 million asked for. Yesterday was International Human Solidarity Day. We always see the country come together during disasters and difficult times. We should strive to do that when there are no disasters.

I want to thank the Opposition Chief Whip for all his support and help; my staff and his; the Government Chief Whip, given last week’s vote, for his support; the Leader of the House and her family; the Deputy Leader of the House, who has been so loyal throughout the years under different Leaders of the House; your family, Mr Speaker, and your office in particular; the Clerks; Phil and his team of Doorkeepers; the House of Commons Library; the official reporters; catering and cleaning staff; postal workers; security; and all right hon. and hon. Members and their families.

Finally, I have to do this, Mr Speaker—it is a joke from a Christmas cracker, and I am just trying to set the scene for the future: what do reindeer hang on their Christmas trees? Horn-aments! May I wish everyone a very happy Christmas and a peaceful new year?

Andrea Leadsom: I am sure that the hon. Lady’s joke will resound around many a Christmas table this year. May I particularly join her in sending all our sympathies to the Deputy Speaker and his family? What a terrible tragedy! We are all so sorry. I also want to echo her remarks about human solidarity. We have seen so many examples of amazing solidarity, and yet also, very sadly, too many examples of people allowing their disagreements to splash into violence, vitriol and hatred. We want in this Parliament to be able to air our disagreements and then go and have a cup of tea together. I am always delighted to share a cup of tea with her, and I certainly wish her and her family a very happy Christmas.

The hon. Lady asks when the R and R debate will be scheduled. As I said last week, I can confirm that, following representations from Members from across the House not to have the debate on a Thursday, I am working with the Chief Whip and through the usual channels to find a suitable date.

The hon. Lady asks about accountable care organisations. These are intended to provide more joined-up care, more efficient care and greater productivity, and are something the NHS would value having as a tool at its disposal. That is their purpose. There is nothing else but the intention to make the NHS more effective and productive.

The hon. Lady asks whether the consultation on fairer funding could be ended at the end of March, rather than on 12 March, and I am happy to take that up with the Department for Communities and Local Government. I am sure that if there is no good reason why this cannot be done, DCLG will be sympathetic. On childcare for foster children, I think the whole House is delighted with the progress in this area. We should celebrate that access being provided by the Government.

The hon. Lady asks about the sifting committee. Draft changes to Standing Orders are available on the Order Paper for her and colleagues to look at. The decision about who will make up the committee will be made in due course, through the usual channels.

The hon. Lady asks about appointments to the Human Rights Commission. Obviously, these decisions are taken when we are in possession of all the facts about who would provide the right balance in terms of experience, background and so on. I cannot comment on the specifics of what she mentions, but I can assure her that there is scrupulous fairness in the appointments to commissions.

The hon. Lady asks about Poland, and I can tell her that it remains a very strong ally of the UK. Polish fighters in world wars have been enormously supportive to the interests of the United Kingdom, and we should never forget that. However, she rightly points out that the UK upholds international law. We have an absolute commitment to the importance of the rule of law, and the Prime Minister will be making her views on that very clear when she is in Poland.

Finally, I just wish to share the hon. Lady’s all-encompassing good wishes to everyone who works for and in this place.

Several hon. Members rose—

Mr Speaker: As per usual, there is extensive interest in the business question, but I simply advise the House that we have two statements to follow and that more than 30 people are seeking to contribute to the two debates to take place under the auspices of the Backbench Business Committee. Therefore, there is a premium on brevity from Back Benchers and Front Benchers alike, now to be inimitably demonstrated by Sir Peter Bottomley.

Sir Peter Bottomley (Worthing West) (Con): The House will welcome the statement by DCLG today on the crackdown on unfair leasehold practices. Will it be possible early in the new year for the Government to announce when there will be a Government debate on the timetable, so that we can stamp out the exploitation, crookery and heartlessness of some freeholders, who have been operating untouched in this field for too long?
Andrea Leadsom: I share my hon. Friend’s concern about some of the practices that have gone on in this area. I am sure that DCLG Ministers want to come back to this place to provide updates as soon as they are able to do so.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for announcing the business for next year. May I wish you, Mr Speaker, and all the Members of the House a very merry Christmas? I will not repeat the list given by the hon. Member for Walsall South (Valerie Vaz), as I am sure she was very extensive in the list of people she wished a happy Christmas to at this time of year.

It is panto season. I suppose every day is like a pantomime in this House, but this year we have our very own version of “Mother Totally Goosed”, where our hero, with repeated warnings of “He’s behind you,” is transported to a magical land where her dream of unfettered trade deals and transitional arrangements are grown from the magic Brexit beans. No longer assisted by the pantomime dame from “Aladdin”, our hero climbs bravely into the Brexit unknown.

I am sure we are hoping for a peaceful election in Catalonia today. Last time there was a democratic contest there, ballot boxes were seized and people were assaulted by the state for simply voting. It is almost impossible to believe that political leaders in a modern European democracy are contesting this election from prison or exile simply for desiring a particular political outcome for their country.

May we have a debate about tax, so that we can try to better understand why England is quickly becoming the highest taxed part of the UK? Whereas in Scotland 70% of taxpayers will have their tax reduced, in England, once council tax is factored in, taxpayers in a band D property face a tax increase of more than £100. Perhaps the Scottish Government could give the Government some advice and assistance on how to design a fair tax system based on the best principles of redistribution.

Lastly, at this time of good will and cheer, let us remember that Scottish Tory MPs are not just for Christmas; we are stuck with them, as they plummet in the list of people she wished a happy Christmas to at this time of year.

Andrea Leadsom: I am not entirely sure what to make of that, but I shall take the hon. Gentleman’s points in the Christmas spirit, which is very important. He clearly feels under threat from my hon. Friends from Scotland because of their excellent work, not only in holding the Scottish Government to account but in representing their constituents in Scotland. It is great for Government Members to see Conservatives at work supporting Scottish constituents.

The hon. Gentleman asked about taxes. He will of course be aware that Government Members, particularly my hon. Friends from Scotland, are disappointed to see income taxes going up in Scotland, particularly as the Chancellor announced in the Budget an extra £2 billion for Scotland.

The hon. Gentleman asked about Catalonia. I think the whole House will join in hoping that today’s election there will be peaceful and respectful. Spain is a key ally to the United Kingdom. As I just said to the shadow Leader of the House, we absolutely uphold the rule of law at all times.

Finally, the hon. Gentleman asked about Brexit trade deals. The Prime Minister has said on any number of occasions, as has my right hon. Friend the Secretary of State for Exiting the European Union, that we are determined to get the best possible deal for the United Kingdom and for our EU friends and neighbours as we leave the EU, which will happen on 29 March 2019.

Sir David Amess (Southend West) (Con): There was a Westminster Hall debate on corrosive substance attacks yesterday, but will my right hon. Friend find time for a Westminster Hall debate on corrosive substance attacks on new types of crime such as moped gangs and acid attacks? This depressing trend seems to show that the law and sentencing guidelines are not fit for purpose.

Andrea Leadsom: My hon. Friend raises a very worrying issue. We are determined to put a stop to this new type of crime. The Home Office has been working closely with a number of partners, including the motorcycle and insurance industries and the police, to develop an action plan. We will review progress early in the new year.

On acid attacks, the Government are consulting on new legislation that would include the prohibition of the sale of harmful corrosive substances to under-18s, and the Home Secretary intends to put sulphuric acid on the list of regulated substances. It is a big challenge. I am sure that, like me, my hon. Friend is pleased that traditional crimes are decreasing, thanks to the excellent efforts of our law enforcers, but we must and will react quickly and effectively to modern crimes.

Ian Mearns (Gateshead) (Lab): I thank the Leader of the House for the business statement and for advertising the wares of the Backbench Business Committee for the new year, particularly the intention to have a six-hour debate on defence, led by my hon. Friend the Member for Gedling (Vernon Coaker), on the first Thursday back after the recess.

It is Christmas, and we should add to the extended list that we heard from the shadow Leader of the House, my hon. Friend the Member for Walsall South (Valerie Vaz). Christmas is a time for forgiveness, so let us extend a warm and merry Christmas to the Independent Parliamentary Standards Authority. IPSA is indeed the founder of our feast, in a strange sort of way, so let us extend a merry Christmas to its staff at this time of good wishes.

May I extend an invitation to you, Mr Speaker, and to the Leader of the House? Next year, between June and September, Gateshead and Newcastle will be hosting the Great Exhibition of the North. I am delighted to invite you both to visit Gateshead and Newcastle during that period.

Andrea Leadsom: I am sure, Mr Speaker, that you and I would be delighted to do that. I have really enjoyed previous trips, particularly to Gateshead. It is
a fabulously vibrant place with fabulous views. There are some really tall buildings that offer enormous rooftops views. It is fabulous, so I shall certainly take up the hon. Gentleman’s offer.

The hon. Gentleman is right to mention that important defence debate on 11 January. It will give many Members who have wanted to discuss defence the chance to air their views.

I share in the hon. Gentleman’s wishing IPSA staff a merry Christmas; may they have a successful and happy 2018.

Anne Marie Morris (Newton Abbot) (Con): It is increasingly clear that the health and social care needs of rural communities diverge very significantly from those of urban communities. Like me, does the Leader of the House welcome the creation of the National Centre for Rural Health and Care and the appointment of the excellent chairman, Richard Parish, who has vast international and local experience? Can we have a debate in Government time on the unique pressures that rural health and social care providers face in recognition of the changes that we need in funding and structure?

Andrea Leadsom: My hon. Friend is right to raise that important issue. Rural areas do face unique pressures. Challenges raised are often around barriers to access, including rural transport and urgent and emergency care. She will be aware that dwellers in rural areas often enjoy better health than those in urban areas, but she may wish to apply for an Adjournment debate or a Westminster Hall debate to discuss this very important matter further.

Louise Haigh (Sheffield, Heeley) (Lab): Members across the House will have been horrified to see the amount of plastic in our seas after watching “Blue Planet” this year. Will the Leader of the House and you, Mr Speaker, make it your new year’s resolution to make Parliament plastic free in 2018?

Andrea Leadsom: I absolutely agree with the hon. Lady. I, too, was glued to “Blue Planet” and the issues that it raised. As Environment Secretary, I was delighted to be able to announce the litter strategy, looking at how we can reduce the plastics in our seas. The current Environment Secretary has just now signed the commitment to banning microbeads from face washes and other products. This Government have done more than any other to try to clamp down on waste plastics getting into our marine areas, and we will continue to do everything possible.

Robert Jenrick (Newark) (Con): One of the farcical stories of Newark’s 2017 is Network Rail’s continual failure to man the barriers at Newark Castle station, so it is a good job that Santa will be arriving through the air on a sleigh, because otherwise he may not even be able to get into the town. The latest instalment in this pantomime was that Network Rail’s operatives failed to recognise that the barriers should be closed from 10 pm in the evening, overnight, and misread it as 10 am, closing the entire town off for Saturday shopping at Christmas. Will the Leader of the House give us an early Christmas present and pick up the phone to the chief executive of Network Rail to give him a good telling off?

Andrea Leadsom: As ever, my hon. Friend represents his constituents extremely well. He may wish to seek an Adjournment debate so that he can raise that particular issue.

Chris Bryant (Rhondda) (Lab): Happy St Thomas’s day, Mr Speaker—to be precise. I am delighted that the Leader of the House has said that we are moving the date for the debate on restoration and renewal, because it is better that the whole House should be able to come to a proper decision. May I just say to her that I can help her with this as I have found time on 15 January when we can do it? The Second Reading of the Space Industry Bill took less than two hours in the House of Lords, so I do not see why it should take any more time here, and we can use the rest of the day to do R and R and come to a proper decision. Incidentally, IPSA has said that, next year, if Members want staff to be paid before Christmas, they should all say “aye” today, and it will do it properly next year.

Hon. Members: Aye!

Andrea Leadsom: I am very grateful, as I am sure are the Chief Whip and the shadow Chief Whip, for the hon. Gentleman’s advice on how to schedule the business, but he will appreciate that the space Bill is an extremely important piece of legislation that will create highly skilled jobs for the future and provide a huge opportunity for the United Kingdom and it needs to be given a proper hearing in this place.

Mark Pritchard (The Wrekin) (Con): Can we have a debate on Made in Britain? Does the Leader of the House share my concern that the new British passport from 2019, a black passport, not a purple one, could be designed and printed in Germany—made in Berlin rather than made in Britain?

Andrea Leadsom: We all support the UK’s stance as a global free-trading nation, but, at the same time, we recognise that Britain has a huge amount to offer in terms of our manufacturing, our food and drink and all manner of services that we provide to the world, and we can compete on a level playing field.

Diana Johnson (Kingston upon Hull North) (Lab): As we come to the end of Hull’s first year as city of culture, may I pay tribute to Rosie Millard and Martin Green, who have led the city of culture organisation and put on so many wonderful events this year? The fact that we have had 3.5 million visitors to Hull speaks for itself. Can we please have a debate about the legacy for Hull coming out of city of culture? Coventry will be city of culture 2021, and we need to make sure that we get the arts funding out to the regions so that it is not concentrated in London.

Andrea Leadsom: I congratulate the hon. Lady on her support for Hull’s superb time as city of culture, and on her enthusiasm for Coventry’s. I recommend that she seeks a Westminster Hall debate to focus on these important points. I am sure that Ministers will be interested to hear her views.

[Andrea Leadsom]
Martin Vickers (Cleethorpes) (Con): There is growing concern among residents and business owners in Cleethorpes, particularly in St Peter’s Avenue and the High Street, about the growing number of vagrants in the area. That concern spilled over at a public meeting last week. Can the Leader of the House find time for a debate in Government time so that we can discuss the response of the various agencies, how they can deal with the problem and how they can deal with those who are genuinely homeless?

Andrea Leadsom: My hon. Friend raises an issue of great concern to us all. The Government are committed to eliminating rough sleeping. We are investing more than £1 billion to 2020 in order to tackle homelessness and rough sleeping. For example, we have a homelessness reduction taskforce and a rough sleeping advisory panel to focus minds right across Government on what more we can do. We have £20 million for schemes that support people who are homeless or at risk of homelessness to get secure tenancies, and £28 million of backing for Housing First pilots. It is vital that local authorities take advantage of the funding available to them, and that we all focus on tackling homelessness and rough sleeping.

Paula Sherriff (Dewsbury) (Lab): I send my best Christmas wishes to all, but Christmas can be a very tough time of year for some people. At the Samaritans reception that was held here this week, a very simple request was made—that all MPs put the Samaritans number on their out-of-office message. As many of our offices will be closed over the Christmas period, at least that number would then be available if anybody did contact us in an emotional crisis. I have already done this. Will the Leader of the House join me in asking the MPs present whether they feel that they could do this too?

Andrea Leadsom: That is a lovely idea. I will certainly be delighted to do that myself. Indeed, I have made a short YouTube clip explaining how people can get hold of me if there is no answer from the office. The hon. Lady is right that the issue of loneliness and people who are desperate for urgent help must be addressed—never more so than at this time of year when that help can really matter a great deal to people. I commend her suggestion.

Bob Blackman (Harrow East) (Con): The London Assembly this week announced the publication of a report that shows that there are 9,000 sheds in London alone that are accommodating people in back gardens and unsavoury areas. That is council tax that is not being collected and landlords who are exploiting people who have nowhere to live. Can we have a debate in Government time on this nationwide problem so that we can crack down on this disgraceful activity?

Andrea Leadsom: My hon. Friend is right to raise this pretty shocking statistic. He will be aware that the number of statutory homeless people is lower than it was at any time in 2010. Nevertheless, there is a lot more to be done. We must clamp down on rogue landlords and those who seek to abuse people who do not have access to safe rented accommodation or other accommodation. I share my hon. Friend’s view that the Mayor of London should seek to put a stop to this activity.

Thangam Debbonaire (Bristol West) (Lab): Will the Leader of the House please press for Government time, during the process of the restoration and renewal debate, in which we can debate how to make both Houses of Parliament truly accessible for people with disabilities, particularly for those one in 100 people on the autistic spectrum?

Andrea Leadsom: I thank the hon. Lady for her question, and I pay tribute to you, Mr Speaker, for all you have done for those with disabilities and to try to make Parliament more accessible. The hon. Lady is absolutely right to raise the possibility of the House debating easier access once we get into the R and R debate.

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): Last week in The Times and other papers, there was a very good article by a former special adviser to David Cameron and George Osborne about corruption in local government. I asked for a debate last week; I am asking again. We now have firm evidence that there are problems, and I would like a general debate in this place if possible.

Andrea Leadsom: My hon. Friend raises an issue that is of great concern to him, and I encourage him to seek an Adjournment debate so that he can raise it specifically with Ministers.

Vernon Coaker (Gedling) (Lab): Two young girls from my constituency, Amy and Ella Meek, are coming to Parliament today to meet the Chair of the Environmental Audit Committee. They are Kids Against Plastic. These young girls are fantastic campaigners. Given the urgency of this issue—as my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) said, we have all been moved by “Blue Planet”—they want us to do even more. Could the Leader of the House arrange for the Environment Secretary to come to Parliament and make a statement so that we can all contribute to trying to do something about this issue?

Andrea Leadsom: May I congratulate the hon. Gentleman’s constituents, the Meeks, on taking the great step of coming here to make their views known? It is fantastic when people choose to do that, and it is important for young people to take such an interest in their environment. I can tell the hon. Gentleman’s constituents that as a result, for example, of cutting the use of plastic bags by 83%, there are 9 billion fewer plastic bags now being used. We have doubled the maximum litter fines to try and discourage litter on land, which so often ends up in our seas. We have also just finished consulting on our proposals to reduce plastic, metal and glass litter, which included consulting on reward and return schemes for drinks containers. All these things are important, and I absolutely encourage the hon. Gentleman’s constituents to keep up their campaigning work.

Douglas Ross (Moray) (Con): Can we have a statement to this House on the recent report from Her Majesty’s inspectorate of constabulary in Scotland on the Scottish
National party’s plans to merge the British Transport police into Police Scotland? That report highlighted that issues such as terms and conditions and pension arrangements need to be discussed sooner rather than later. Given that we are less than 16 months away from full integration, does the Leader of the House agree that this shows how poorly the SNP has handled this? In fact, it might be better if it abandoned its plans altogether.

**Andrea Leadsom:** My hon. Friend raises a very important matter, and he is right to hold the Scottish Government to account. I encourage him to seek a Westminster Hall or Adjournment debate so that he can raise this with Ministers to see what can be done.

**David Linden** (Glasgow East) (SNP): My Easterhouse constituent Ibrahim al-Kasharfeh submitted an asylum claim over a year and a half ago, and despite service standards of six months, he still has not been given a decision. May we have a debate in Government time on the process and procedures for asylum claims, because we are clearly not getting them right?

**Andrea Leadsom:** The hon. Gentleman raises a significant constituency issue, which he is absolutely right to raise. I encourage him to take it up with Home Office Ministers, who I am sure will be keen to look at that specific case.

**Sir Edward Leigh** (Gainsborough) (Con): Let us never forget that, in the fight for freedom and justice in the war, Poland lost a quarter of its population.

Closer to home—I am sure the Leader of the House will agree with this—can we please have the debate on restoration and renewal on a substantive amendable motion as soon as possible? The hon. Member for Rhondda (Chris Bryant) and I have different points of view, but we do think we should get on with this now. In a building such as this, fire is an ever-present risk, and the House needs to come to a conclusion quickly and to get on with the work, particularly on fire doors.

**Andrea Leadsom:** As I have explained to Members, we have taken representations that the debate should not be on a Thursday, and we are seeking an alternative date as soon as possible.

**Tom Brake** (Carshalton and Wallington) (LD): Will the Leader of the House make time available for a Cabinet Office debate on the selective application of the ministerial code, so that the Cabinet Office could explain why the Deputy Prime Minister had to go, whereas the Foreign Secretary, who, according to my estimation, has breached sections 1.2a, 7.1 and 8.6, is still with us? Before she responds, however, may I wish her and other Members, as well as you, Mr Speaker, and everyone who helps us here in the House, a merry Christmas and, in the new year, an exit from Brexit?

Andrea Leadsom: I thank the right hon. Gentleman for his good wishes, apart from the last bit—clearly, I do not share that sentiment at all. He makes some very specific allegations that he should raise with the Cabinet Office directly.

**Jeremy Lefroy** (Stafford) (Con): May we have an urgent debate on net neutrality in the light of the Federal Communications Commission’s recent decision in the United States?

**Andrea Leadsom:** I am pleased to say to my hon. Friend that I managed to catch the relevant Minister on this point just before coming into the Chamber. They confirmed that the UK remains committed to the existing laws around net neutrality and will be upholding those laws. However, my hon. Friend may well wish to submit a parliamentary question to have that confirmed to him directly.

**Ian Murray** (Edinburgh South) (Lab): Merry Christmas, Mr Speaker, to you and your family, and to all who serve in this House.

May I ask the Leader of the House for an urgent debate on the Government’s red lines on Brexit? Two days ago, we heard from the EU chief negotiator that passporting financial services is not possible while the Government insist on their red lines. Tens of thousands of jobs in Edinburgh rely on this.

**Andrea Leadsom:** I think the hon. Gentleman will appreciate that, as has been said many times, this is a negotiation. I am sure that he will be delighted, as we all are, that we have made progress on to the second part, which is to discuss the free trade arrangements that we want between ourselves and the European Union. These negotiations are under way, and the Government will of course update Parliament and take in Parliament’s views at every opportunity.

**Several hon. Members rose—**

**Mr Speaker:** Order. I should gently point out that if each Member could ask a short question of one sentence, we could move on in about 10 minutes, and that would be helpful to subsequent debates. Whether that will have any effect, who knows? We will see.

**Amanda Milling** (Cannock Chase) (Con): This morning, Sergeant Watchman V, the Staffordshire Regimental Association mascot, is being promoted to the rank of colour sergeant. Sergeant Watchman V is a Staffordshire bull terrier. Will my right hon. Friend join me in congratulating Watchman, and also his handler, Greg Hedges?

**Andrea Leadsom:** Of course I am delighted to join in my hon. Friend’s enthusiasm. I gather that Watchman also won the public vote in the Westminster dog of the year competition last year.

**Liz McInnes** (Heywood and Middleton) (Lab): On 16 November, I asked the Leader of the House for a statement on when the results of the consultation on penalties for causing death by dangerous driving would come before Parliament and be enshrined in law. I wrote to her, as she asked me to do, but since then I have heard nothing. Will she please advise me on what further action I might take?

Andrea Leadsom: I will absolutely look into this if I have missed something. I am absolutely assiduous about following up on all pledges made in this House, so if I have not followed up in this case, I sincerely apologise and will do so straight after this session.
Lee Rowley (North East Derbyshire) (Con): Following the recent experience in my constituency where a planning application for exploratory drilling that will lead to fracking has been declared for non-determination in a highly premature manner, may we have a debate in Government time about whether the planning system is working for these kinds of large applications?

Andrea Leadsom: My hon. Friend is a strong voice for his constituents, and he is right to raise this matter. An applicant for planning permission can exercise powers under section 78 of the Town and Country Planning Act 1990 for a right of appeal to the Secretary of State against a decision to refuse consent, or non-determination. Whether an applicant wishes to exercise that right of appeal is a matter for them. He will appreciate that major shale gas planning decisions will be the responsibility of the national planning regime, so he could raise this with Department for Communities and Local Government Ministers during questions on 22 January.

Paul Flynn (Newport West) (Lab): May we have a debate on early-day motion 722?

[That this House believes that the acceptance of a new job with Chinese interests by the previous Prime Minister David Cameron exposes parliamentarians to accusations of promoting their own financial interests in office in order to benefit from them later with lucrative jobs; recalls that David Cameron resisted all pleas to reform the abuses of revolving door that allows former hon. Members to prosper on the basis of insider knowledge unhindered by the impotent watchdog of the Advisory Committee on Business Appointments; and further recalls that the former Prime Minister supported the Chinese-British Hinkley Point project that has been condemned by the National Audit Office and the Public Accounts Committee.]

That might help to remove the most corrupt element in this Parliament whereby three Governments have failed to reform the committee that is supposed to prevent past Ministers from profiting financially from their time in office. Is there not a danger that the country will look at recent affairs and ask, as Chaucer did, “If gold doth rust, what will iron do?”

Andrea Leadsom: The hon. Gentleman raises what I am sure is a very important point. If he has an EDM, it will be dealt with in the usual manner.

Mims Davies (Eastleigh) (Con): Will the Leader of the House find time for a debate on the apprenticeship levy? In my constituency, Blaze Construction is working hard to support this process, but has concerns about how it affects its industry and its efforts.

Andrea Leadsom: I know that my hon. Friend shares the Government’s enthusiasm for apprenticeships, of which there have been more than 3 million since 2010. That is fantastic news for young people’s careers and the development of their skills. If she wishes to promote particular issues around the apprenticeship levy, I encourage her to seek an Adjournment debate so that she can raise the matter directly.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): May I send a special Christmas wish to the police who keep us safe in this place? They get overlooked sometimes. Does the Leader of the House agree that it is heartrending to read about a little girl saying, “Father Christmas forgot to come to my house last Christmas”? That is a terrible thing. The Children’s Commissioner has said that there are half a million vulnerable children in our country. Can we have an early debate about the Children’s Commissioner’s report on vulnerable children?

Andrea Leadsom: I fully share the hon. Gentleman’s concern about vulnerable children. We would all like, particularly at Christmas, everything possible to be done to ensure that children have the chance to be with their families and enjoy Christmas. I encourage him to seek a debate on the matter so that all Members can participate.

Ms Nusrat Ghani (Wealden) (Con): Will my right hon. Friend join me in thanking postal service workers over this busy Christmas period? Can we have a statement on future support for post offices, especially those in rural constituencies such as mine?

Andrea Leadsom: I am delighted to join my hon. Friend in thanking all Post Office workers. They do a fabulous job at this time of year. The issue that she raises is very important, especially to rural communities, so I am pleased that the Government announced yesterday that they are committing up to £370 million in new investment in the post office network for the three years from April 2018.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): Would the Leader of the House agree to have a debate on a national Sikh war memorial in a prime central location in our capital, to commemorate the extraordinary bravery and sacrifices of Sikh soldiers in the service of Great Britain? That includes both world wars, when more than 83,000 turbaned Sikh soldiers laid down their lives and more than 100,000 were injured. To assist her in that, she may have seen early-day motion 708, which already has the support of more than 150—

Mr Speaker: Well meaning, but far too long.

Andrea Leadsom: The hon. Gentleman is right to raise the amazing sacrifice of Sikh soldiers, and I share his interest in a memorial. He may well wish to seek an Adjournment debate so that he can raise that directly with Ministers.

Paul Masterton (East Renfrewshire) (Con): Will the Leader of the House join me in congratulating my constituent Marsha Gladstone? She received the Points of Light award for her work with the Yoni Jesner Foundation, which was set up in memory of her son, who was killed by a Tel Aviv bus bomb 15 years ago.

Andrea Leadsom: My hon. Friend raises a very sad story. He is right to seek the warmth of this House for his constituent, and I am very happy to give it.

Kate Green (Stretford and Urmston) (Lab): I hope Parliament will join me in congratulating the UN and the World Federation of the Deaf on declaring an International Day of Sign Languages. May we have a debate on its recognition in UK law?
Andrea Leadsom: I congratulate the hon. Lady on what I am sure was very accurate signing. I am sure that hon. Members would be delighted if she were to seek a Back-Bench debate on this subject.

Nigel Huddleston (Mid Worcestershire) (Con): As we approach Christmas, our thoughts are often with those whom we have lost during the year. I am sure the thoughts of many of us in the House will therefore be with the family of PC Keith Palmer, who gave up his life while protecting ours. Several months ago, my hon. Friend the Member for Brunton (James Cleverly) suggested that some kind of commemoration, such as a commemorative plaque, should exist on the parliamentary estate. Can the Leader of the House give us an update on progress?

Andrea Leadsom: Keith Palmer showed huge bravery and courage when he sought to protect our parliamentary community from a terror attack. He was also a father, a husband and a Charlton Athletic fan, and he is now the posthumous recipient of the George medal. The Police Memorial Trust is working with Westminster City Council to erect a memorial stone outside Carriage Gates, and that is something that we will all be pleased to see.

Alan Brown (Kilmarnock and Loudoun) (SNP): In terms of the hard work of Scottish Tories, I have submitted written questions asking how many meetings they have had, and when, with police and fire services on the question of VAT. The answer I got was that there are regular policy meetings with hon. Members. I then asked when Scottish Tories last met each one, and I was referred back to the same answer. Will the Leader of the House make a statement explaining how I can actually hold the Government to account and how she will get Ministers to give straight answers?

Andrea Leadsom: I think the hon. Gentleman will appreciate that, in the last few weeks, the Chancellor has seen many hon. Friends every night in the Lobbies. How often the Chancellor comes across his colleagues is really not a matter on which to hold the Government to account.

Tony Lloyd (Rochdale) (Lab): Will the Leader of the House commit to arranging an early statement on the astonishing and unacceptable threat by the United States ambassador to the United Nations that note will be gone into infrastructure since 2010. The national productivity investment fund is looking to improve infrastructure right across the United Kingdom, and the northern powerhouse has been a big recipient. I encourage him to seek a Westminster Hall debate so that he can put forward further ideas to make it a success.

Patrick Grady (Glasgow North) (SNP): I believe the other customary greeting at this time of year is “May the force be with you”.

May we have a debate on the recruitment policy of the Civil Aviation Authority? A constituent of mine approached me to say he was prohibited from obtaining a medical certificate for a commercial pilot’s licence simply on the grounds that he was HIV-positive. Does the Leader of the House agree that nobody should face unjustifiable discrimination because of their HIV status? I have written to the Transport Secretary, but I have not yet had an answer. May we have a debate on this issue?

Andrea Leadsom: I certainly agree with the hon. Gentleman. This Government are against discrimination. I encourage him to ask a parliamentary question so that he can get an answer on his specific point.

Chris Elmore (Ogmore) (Lab): Will the Leader of the House ask a Work and Pensions Minister to make a written statement on the remaining months of the roll-out of universal credit in constituencies in the UK? I received an incorrect answer to a written question on Monday, and I still have not had a response to my oral question in Work and Pensions questions on Monday afternoon.

Andrea Leadsom: If the hon. Gentleman wants to write to me on that point, I will take it up with the Department for him.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): The publicly owned Royal Bank of Scotland is closing more than one third of its branches in Scotland, including the very busy one in Renfrew in my constituency. May we have a statement on this Government’s abdication of their responsibility to the taxpayers of Scotland in leaving 13 towns with zero bank branches?

Mr Speaker: A debate on that matter has already been announced, unless my memory is incorrect, but the Leader of the House will in any case give us her reply.
**Andrea Leadsom:** Yes, Mr Speaker, there will be a debate on the RBS restructuring group. On the hon. Gentleman’s point about closures, this is a commercial matter, as the Prime Minister has made clear. We are certainly very keen to promote the excellent work of the post office network in providing basic bank account services. He will certainly be aware of the protocols on bank closures that every bank must follow, and he may wish to take this up directly with BEIS Ministers.

**Brendan O’Hara (Argyll and Bute) (SNP):** On a similar note, 62 bank branches are closing in Scotland, including in Rothesay, Campbeltown and Inveraray in my constituency. Thus far, the Government have steadfastly refused to get involved, saying that these are commercial decisions, but such an answer is unacceptable. May we have an urgent statement on the bank closure programme in Scotland and how it can be stopped?

**Andrea Leadsom:** As I said to the hon. Member for Paisley and Renfrewshire North (Gavin Newlands), the key point is that decisions about bank closures are commercial ones. Many people are turning away from branch banking to mobile banking. There are protocols for consultations on footfall and so on that must be followed by any bank before it decides to close its doors, but these are ultimately commercial decisions.

**Jim Shannon (Strangford) (DUP):** Earlier this week, militants attacked a Methodist church in Pakistan, killing nine people and wounding dozens of others. The two suicide bombers were stopped at the entrance to the church, but had they managed to get into it, the number of casualties would have been as high as in the 24 November attack on the mosque in Egypt. This attack is especially poignant at Christmas, so will the Leader of the House agree to a statement or a debate on the escalating violence in Pakistan and the middle east?

**Andrea Leadsom:** I think all Members would condemn the sort of violence mentioned by the hon. Gentleman, on which I encourage him to seek an Adjournment debate.

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**Independent Complaints and Grievance Policy**

11.29 am

**The Leader of the House of Commons (Andrea Leadsom):** With permission, Mr Speaker, I would like to make a statement on the independent complaints and grievance policy. I apologise that it is a little long, but I want to give a full account to the House of the progress made.

On 6 November, the Prime Minister convened a meeting of all party leaders to address reports of bullying, harassment and sexual harassment in Parliament. All parties agreed to implement robust procedures to try to change the culture in Parliament, recognising that Parliament can and must set a good example. In her letter to you, Mr Speaker, the Prime Minister made clear the need for a new grievance procedure, and a cross-party working group on an independent complaints and grievance policy has been working hard over the past six weeks to consider evidence and draw up recommendations for new procedures. Good progress has been made, and during the recess there will be further discussion and consultation within the parties and among the staff bodies, in order to produce a fuller report in the new year. There are many examples of good employers and professional working practices right across Parliament, and we seek to ensure that that is the case for all.

The working group, chaired by me on behalf of the Prime Minister, has been made up of two colleagues from Labour, and one each from the Scottish National party, the Liberal Democrats, the Democratic Unionists, Plaid Cymru and the Green party, as well as the Leader of the House of Lords and the convener of the Cross-Bench peers from the other place. We also have three staff members on the working party representing the Members and Peers’ Staff Association, Unite, and the National Union of Journalists. They have led widespread consultation with staff, to ensure that staff voices have been heard loudly. We have been supported by a secretariat made up of Cabinet Office and parliamentary staff, including the tireless work of Alix Langley, Justine How, and Dr Helen Mott, a leading specialist in sexual assault. They each deserve our enormous thanks for their dedication.

I am also very aware of the active interest that a number of colleagues have taken in this matter, and for them it is a personal campaign to improve the experience of those who work here. I thank them for discussing their thoughts with me, particularly the hon. Members for Birmingham, Yardley (Jess Phillips) and for Luton South (Mr Shuker), my hon. Friend the Member for Eastleigh (Mims Davies), and my right hon. Friend the Member for Basingstoke (Mrs Miller).

The working group has so far met on 11 occasions, and has heard from a wide range of experienced professionals, both in person and through written submissions. Those include the Speakers of both Houses, Professor Sarah Childs, Rape Crisis, the Clerks of both Houses, ACAS, the Parliamentary Commissioners for Standards and the Chair of the Committee on Standards in Public Life, Unite, legal experts from the business world, and Health Assured. Importantly, the working group also heard from a number of staff about their views of the culture of Parliament. We are grateful to those who spoke to the group about their experiences, or provided anonymous submissions.
The working group identified three guiding principles for this work. First, Parliament requires an independent process that is separate from the political channels. Secondly, much evidence was taken to support the view that claims of sexual harassment must be dealt with separately from claims of bullying and other types of harassment. Thirdly, structures alone will not change the culture in Parliament and other steps are also needed including—crucially—a human resources service for staff employed by Members, and an expansion of training provision.

As a result of the work of the group, and with the support of the Speaker and the commission, a number of immediate measures have been put in place to increase the level of support available to staff across the estate. First, there will be a new, interim provision of HR support and guidance for the staff of Members, beginning after the recess, while consideration is given to the need for a broader HR service. HR support will also be accessible to Members’ staff working on the parliamentary estate, in constituency offices, and those who are collectively employed by the parties. In addition, new training will be available, addressing the range of needs identified by the working group. That is in addition to the already announced expanded Health Assured helpline, which will be made available to staff of Members across both Houses, and a number of other pass holders across the estate. As you requested, Mr Speaker, individual political party policies and procedures for dealing with bullying and harassment have been published online and are accessible on the parliamentary website.

A great deal has been achieved, but we also have a programme of work planned into the new year. The working group has clearly identified the need for new policies and procedures to tackle bullying and harassment, including sexual harassment, which should be available to staff and Members across the estate, and must be independent of the political parties. The proposals that follow are the outcome of substantial evidence taken by the working group and there is strong support from its members. However, further work, evidence-gathering and consultation will be required before we can put new processes in place. They must attract the full support and confidence of staff, MPs and peers across Parliament.

One new policy under consideration by the working group is a new behaviour code to be consulted on, which would apply to all those who work in or for Parliament, including Members, peers and staff, wherever they work. This behaviour code could sit alongside the existing parliamentary codes of conduct, which may themselves require amendment. Another is the procurement of a new independent sexual violence advocate specialist service to provide a confidential helpline and counselling support and advice to those wishing to make disclosures. Such a service would also provide support to complainants in cases of sexual assault, including rape. The service would provide support for complainants to pursue a criminal justice route, or, if they did not wish to go to the police, alternative strictly confidential support. The working group has also taken significant evidence on the need for an independent mediation service to provide a helpline, counselling and investigation into incidents of bullying and intimidation.

Finally, we discussed sanctions. These will of course differ according to the severity of the grievance, and for different individuals. For lower-level complaints, the range of possible sanctions could include training covering harassment and bullying, a full apology, as well as a review, where appropriate, of the parliamentary pass. In serious cases, further work needs to be carried out to ensure sanctions are appropriate, fair and enforceable. The functions of both the Parliamentary Commissioner for Standards and the Standards Committee may need to be strengthened and reviewed to ensure fair representation and confidentiality. Considerable further work needs to be carried out before conclusions can be drawn and, of course, any changes to Standing Orders and to the code of conduct would require decisions by the House.

The working group’s discussions have been underpinned by a persistent theme: there are many examples of excellent employers and working relationships, but there is a real need to improve the overall workplace culture of Parliament. One of the routes to this is proper independent HR support for Members’ staff to minimise the problem of contractual disputes, as identified in one of our core principles. We need to work with the House authorities and staff to consider the best and most appropriate way of delivering this in the long term. We also received a great deal of evidence on the need for voluntary and mandatory training for staff and their employers. This would include proper induction courses for staff employed by Members. While this is not within the terms of reference for the working group, it was made clear to us that enabling better support for employer-employee relationships could significantly improve the working atmosphere and engender a more professional culture. The working group will consider the evidence further.

Mr Speaker, we were grateful for your own contribution to the working group, in which you made it clear that the House of Commons Commission stands ready to do what it needs to do to respond to any proposal from the working group, providing that the proposal combines independence and transparency. We recognise the need both for swift progress and for careful consideration before taking action. Our next steps, therefore, are crucial. The working group will reconvene after the recess to agree on how the work will progress. We will look closely at the policies we have identified as needing further work and consultation, and begin to take further advice and evidence. A number of proposals have been made about how to take our work forward. They range from appointing a special bicameral Select Committee to maintaining a Members and staff cross-party committee. We will consider all ideas carefully, but I want to make it clear that the work of the existing group is ongoing for the time being. We will continue to involve staff, peers and MPs collectively, each step of the way. Excellent progress has been made in a short space of time, Mr Speaker, and I want to express my gratitude for the strong commitment shown by members of the working group, and for the expertise provided by our specialist advisers.

The working group was formed to bring about change. I recognise that change is not always easy, particularly in a place with such long-standing traditions and customs where we live and work in the full glare of the media spotlight, but that cannot be an excuse. We should not rest until everyone working in Parliament can feel safe,
valued and respected. We have a chance now to get this right for everyone on the parliamentary estate, including staff; Members of Parliament and peers. I hope to bring the working group’s final proposals to the House in the new year.

11.40 am

Valerie Vaz (Walsall South) (Lab): I thank the Leader of the House for her leadership of the working group, and I thank all hon. Members for their hard work. I thank everyone who took time to submit evidence, and everyone who gave oral evidence—including you, Mr Speaker, who gave your time to attend the hearings—and Lord McFall, who attended on behalf of the Lord Speaker. I am grateful for the commitment of the Speakers of both Houses, and I thank the senior Clerks of both Houses, who were on hand for discussion. I thank those who staffed the secretariat, who responded magnificently, trying to make sense of all our discussions in addition to their other work. They truly represented what is good about the work ethic in the House.

I thank my hon. Friend the Member for Brent Central (Dawn Butler), and the hon. Members for Belfast South (Emma Little Pengelly), for Brighton, Pavillion (Caroline Lucas), for Dwyfor Meirionnydd (Liz Saville Roberts), for East Dunbartonshire (Jo Swinson) and for Perth and North Perthshire (Pete Wishart), and, in the other place, Baroness Evans of Bowes Park and Lord Hope of Craighead. I also thank staff representatives Emily Cunningham, Max Freedman and Georgina Kester, who attended in addition to doing all their work for Members.

The working party was set up by the Government and leaders of other parties in the wake of reports of sexual harassment in a variety of situations. I want to make the Opposition’s position very clear. I do not think it acceptable that it was misrepresented in the press at the weekend. There is a report, but it is still a draft report, and it should go out to consultation. Normally, the report is agreed and after that the summary can be published.

The group sat for more than four hours on one day, and came up with good, creative solutions, or heads of agreement, which, to some extent, the Leader of the House set out in her statement. Suggestions are still coming in, including some from the Public Administration and Constitutional Affairs Committee yesterday. The issue affects both Houses, and I should like my counterpart, Baroness Smith of Basildon, to be fully informed as she pursues it in the other place. The working group does not come from the House by motion. If we are to see real change it must have the confidence of the House. We need to consult and reflect on the proposals and ensure that they are workable, because we do not want to have to unpick them later. It is vital for members of the party hierarchy—and trade unions that represent staff and may not have had a place in the group—to be consulted.

The Leader of the House suggested a number of ways of protecting people now, in the medium term, and in the longer term. The Leader of the Opposition has made it clear to me—and, in a letter, to the Prime Minister—what the Opposition want. First, we want a separate independent sexual harassment adviser and support. We suggest that the sexual adviser should be appointed immediately—they should be independent and qualified to take complainants through the process until the tender is out, which could be at the end of January—and that a separate helpline should be set up now. In that way, if there are existing cases, people will not feel that they have nowhere to go with their complaints. There must not be a vacuum, and this can easily be done immediately. Will the Leader of the House agree to do it now?

Secondly, we want an independent human resources service for staff. Some Members and staff belong to trade unions, while others say that they do not want to, but joining a union has benefits: unions have expertise and are familiar with employment rights. Given the possible erosion of rights as we leave the EU, there is already concern about the possibility that the working-time directive will be removed, and it is vital for those who are not in a management position to have access to advice and assistance. I know staff representatives have said that they would like such a service, and that they cannot deal with the cases that they currently have. The service should be offered on an equivalent basis to staff of the House.

Thirdly, the current HR support service should be expanded to help Members and senior members of staff understand how to interview and how to ensure good practice in respect of management issues. That would separate from the service offered to other staff.

There are existing policies, such as the Respect policy, and some of the evidence that we heard suggested that we should build on what we already have. It took the staff of the House 18 months to put the Respect policy together, and we need to use that expertise. There are many other policies and examples of best practice. ACAS says that it is working with a media organisation to produce a policy on sexual harassment. We can use its expertise and adapt it for the House. A working party cannot do that, but it can commission the work.

Mr Speaker, with your swift action Health Assured is now open to all. It has been expanded, so that there is a route in for those who need it and they can be signposted to different areas of expertise. Longer term, there should be mandatory equalities training for all that includes familiarity with the codes of behaviour. The Leader of the House mentions a new behaviour code, but this is where more work needs to be done; there is a code, and, as the Chair of the Public Administration and Constitutional Affairs Committee, the hon. Member for Harwich and North Essex (Mr Jenkin), said, it could be amended to serve as a reminder of the Nolan principles in public life and what constitutes sexist or racist harassment and behaviour.

This mandatory training for every person in the House need not be long—just two hours, which could include fire safety and even cyber-security. It is necessary for all those who work here, and not only to protect themselves on what is appropriate and inappropriate behaviour—it is the right thing to do. As for sanctions, if it is for Members, there must be a further discussion with the parties. As for the parties, the Labour party is constantly refining its sexual harassment process. Our process on sexual harassment has been looked at by a leading QC. We are in a much better place. Any process needs to be tested through the experience of a complainant. Only that way will we know if it works.

This is too important an issue. There needs to be expert help or consultants. Whether through a Select Committee or a parliamentary forum, it will be set up
to monitor outcomes, take forward further work and refine our policies. As you said, Mr Speaker, on Monday when referring to Members, the majority of people working here “are dedicated, hard-working, committed public servants doing what you believe to be right for this country.”—[Official Report, 18 December 2017; Vol. 633, c. 805.]

I hope that the work we have done on the working group will have given power to the powerless and a voice to the voiceless, as we protect those vulnerable people and enable them to work here in this centre of democracy.

Andrea Leadsom: I am very pleased to hear that the hon. Lady feels that the work is progressing well and that some good recommendations have been made. It is very pleasing that she wishes to make urgent progress. I am glad to hear that and look forward to working closely with her on this in the new year.

Mims Davies (Eastleigh) (Con): I thank the Leader of the House and all the colleagues who have worked on this over the last six weeks, and I am glad that there will be updates in the new year. I welcome, too, the grip taken on this matter by the Leader of the House, on behalf of the Prime Minister, to get this right.

I have been committed to making this place a positive place for everyone working here. Sitting on your diversity committee, Mr Speaker, has been an honour, but it has also shown the number of challenges we face. I am chair of the all-party group on women in Parliament, and we hosted a positive parliamentary Christmas event here for staff, aspiring politicians, councillors, business leaders and—

Mr Speaker: Order. I do not wish to be discourteous to the hon. Lady, who is unfailingly courteous to everybody, but we have a lot of business to get on to, and I am waiting to call someone else who has other pressing business: I therefore need a single sentence question, nothing more.

Mims Davies: I will conclude: can we all commit to using every area, including all-party groups, to make this a safe place to work and to aspire to be?

Andrea Leadsom: My hon. Friend does a huge amount in this place to support particularly women, but also all equality issues, and I commend her for that and will be delighted to work with her.

Pete Wishart (Perth and North Perthshire) (SNP): I thank the Leader of the House for her statement. As a member of the working group, I want first to commend the right hon. Lady for her leadership on this issue and the diligent way that she has gone about trying to build consensus. She is right that we have made solid progress, but it is profoundly disappointing that we have been unable to deliver our report this side of Christmas, as anticipated and as expected by those in this House. This delay has absolutely nothing to do with the Leader of the House, who has personally gone the extra mile to ensure good progress is made. But by failing to deliver the report, we have let everybody in the House down.

We have particularly let down the staff of the House, who were expecting speedy progress, and I am appalled if there is any suggestion that this might be getting punted into the long grass.

We have an excellent report ready to go, which has been agreed by practically all the parties in the House and has been agreed by all staff representatives. The hon. Members for Brighton, Pavilion (Caroline Lucas) and for Dwyfor Meirionnydd (Liz Saville Roberts) want that point to be stressed. The working group has spent hours agonising over this report, and I join the Leader of the House in thanking the experts on sexual harassment who, with their extensive experience, have helped to design a report that covers all the concerns raised by hon. Members and staff.

I sincerely hope that, if there are parties in this House that may have issues about the process of delivering this report, they are quickly and expeditiously dealt with. This is far too important an issue to be lost in party political machinery. May I therefore ask the Leader of the House to get people around the table as quickly as possible, and make sure this report is delivered so we can start to protect the people in this House?

Ms Nusrat Ghani (Walsall) (Con): I welcome my right hon. Friend’s statement, and I thank all members of the working group across the House for the progress that has been made to date. I am particularly keen to hear more on the code of conduct and on what counselling will be made available. As you know, Mr Speaker, I have even raised the matter of the code of conduct with you. This is not just about behaviour; it is also about language. We in this Chamber know the importance of language. It can empower people, but sometimes people use it to subjugate women. Can we ensure that all these matters are included in the report?

Andrea Leadsom: I should like to thank the hon. Gentleman for his tireless work. He has been absolutely dedicated to making progress on this, and I commend him for that. I share his enthusiasm for speedy further progress. All colleagues will be aware of the need for careful consultation and consideration, but we need to make fast progress.

Jess Phillips (Birmingham, Yardley) (Lab): I want to say thank you to the Leader of the House for having a very open process, which I have personally felt that I could take part in throughout. Good progress has been made, but what worries me about what has been said today is that there seems to be quite a lot of potential for kicking the can down the road, and that we are not going to hear what is going to happen. I fear that politics is still stopping some of these decisions, and I want assurances that, whatever sanctions regimes and independent regimes the working group has worked towards, they will come to fruition as swiftly as possible.

Andrea Leadsom: The hon. Lady has been very helpful and open with her views on this matter, and I absolutely assure her that I am working to get this sorted as soon as possible.
Around the world.

Andrea Leadsom: I am grateful to my hon. Friend, and I can assure him that one of the proposals the working group is looking at relates to the provision of services by an independent sexual harassment and sexual violence advocate. That particular expertise will be key to this. His proposal for a bicameral Select Committee is an interesting one, and I have mentioned that it is one of the proposals that has been put to us. The working group will look carefully at all the suggestions for taking this work forward, to ensure that we have consulted thoroughly and done our work considerately in the full knowledge of views across this place.

Jo Swinson (East Dunbartonshire) (LD): I thank the Leader of the House for her statement and praise her diplomacy. What she has announced is fine as far as it goes, but she knows that we urgently need to make more progress. Many of us on the working group, including some very assiduous members who cannot be here today, are disappointed and frustrated that we are not further forward. She is right to say that change is hard, but would she agree that vested interests, not least Whips Offices that are reluctant to give up their power, must not be allowed to derail parliamentary progress on harassment?

Andrea Leadsom: I thank the hon. Lady for her contribution to the working group. She has worked tirelessly on it. I should also like to mention the hon. Member for Brighton, Pavilion (Caroline Lucas), who was spent a great deal of time and effort on this. I have spoken to the Whips in all the parties, and they are all keen to see the resolution of this matter. There must be careful consideration, but I believe that we will be in a position to make fast progress in the new year.

Mr Philip Hollobone (Kettering) (Con): I congratulate my right hon. Friend on her leadership and drive on this issue. Of course Parliament is a special and unique place of work, but my constituents would be most reassured if the bespoke scheme that we come up with was a blend of the best examples of independent grievance and complaints procedures from the private sector, from the public sector and from other Parliaments around the world.

Andrea Leadsom: I share my hon. Friend’s aspiration. As I said in my statement, we want to be setting the best example, not just following something else. We want to ensure that the culture in this place is that everybody feels safe, valued and respected.

Stella Creasy (Walthamstow) (Lab/Co-op): I join others in commending the Leader of the House for the work that has been done so far, but I recognise that the journey is not over, because we all have some way to go before we can actually practise what we are preaching in this House. On that point, I ask the Leader of the House to clarify something. She said in her statement that “further work needs to be carried out to ensure sanctions are appropriate, fair and enforceable”. Will she confirm that recall is on the table as an option and also that there is clarity on whether Members who may be found to have behaved inappropriately will receive severance payments?

Andrea Leadsom: I am grateful to the hon. Lady for her question. It is a matter of fact that recall is already set in law, so it is a possibility under certain conditions. The working group has not yet finished its work or its evidence taking on exactly how that can be brought to bear here, but we are clear that there will be ultimate sanctions. Let us also be clear that the issue for Parliament is not one that affects Members only; it affects peers, Members’ staff and other staff around the parliamentary estate, so there is quite a large amount of work. That is why I have been clear that the work on sanctions needs to be considered further to ensure that they are fair both to the person alleged to have committed something bad and to the complainant who deserves justice. There is more work to be done on that.

Sir Kevin Barron (Rother Valley) (Lab): I thank the Leader of the House for her statement, which contains some welcome measures, particularly the new independent sexual violence advocate service. I also welcome the fact that the system should be completely separate from the normal political channels. As the Leader of the House is aware, the Committee on Standards, alongside the House of Commons Commission, is currently revising the code of conduct. I note that the behaviour code mentioned in the statement will cover a much larger group of people than just Members and that the Leader of the House is consulting further. Who will investigate the other people who may come under that behaviour code?

Andrea Leadsom: The right hon. Gentleman raises a similar point to that of the hon. Member for Walthamstow (Stella Creasy), which is that it is important that the sanctions are appropriate and fair in respect of the employment contract or contract with members of the public that is held by the person about whom an accusation is being made. Further work is required to ensure that sanctions are appropriate for the alleged perpetrator.

John Mann (Bassetlaw) (Lab): I thank the GMB union for being the first Labour affiliate to build in detailed questioning of potential candidates’ understanding of sexual harassment and for having the integrity to refuse to nominate people who do not have that understanding. Will the Leader of the House let us know whether women who have previously complained and do not feel that that complaint was actually heard will have recourse to the new system?

Andrea Leadsom: That point was discussed a great deal by the working group, and it was recognised that there would have to be certain limitations. We could otherwise theoretically be listening to allegations that
were 40 or 50-years-old and the people against whom such allegations are made may no longer be living, for example. The rules need to be carefully thought through, but it is absolutely our intention that people who have current investigations or allegations should be able to seek access to this independent complaints body, even though the body may have particular reasons for not choosing to take up the allegations.

Chris Bryant (Rhondda) (Lab): There are some awful employment practices in Parliament. I know of MPs shouting at their staff till they cry, never advertising for staff before they appoint, interviewing on their own without anybody else in the room, not going through a proper shortlisting process—all sorts of terrible practices. Would not the best thing be for us to have a proper human resources service available through the House so that all MPs, the moment they arrive here, have a proper opportunity, especially if they have never employed or recruited people before, to learn good practice from the beginning?

Andrea Leadsom: The working group has taken evidence on and considered that point, and the overwhelming evidence is that Members of Parliament need to continue to directly employ their staff. It was very clear from staff evidence, however, that support for good employment practices—the provision of independent advice on employment matters—was needed for Members’ staff. It was also clear, as I mentioned in my statement, that training—mandatory and voluntary—should be made available not just to Members but to staff. Many staff, for example, asked for proper inductions so that when they come here they can be taught where the Table Office is and so on without having to ask other people’s advice. We have an opportunity to set right some things ranging from the fairly basic all the way up to people understanding thoroughly what constitutes bullying and harassment, including sexual harassment, what constitutes a proper appraisal, and so on. Many Members across the House already have that experience, but not all of them, and we should make it the case that every Member—every employer in this place—has access to that training.

Liz McInnes (Heywood and Middleton) (Lab): I am pleased that some trade unions have had a voice on the working group, but when is Parliament going to take that further step and formally recognise trade unions?

Andrea Leadsom: I pay tribute to working group members Max Freedman, branch chair of Unite, Georgina Kester, chair of the Members’ and Peers’ Staff Association, and Emily Cunningham, a representative of the National Union of Journalists, all three of whom work for Members in this place. They have done a great job. They have also consulted widely with staff. There are some specific technical reasons why it would not be possible to require some sort of across-the-board recognition of trade unions, but nevertheless the working group has taken evidence on how valuable some of the support from trade unions can be.

Mr Speaker: I think the right hon. Lady means staff of Members of Parliament, which is a matter that can be further considered, but it is important to put it on the record, not least for the benefit of those who are attending to our proceedings who are not Members of, or employed by, the House, that the House itself most certainly recognises trade unions and negotiates with the staff of the House. I recognise, however, the other issue at which she was hinting, and that can certainly be further discussed. I am in no way an obstacle to a development on that front, if that is the settled or general will of Members.

Wes Streeting (Ilford North) (Lab): If there is an HR service, surely it could recognise trade unions for Members’ staff in the way described. I thank the Leader of the House for her work on this, but it cannot be right that it is easier to sanction a Member for disorderly conduct in the Chamber than to sanction them for disorderly, disreputable and disgraceful conduct outside of it, so can she press ahead on that? I also gently remind her that this issue belongs to the House, and if she cannot find unanimity on the working group, perhaps she should publish a draft report that we can all comment on, because we would welcome more progress and momentum behind what she is doing.

Andrea Leadsom: I can assure the hon. Gentleman that the working group is working as fast and carefully as it can, and as I said in my statement, we hope to produce that report in the new year.

Louise Haigh (Sheffield, Heeley) (Lab): Further to the question from my hon. Friend the Member for Heywood and Middleton (Liz McInnes), I was branch secretary of Unite the union in Parliament a few years ago, and I was involved in legal conversations about recognition. It is a complex process, but there is not a firm legal barrier in its way, and it is crucial to cleaning up the culture in this place. I am grateful for your support, Mr Speaker, but I beg the Leader of the House to reconsider her statement just now that there will be no recognition of Unite the union here.

Andrea Leadsom: I assure the hon. Lady that that is not what I just said. What I said is that we took evidence on it and that there are some technical challenges. Of course, because Members of Parliament employ their staff directly, there is not necessarily a lever by which to require people to make such decisions for themselves. I am not ruling anything out; I am merely trying to enlighten the House on the evidence taken by the working group.

Jim Shannon (Strangford) (DUP): I thank the Leader of the House for her industriousness, hard work, energy and diligence on this matter, which is good to have—there have been some 11 meetings, totalling 30 hours. My hon. Friend the Member for Belfast South (Emma Little Pengelly) sat on the working group and made a substantial contribution.

I share the Leader of the House’s disappointment that, as others have said, there should be any unnecessary delay, and I welcome the progress so far. Will she outline the next steps to ensure there is a robust and independent system so that no one is harassed or bullied without action being taken?

Andrea Leadsom: I also thank the hon. Member for Belfast South (Emma Little Pengelly) for her very strong and diligent contribution to the working group. In
particular, she brought up the specific issues in constituency offices, especially in the context of Northern Ireland, which the working group found very helpful.

As I said in my statement, the working group will continue to meet. We will reconvene in the new year, and we will seek to make progress as swiftly as we can.

Supported Housing

12.6 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): Mr Speaker, I wish you and fellow Members a very merry Christmas. I thank you for the opportunity to update the House on our plans for a new funding model for supported housing. This update follows an earlier debate on this issue on 25 October and responds to the recent resolution of the House.

We all agree that supported housing is an invaluable lifeline for some of the most vulnerable people in our society, which is why this Government are determined to ensure that the funding model that underpins supported housing protects and boosts the supply of such housing and delivers a good quality of life for the people who depend on it. The House will be aware that we set out our plans in a written ministerial statement on 31 October, in which we confirmed that we will not apply the local housing allowance rates to tenants in supported housing or the wider social rented sector, and that we will introduce this new approach from April 2020, rather than April 2019, to ensure that vital support provided to vulnerable people is not interrupted or, indeed, put in doubt.

We said that funding for housing costs for sheltered and extra-care housing will stay in the welfare system and that we will introduce a sheltered rent for sheltered and extra-care housing—a type of social rent that will cap the amount that providers of such housing can charge for gross rent. We will work closely with the sector to set those limits at an appropriate level and, more generally, to protect provision and new supply. We will bring in existing supply at existing levels of rent and service charges.

We also said that long-term supported housing, such as permanent housing for people with learning or physical disabilities, or long-term mental ill health, will remain in the welfare system and that we will look to work with the sector to develop greater cost control. All short-term provision currently funded by the welfare system will continue to be funded at the same level by local authorities in 2020. Housing costs will be funded directly by local authorities through a ring-fenced grant—that ring fence will remain in the long term. The amount of grant funding will continue to take account of the costs of provision and of the required growth in supply.

There are real advantages to this new approach. By retaining funding in the welfare system for longer-term supported housing and sheltered housing, we are giving the sector, in the words of Home Group, “the certainty we need to get on and build more homes.”

Home Group has not hesitated to act, and it has already given the go-ahead for £50 million of capital investment in three new supported housing schemes. So the sector is feeling optimistic about the future, which can only be good news for supported and sheltered housing tenants. For short-term accommodation, we are proposing a new and separate model to take account of the particular needs it presents. All short-term provision—for example, hostels and women’s refuges—currently funded by the welfare system will continue to be funded at the same level by local authorities in 2020.
As noted in the recent Budget 2017 documents, there will be a transfer of funds from welfare spending to my Department from 2020-21. The right hon. Member for Wentworth and Dearne (John Healey) voiced his concerns on 25 October over future funding levels for supported housing after 2020. I would like to reassure him that the amount of grant funding for this part of the sector after 2020 will continue to take account of the costs of provision and the growth of future provision. I recognise that there are also concerns about how new arrangements for local authorities to directly fund short-term accommodation will work. Again, I want to make it clear that our aim, in making these changes, is to allow residents to be able to keep and find work without having to worry about meeting their housing costs at a particularly difficult time in their lives.

The changes will also help people to move on without carrying a legacy of rent arrears and debt, and ease the administrative burden for providers who will no longer need to collect rents and service charges from residents. Councils have a strong interest, too, in sustainable short-term accommodation that meets local needs. The new model gives them a bigger role in commissioning short-term accommodation, as well as in strategic planning for supported housing—the Local Government Association has welcomed that. This strong local focus runs right through our plans, encouraging greater engagement at a local level, with quality, positive outcomes for residents at the forefront.

So we have set out the framework for funding reforms that provides the certainty, stronger oversight, cost control and, most vitally, the focus on good outcomes for tenants that is needed to boost housing supply in this incredibly diverse sector. Having done that, we are now working closely with the sector on the detail. We are formally consulting on “sheltered rent” and on the short-term funding model. The Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Gosport (Caroline Dinenage), the Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), and I have each also met sector representatives. I am pleased to say that the overall response has been positive, but we acknowledge some of the concerns that have been expressed and will continue to work with local authorities, providers and tenants to get this right. The people who live in supported housing—vulnerable older people, people with learning and physical disabilities, women and children fleeing horrific domestic abuse, and the homeless—deserve no less.

Before I conclude my statement, I would like to thank all those people who are working to deliver sheltered and supported housing across our nation during this festive period. I would like to thank them for their hard work and all that they do to support the most vulnerable people in society. I commend this statement to the House.

12.13 pm

John Healey (Wentworth and Dearne) (Lab): I join the Minister in paying tribute to all those working on the frontline, particularly those helping the homeless over this Christmas period. I also thank him for the early copy of his statement.

Although I fail to see anything fresh in this oral statement, I nevertheless welcome it, because this House has played a big part over the past two years in getting the Government to reverse their previous plans on supported housing. Individual Members on both sides of the House have spoken strongly, as have charities and housing associations, to warn of the folly and flaws in the funding changes. The Joint Select Committee report has laid a cross-party basis for the Government to rethink. Labour has led three Opposition day debates and, as the Minister says, this statement, “responds to the resolution of the House” on the last of those.

In that Labour debate on 25 October, I warned that the devil is always in the detail and in the funding. I am sad to say that today’s statement does nothing to help clear up concerns on both fronts. On funding, the Minister has repeated the same flawed promise, saying, “All short-term provision currently funded by the welfare system will continue to be funded at the same level by local authorities in 2020.” That is only a commitment for 2020; there is no pledge beyond that, even though the Red Book last month showed that the Treasury has inked in cuts of half a billion pounds in 2021-22. Will the Minister clear up this problem today by confirming that there will be no cut in funding in the second or subsequent years?

The Minister moved on to say in this statement that, “grant funding for this part of the sector after 2020 will continue to take account of the costs of provision and the growth of future provision”. This is precisely the problem: it will be Ministers who make grant decisions on funding for the future and Ministers who will say they have taken account of costs and growth. Unlike the welcome move to keep other types of supported housing in the welfare system, this will no longer be needs-led and no longer based on the right to help with housing costs for individuals. That is why St Mungo’s and others say that with these plans “it is unlikely that providers would be able to secure loans to develop new services or be able to reassure regulators that providing short-term supported housing is financially viable in the long term”.

So what changes will he make to the plans to provide reassurance on this?

On detail, the Minister has dispelled none of the confusion about how the new system will work in practice. The plan is to keep a resident’s entitlement to housing benefit, but services with the new grant will not charge rent and will not draw down or cash in that entitlement. So what happens if a service does not receive a grant? Can its residents receive housing benefit? If a service has grant for some but not for all residents, can some still get housing benefit? Will he consider cutting the current two-year definition of “short term” down to 12 weeks, which will deal with some of the big problems in universal credit, and then make people eligible to claim housing benefit? Finally, what will he do to make sure such organisations that do not currently deal with local authorities and do not, for instance, get Supporting People funding, do not fall through the gaps in the new system?

In future years, students will be given this as a case study in disastrous Government decision making. This is the third policy rewrite in the two years since George Osborne made the crude policy decision to give the Treasury big cost savings, and the Government still have not got it right. So will the Minister accept that the Government must work further with Parliament and
the housing sector to meet the terms of the resolution and sort out a good long-term system for the future and funding of supported housing?

**Mr Jones:** This is the season of good will to all men and women, and the right hon. Gentleman set off in his remarks so well, but then was not too festive in his spirit. He mentioned short-term accommodation and asked what would happen post-2020. If he looks, he will see that there is clearly a transfer from the Department for Work and Pensions to the Department for Communities and Local Government to cover the cost of short-term supported housing going forward. We are absolutely clear, and we will come forward with further plans following the consultation, on how we will assess future provision, how we will deal with that and what we will need to make sure that the providers have a sustainable position going forward to reflect inflation.

The tenants will not lose the ability to get help with housing costs, and we fully expect that when the system comes into effect people will be in a position to have the help and support they need. We do not expect that people will have the opportunity to claim housing benefit for the same service at that point, but there are deficiencies in the current system that the right hon. Gentleman just does not acknowledge, such as on the position of women who go into a refuge in terms of their being able to work—I mentioned that in my original statement. Sometimes these women cannot claim housing benefit in that position and so cannot work.

I reassure the right hon. Gentleman that we are working closely with the sector. He asked about several aspects of how the policy will work with respect to local authorities. We are putting in place a strong statement of expectations and strong conditions for the ring-fenced grant.

With respect to the right hon. Gentleman’s point about the two-year definition for short-term supported accommodation, I can tell him that we asked a working group, which included providers from across the sector, to look at the issue. Although it was not absolutely clear, the working group came up with the two-year period as a sort of minority verdict. That is why we have followed the path that we have.

I reassure the House that the Government are absolutely committed to protecting the most vulnerable. We are absolutely confident that by working with the sector we can get this right.

**Several hon. Members rose—**

**Mr Speaker:** Order. This is an extremely important matter and I am keen to accommodate colleagues’ interest in it. However, I should remind the House of what I said earlier, namely that two heavily subscribed debates are due to take place under the auspices of the Backbench Business Committee when this exchange has been concluded. It would be good if contributions did not expand to fill the time available. What we are looking for here is a short question and a short reply. The former will be brilliantly exemplified, as always, by the author of the textbook on the matter, Sir Desmond Swayne.

**Sir Desmond Swayne** (New Forest West) (Con): Will account be taken of the security measures that are proper for refuges that deal with people fleeing domestic violence?

**Mr Jones:** Indeed, that is an important consideration and it is certainly part of the housing costs. Housing benefit for refuges is currently higher than general-needs housing benefit to reflect those types of costs.

**Deidre Brock** (Edinburgh North and Leith) (SNP): I welcome the introduction of the sheltered rent principle; it seems the right thing to do. Nevertheless, it is not too difficult to pinpoint why the Government have come in for criticism over the paying of the housing costs of the most disadvantaged members of our society. Will the Minister guarantee that there will be no penny pinching and that the extra-care housing costs will be met in full by central Government, without quibble or caveat? That is just a straight-up-and-down responsibility of a modern Government. The costs of and responsibility for delivery cannot just be passed on to local government, charities or housing providers.

I encourage the Minister to drop the mantra that the provision of housing support is about getting people into work. The provision of housing support is about helping people with their housing. Making sure that people are in decent housing is an honourable aim in itself; it does not need additional aims.

There was an explicit commitment in the October policy paper to additional funding for Scotland and Wales as a result of the implementation of this policy. Will the Minister tell us whether that remains the intention? If so, what is the indicative sum in each case?

Lastly, it is very welcome that there will be some security of supply for support for people to get back into housing and hopefully to move on to managing their own houses, but will the Minister tell us whether the Government intend to provide additional resources for the outreach and street work that helps to find the people in need in the first place?

**Mr Jones:** On the hon. Lady’s last point, we are talking today about the housing costs, rather than the support costs that she mentioned.

Sheltered rent will also cover extra-care housing. I assure the hon. Lady that this policy is not at all about penny pinching.

The hon. Lady asked about work. The point I was making was about women’s refuges. Often, women who are being abused and are subject to domestic violence have reasonable jobs, but unless they give up those jobs, they will not qualify for housing benefit. I cannot see how that is right at all. Also, 70% of people in supported housing are older people, so in reality we do not expect them to work. I hope that clarifies that point.

I also wish to clarify that we are working with the devolved Governments in Scotland and Wales on all aspects of the policy and will confirm the funding for Scotland and Wales in due course.

**Mr Philip Hollobone** (Kettering) (Con): What is being done to highlight and promote the best examples of supported housing and to condemn and call out the worst?

**Mr Jones:** My hon. Friend makes a good point, and that is one of the reasons for reform. There are some appalling examples of supported housing, but because there are no checks and balances in the housing benefit system, people get away with providing that appalling housing and get paid the same as another provider who...
provides a good-quality service. We will work with the Local Government Association and the sector to put in place strong conditions to make sure that best practice is followed everywhere.

Helen Hayes (Dulwich and West Norwood) (Lab): Will the Minister clarify how funding domestic violence refuge provision at the same level as today will address the shortfall in provision throughout the country? Between 2010 and 2014, 17% of refuges closed, and every day around 90 women and their children are being turned away from refuge provision throughout the country. Without an increase in the funding for refuge provision and the establishment of a national network, the Government will fail to guarantee that every woman and child fleeing domestic abuse can be kept safe in a refuge.

Mr Jones: The hon. Lady makes a good point. Every woman should be protected and have a safe place to go. There are more bed spaces than there were in 2010, but she has a good point, and early next year we will do a full audit to see what provision is like throughout the country. That will allow us to see where the gaps and challenges are, because we want to make sure that women are safe.

Peter Aldous (Waveney) (Con): I commend the Minister for the great deal of work he has done in this complicated policy area. Will he assure me that he will continue to liaise closely with the sector to address two particular issues: first, short-term emergency accommodation; and secondly, the need to stimulate much-needed new development?

Mr Jones: I thank my hon. Friend for his kind words and commend him for the hard work that he has put in on this issue. He asked about short-term emergency accommodation and new supply. On both fronts, we will be working closely with the sector to make sure that there is progress. It is already happening—the Home Group has confirmed that it will spend another £50 million on supported housing—but we want to make sure that the £400 million we have set aside for capital funding goes out to build good-quality supported housing, building on the other 27,000 supported-housing units we have built since 2011.

Tom Brake (Carshalton and Wallington) (LD): Will the Minister commit to an annual review of the arrangements to see whether the investment that he says is going to come does in fact come? Will he confirm when the Government will have a long-term, sustainable plan for the sector?

Mr Jones: I reassure the right hon. Gentleman that what we are putting in place is a long-term, sustainable plan for the sector. We are working closely with those in the sector to make sure that they are reassured of that.

Jeremy Lefroy (Stafford) (Con): Will my hon. Friend meet me, North Staffordshire YMCA and Staffordshire Women’s Aid to discuss some of their concerns about the proposals for short-term supported housing?

Mr Jones: My hon. Friend is a strong campaigner for the people of Stafford and Staffordshire. I would certainly be glad to meet him and his local YMCA and Women’s Aid to talk about short-term accommodation. I have already had meetings with several Members from all parties to discuss this issue, and I am happy to do so again.

Kate Green (Stretford and Urmston) (Lab): I share the concerns of my right hon. Friend the Member for Wentworth and Dearne (John Healey) about moving away from a demand-led system for people in need of short-term supported housing. Will the Minister say what will happen if a local authority has no allocation left to meet the needs of vulnerable individuals? Will central Government underwrite the costs that might be faced in those circumstances?

Mr Jones: This policy is about getting the system right, and we have until 2020 to do that. We need to make sure that our assessment of needs in particular areas is right. Areas will have to set out a clear plan to say what the future need in their area will be. We will work with them on that because we are absolutely clear that we want people to have access to the various types of short-term supported accommodation.

Bob Blackman (Harrow East) (Con): I commend my hon. Friend on the action that he has taken so far. By definition, people in supported housing are vulnerable, but far too often we concentrate on what they cannot do, rather than on what they can do. One problem that people face is the need to fill in complicated forms to ask for the money to which they are entitled. During the transitional phase, will the Minister look into streamlining the process to take away some of the anxiety of people in supported housing, so that they can fulfil the real potential of what they can do in society?

Mr Jones: As usual, my hon. Friend hits the nail on the head. He is absolutely right that, at a time when people are in crisis in their lives, form filling and bureaucracy are not the first things on their minds. He is also right that most of these people have a significant amount of potential. With our new system, we will take that form filling and bureaucracy out of the way, so that we can support people when and where they need it.

Nic Dakin (Scunthorpe) (Lab): Homelessness and housing insecurity have been on the rise in the past two years’ muddle. Are we confident now that the Government’s statements today will actually put in place the security that is needed to tackle what the hon. Member for Waveney (Peter Aldous) says are short-term needs and longer-term investment issues?

Mr Jones: I am certainly confident that we can achieve that in short-term supported housing. I am also confident that the other measures that the Government are taking, having supported the Homelessness Reduction Act 2017 of my hon. Friend the Member for Harrow East (Bob Blackman) and the various other programmes including Housing First that we are looking to pilot, will make a significant difference to tackling the difficult problem of homelessness that we all want to see dealt with.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I recently visited supported accommodation in my constituency—Waverley House in Wimborne, a
Mr Jones: I absolutely will. I just want to reassure the short-term providers in my hon. Friend’s constituency that we are continuing to work with the sector. We are listening to some of the concerns. It is quite obvious that, when we meet the short-term providers and explain the full extent of what we are looking to do, they are reasonably warm to what we are saying. They also say to us that we have to get it right. We must convince them, for example, of the ring fences for the long term, and we are certainly seeking to do that.

Graham P. Jones (Hyndburn) (Lab) rose—

Mr Speaker: Graham P. Jones to Minister M. Jones.

Graham P. Jones: The Minister claims that he wants to help the young vulnerable homeless, yet in my constituency the Crossroads hostel for homeless young people is funded by the Salvation Army, the local housing allowance and Lancashire County Council. This Government are butchering Lancashire County Council’s budgets. How can he reassure me that Crossroads will stay open?

Mr Jones: Earlier this year, we gave councils access to another £9.25 billion for adult social care. I take the point that the hon. Gentleman makes about the organisations in his constituency that run short-term support for homeless people. I commend them for what they are doing. If he wants to bring them to meet me to raise their concerns, he is very welcome to do so.
Mr Speaker: A considerable number of Members wish to speak in this debate. There will be three Front-Bench speeches to boot towards the end and therefore I think that I can say with some confidence that the opening speech by the right hon. Member for Carshalton and Wallington, will not exceed 15 minutes.

Tom Brake (Carshalton and Wallington) (LD): I beg to move,

That this House has considered Russian interference in UK politics and society;

I will indeed seek to stay within your limit, Mr Speaker, and hope to gain some credit for it at some point in the near future.

This is a very welcome opportunity to debate this subject, and I thank the Backbench Business Committee for making the time available and the colleagues who supported the bid. I am pleased that we have a very good representation of senior Members here who have a long-standing interest in Russia.

The premise of this debate is that the UK is at risk of neglecting the threat that Russia poses. I argue that Russia is a clear and present danger and presents a threat to our democracy. Some may consider that to be an alarmist statement, but I hope to explain why, in my view, it is not. I will not be able to cover, in the 15 minutes available, all areas of concern, such as the impact of dirty Russian money in the UK and the UK Government’s apparent unwillingness to hunt it down, in relation to Magnitsky in particular; the extent to which the energy industry is vulnerable to Russian takeovers or leverage; or the appropriateness of the Government’s apparent unwillingness to hunt it down, of any specific Russian involvement.

The right hon. Gentleman is making a brilliant point, but I suspect that other Members will pick up on those issues.

Why do I make this alarmist statement about Russia? First, clearly, there have been attempts by the Russians to influence the outcome of a number of elections. According to the Henry Jackson Society, there is not one smoking gun, but it is a case of joining up the dots, and Russia has a history of interference. The threat is not new; it has been around for a decade, especially, for instance, in the Estonian and Georgian elections in 2008 and 2009. Of course there was the well-publicised Russian interference mainly in the period post the Scottish independence referendum, when they tried to discredit the result of the election.

In the US, we have seen the most famous example of cyber-interference through the activities of the Internet Research Agency, which has spent more than $2 million on activity in America alone over the past two years, and that funding was directly authorised from the Kremlin. This pattern of behaviour suggests that Russia will also have interfered in the EU referendum.

Julian Knight (Solihull) (Con): I congratulate the right hon. Gentleman on leading this debate. Does he agree that part of the reason that most of the hard evidence seems to come only from Twitter is that Facebook does not co-operate as it should in order to get to the root of these problems?

Tom Brake: As I said earlier, I only have 15 minutes in which to contribute to the debate. Although I agree with the right hon. Gentleman that we could go back a lot further, perhaps he could do so in his speech, if he makes one. I am focusing only on recent activity.

Information emerged just last month about hundreds of fake Twitter accounts, probably run from St Petersburg. Research at the University of Edinburgh in relation to the EU referendum showed that at least 419 fake accounts tweeted about Brexit a total of just under 3,500 times, although that was mostly after the referendum had taken place, rather than before. Meanwhile, research by City, University of London from October showed that there was a “13,500-strong Twitter bot army” present on the social media site around the time of the referendum, and in the four weeks before the vote, those accounts posted no fewer than 65,000 tweets about the referendum, showing a “clear slant” towards the leave campaign. However, there was no mention in that report of any specific Russian involvement.

The United States has a gaping vulnerability to disinformation operations carried out by Russia and other malicious actors across the social media environment. In the USA, just one account from the troll factory in St Petersburg managed to amass more than 120,000 followers, interacted with the Trump campaign leaders, and was quoted in newspapers such as the Washington Post as a voice of the American right. Is the Minister happy that the UK has adequate defences against such interference here?

The simple truth is that although Arron Banks and Nigel Farage may be Putin fans, President Putin is certainly not a friend of this country. Russia would only have interfered in the EU referendum or any other elections here in order to damage the security of the UK and, indeed, the EU.

Liam Byrne (Birmingham, Hodge Hill) (Lab): The right hon. Gentleman is making a brilliant point, but has he noticed that the American national security strategy—published this week—explicitly recognises this threat, whereas our national security strategy does not?
Tom Brake: That is a very good point, which I will come back to. The Minister now has advance notice that he needs to be prepared to answer that question, because it is clearly a source of concern.

There is no soft power in Putin’s eyes and, as far as he is concerned, the use of social media to interfere in foreign states is a vital, weaponised tool. The covert interference I referred to is supplemented by more overt attempts to create a media counter-narrative. I am now talking about RT. The RT chief editor, Margarita Simonyan, is on the record comparing RT to the Ministry of Defence, saying in 2008:

“We were fighting the information war against the whole of the Western world.”

She referred to “the information weapon”, which is used in “critical moments”, and said that RT’s task in peacetime is to build an audience, so they can fight the information war better next time. Not surprisingly, therefore, Chatham House and the Henry Jackson Society see RT as a tool of destabilisation from the Kremlin.

Members will know that RT was found in breach by Ofcom in September 2015 for stories about Assad and chemical weapons. However, as I understand it, Ofcom has not always enforced sanctions as and when appropriate. According to the Library, Sputnik has never been found in breach by Ofcom. Ofcom imposed 84 sanctions against 57 broadcasters in the 10 years up to March 2017—RT was not the subject of a sanction during that time—and found broadcasters in breach of the broadcasting code more than 2,500 times.

I am certainly not advocating shutting down RT, and I do not think anyone else is. I just want to ensure that it abides by the broadcasting rules and that appropriate action is taken by Ofcom every time it does not. Is the Minister happy with Ofcom’s actions? Does it consistently pursue RT for breaches in the way he would like? As an aside, I would like Ofcom to be much more active in pursuing a number of other TV channels that are broadcast here, in particular when threats are made to the Ahmadi Muslim community on some of those channels.

No British parliamentarian should be taking money from RT. In fact, I would go one step further and say that, frankly, no British parliamentarian should appear on RT. The only exception to that rule might be if they have complete control and are completely unedited—if they can go on the channel and say what they want, knowing that it will not be chopped, edited and cut by RT. Apart from that, no one here or in the House of Lords should ever appear on that channel. The only time that RT ever contacts me is when I have said something critical about the Government. Well, I am happy to say critical things about the Government on the BBC, but RT is trying to create an agenda that is about attacking the Government at every turn, and I will not facilitate that process.

The next issue is the question of whether the Russians are infiltrating or leaking content from political party systems. Well, we know what they did regarding the Democrats. Incidentally, they also hacked the Republicans, but they only released the information on the Democrats. We also know that they attempted to influence Macron’s team by setting up a number of websites with pseudo-official titles that would email Macron’s members of staff, trying to get them to click on links and provide back-door access to their systems. As I understand it, Macron managed to defeat that, mainly by inserting some fake news into the content that the Russians were trying to access so that the story was demolished because of the inconsistencies within it.

As Members will know, Monsieur Macron had a more aggressive and muscular stance towards Russia than any other parties in that French presidential election, and I believe that that is why he was targeted in a way in which the others were not. As I understand it, the other French political parties were targeted, but the Russians were clearly interested in releasing information that related to Macron in particular. Mr Putin has said that these hackers may not be associated with the Government and that they may be “patriotic” hackers. Well, they may be patriotic hackers as far as he is concerned, but one has to suspect that they have the Government’s endorsement, because I am sure that the Russian Government could clamp down on these so-called patriotic hackers if they wanted to do so.

I am trying to make my questions very clear because I know that the officials in the Box can then provide a written answer for the Minister to read out and get on the record straightforwardly, so I have another easy question for him. Will he consider making UK political parties part of the critical national infrastructure, and what are the implications of taking such a step?

To be able to ascertain the level of threat, we have to assess it accurately, otherwise I risk coming across as a conspiracy theorist. I know that I do already in relation to Brexit, but I do not want to become the person known for conspiracy theories in this place. The difficulty we have is that we do not really know the extent of the activity because, frankly, no one has investigated it properly yet. It is only when that has been done that we will know. I regret that it took so long for the Intelligence and Security Committee to be reconstituted, but I welcome the fact that it has stated that Russia will be a topic that it will focus on. Does the Minister think that the Committee should give priority to the subject? Would he also want the ISC to work effectively with the Electoral Commission so that it can go to places that the Electoral Commission cannot? An ISC inquiry would help us to establish accurately the level of threat.

To pick up on an earlier intervention, we know that Facebook was asked by the Electoral Commission to look at examples of paid ads from Russia, but it was not asked to look at the use of bots or trolls, so the picture we are going to get will, at best, be very incomplete. The response the commission has had—that the Russians apparently spent £7.50 on advertising—does not quite sound right to me.

Jo Swinson (East Dunbartonshire) (LD): I congratulate my right hon. Friend on securing the debate. We are not talking just about a few Twitter or Facebook accounts with no picture avatar and 10 followers. The David Jones account had more than 100,000 followers and was listed as one of the most influential Twitter accounts during the last general election. It purports to be from Southampton, yet it tweets exclusively in office hours in a Russian time zone. Surely the social media companies have a greater role to play in identifying fake accounts—which are pretending to be something they are not—for the integrity of the debate we should all enjoy online.
Tom Brake: I agree entirely with my hon. Friend. I do not know whether she has, but I have engaged in exchanges with David Jones—clearly, I will not continue to do so—because whoever he or she is was a very prolific tweeter during that campaign. So, yes, we need to be aware of those issues.

According to Facebook, neither the Foreign and Commonwealth Office, nor No. 10, nor the intelligence services have given it any advice about what it should be looking for. If that is correct, it concerns me, and I hope the Minister will respond to that point.

Liam Byrne: I think the Americans looked at 47 accounts, which were all provided to the Mueller inquiry by intelligence agencies, but—the right hon. Gentleman is absolutely right—our agencies have offered, I think, only one. The other risk we have to be careful of, though, is that money was transferred onshore—the Electoral Commission is now investigating that—so some of the illicit money may have come from UK onshore accounts.

Tom Brake: I thank the right hon. Gentleman for that intervention. That is another aspect of this issue that I am not going to be able to dwell on at great length in the few minutes that remain.

Facebook is doing work on ad transparency, and I welcome that. Personally, I would be comfortable with having the equivalent of a “printed and published” on the political ads that I place on Facebook. Such measures would help people to understand who was actually promoting themselves. I wonder whether the Minister would support that suggestion.

There is also the issue of authentication. I and, I suspect, every Member here have a blue tick on Twitter, so we have been confirmed as being real people. Maybe Facebook should do something similar to authenticate people with Facebook accounts so that we know that everyone is a genuine person, rather than someone sitting in an office block on the outskirts of Moscow preparing fake accounts. I hope the Minister will agree with that point as well.

We need to resource our response appropriately, and I have concerns—I certainly had concerns when I was a Member and had dealings with it—that the Electoral Commission does not, in fact, have the resources to deal with this issue. Dealing with activity abroad is clearly not within its remit, and it would not have any expertise to do that, so we need to hear how it can access that expertise. The Minister is nodding, so hopefully he will support that suggestion.

We need to resource our response appropriately, and I have concerns—especially when I was a Member and had dealings with it—that the Electoral Commission does not, in fact, have the resources to deal with this issue. Dealing with activity abroad is clearly not within its remit, and it would not have any expertise to do that, so we need to hear how it can access that expertise. The Minister is nodding, so hopefully he will be able to clarify that issue. I hope he is confident that the Electoral Commission has the necessary resources and expertise, or can at least access them.

Mr Pat McFadden (Wolverhampton South East) (Lab): I agree with the right hon. Gentleman, and I ask him to emphasise the point about the resources that are needed to investigate. There is a danger that we are sidetracked into the social media side of this, when, ultimately, the more important thing is the money. Does he believe that the Electoral Commission is sufficiently equipped, resourced and empowered to properly follow the money and to ascertain where donations come from, whether the original donors really own that money and whether the agencies and the Electoral Commission need more powers to properly track the finance and the politics?

Tom Brake: My short answer is, no, I do not think it is. Clearly, that needs to be acted on. It is not just about political parties; it is also about tracking the money associated with political movements, such as the leave campaign or—this may not be controversial for the right hon. Gentleman—Momentum. So that we actually have some clarity about where the money is coming from and so on. We would all benefit if there was more transparency.

John Spellar: Until we get a change in mindset among these bodies, additional resources will not have the necessary impact. These bodies have to have the will and the necessary policy framework, and action on the resources may follow if they are not sufficient. That applies not just to the Electoral Commission, but right across the agencies of Government.

Tom Brake: I thank the right hon. Gentleman for that. Yes, this debate is partly about giving them the will and telling them that they have the backing of Members of Parliament on both sides of the House to take the action that is needed.

I will conclude by reading out the few questions I have left for the Minister—I have been generous in taking interventions. First, as I understand it, the Government have not tasked the intelligence and security services with investigating Russian subversion as a high priority. Russia is a tier 1 threat, but the six-point national security strategy does not mention defence against Russian interference in our political system, so will the Minister press for that to be changed?

On the funding of political movements, does the Minister agree, following the intervention from the right hon. Member for Wolverhampton South East (Mr McFadden), that financial accountability for political movements must be improved as well? On the Mueller inquiry, will the Minister confirm that the UK Government will proactively seek and supply any relevant information to the inquiry, rather than just sit there and wait to be approached? Finally, social media companies are, on the positive side, keen to work with the Government to try to close some of the loopholes we have referred to today.

We need to make sure that Russia is held publicly to account, whether that is through Ofcom or through Ministers, when they know that this has happened, making it clear that the Russians have been actively hacking some of our systems—as they did in relation to the NHS hacking by North Korea. The ISC also needs to come forward with its report.

I am pleased to have had the opportunity to raise this issue, and I hope the House will give the Minister the oomph he needs to go away and ensure that the respective Departments—one of the problems is that this is an FCO, Cabinet Office and Department for Digital, Culture, Media and Sport issue—is dealing with it. I will grab this bull by the horns and make sure that Russia, because of the threat it presents to the UK, is dealt with with the degree of seriousness that is required.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. As Mr Speaker said, there are a number of colleagues wishing to contribute to this debate and to
the later debate, so I am afraid I am going to have to impose an immediate five-minute time limit. I would urge colleagues to be very aware that, if they take interventions, it is likely that that will reduce the time for others.

12.57 pm

Damian Collins (Folkestone and Hythe) (Con): It is a pleasure to follow the right hon. Member for Carshalton and Wallington (Tom Brake), and I congratulate him on securing the debate. At the end of his remarks, he rightly raised important issues around the prioritisation of this issue for the intelligence services and the Government’s co-operation with the Mueller inquiry, and I will be interested to hear what the Minister has to say about those questions later.

This debate feels very timely. On Tuesday, the Digital, Culture, Media and Sport Committee held our first oral evidence session on fake news and disinformation, looking in particular at Russian activity in Catalonia around the referendum. My staff tweeted a link from my Twitter account to where people could watch the Committee hearing. According to an article in The Times today, a Russian-language bot account then responded to my tweet sharing the link to the hearings with the threat that we should be careful because we can all be wiped out in a single stroke—I do not know whether that was just the Select Committee or the entire nation, but, nevertheless, it was interesting.

On a previous occasion, when I happened to share a link to a discussion I had had with Hugo Rifkind, based on the facts of the US Senate investigation into Russian activity during the presidential election, the official Twitter account of the Russian embassy in London compared me to Joseph Goebbels in seeking to spread big lies about what Russia is doing. Let us not be under any illusion that Russia is, not just anecdotally but in a systematic way, using information as a weapon of war and seeking to intervene in the democratic processes of other countries. It is doing that to undermine people’s confidence in public institutions and to cause division and hatred, and it is part of its strategy of breaking down multilateralism and co-operation between countries in western Europe. That is what Russia is doing.

In the short time that I have available, I want to focus specifically on the role of the social media companies and the way in which they are responding to the different investigations taking place in the UK. My Select Committee wrote to Facebook asking it not only to give evidence of paid-for advertising through its service during the referendum and the last general election, but to identify activity by fake accounts across the platform. Much of the activity in America was based on pages being set up to promote links to sites where fake news and disinformation were shared and fake events organised. It is important that we understand the breadth of what is being done.

Facebook’s response so far—certainly its charge that a tiny amount of money is being spent in this country—is not based on an analysis of what is going on across its platform; it is based simply on looking at the accounts identified as part of the American investigation. Those accounts were given to Facebook by the US intelligence services. Facebook had never proactively looked on its site for evidence of this activity. At the moment, its position in this country is that it is refusing to conduct that research itself. As the hon. Member for East Dunbartonshire (Jo Swinson) said, it must be possible for it to look at the geographical location of accounts, the characteristics of the accounts from where information is shared—

Tom Tugendhat (Tonbridge and Malling) (Con): That is how it makes money.

Damian Collins: My hon. Friend is exactly right. It must be able to understand how to target users with information based on what it thinks they are interested in and where that information is coming from. It could conduct its own preliminary research to look for the characteristics of fake accounts and disinformation accounts linked to Russian agencies that are based on its platform. At the moment, it is refusing to do that.

Liam Byrne: Facebook’s last quarterly profits were nearly $4 billion. Does the hon. Gentleman agree that it could afford to conduct the research if the will were there to do so?

Damian Collins: I absolutely agree. I noticed on a recent investor call that Mark Zuckerberg warned Facebook investors that dealing with these issues would have a direct impact on the bottom line. I am glad that he said that, but I would like to see him using that money. I do not see any evidence of the company putting resource into trying to tackle this issue.

At the moment, Facebook’s position in the UK is that it was only responding to questions put to it by the Electoral Commission. That has a much narrower focus because of the Electoral Commission’s exact remit. Facebook is not answering questions put to it by the Select Committee asking for more evidence of Russian-linked activity across the site, including in pages, group accounts and profiles, not just restricted to paid-for advertising. We have a right to receive information from Facebook, and it could conduct such research. It proactively conducted its own research looking at the activity of fake accounts during the French presidential election. That led to the deletion of more than 30,000 accounts, pages and profiles. Facebook did that itself. If it can do it in France, it can do it in the UK too, but currently it will not.

If Facebook’s position is that it will respond only to official intelligence directing it towards fake activity, then we need to be working to do that too. Our intelligence services need to be on the lookout, if that is the only trigger open to us to get Facebook to act.

Tom Tugendhat: Sadly, my hon. Friend was not at this week’s Joint Committee on the National Security Strategy, where the national security adviser said that such activity was not the main priority, and, indeed, just spoke generally about security threats. Does my hon. Friend agree that it should be absolutely one of the top priorities?

Damian Collins: Absolutely. It must be a major priority. We have to realise that Russia is engaged in a multi-layered strategy to cause instability in the west, and that fake news and disinformation is one of the tools it uses.

It was interesting to hear in the Select Committee this week that during the Catalan referendum, Russian news agencies RT and Sputnik were the fourth largest source of information, all of it supporting the separatist cause.
Wera Hobhouse (Bath) (LD): I grew up in cold war Germany. As I have said, these things have been going for decades. When our political group referred to Russia funding German terrorism, we were seen as paranoid fantasists, yet when the wall came down our fears were reconfirmed when the Stasi files were opened. There must be national recognition across the board, and people need to see this as a real threat.

Damian Collins: Absolutely. People must see it as a real threat.

It is not enough for the tech companies just to sit back and say, “We won’t do anything unless you come to us with the evidence. We’re not prepared to conduct our own research on our site about how people are using it and why they are using it.”

I do not believe that individual users of these platforms understand the way in which they can be targeted and the reason they receive the information that they receive. That creates confusing echo chambers, where people are not exposed to a plurality of views but systematically targeted—not just with fake news but with hyper-partisan content. It is being done for propaganda reasons and political reasons by foreign actors. If we do not see that as a threat to the democratic institutions of this country, and a threat to the western way of life, we are deluding ourselves.

The tech companies need to be doing a lot more. I have focused a lot on Facebook, but the same issues apply to Twitter. Twitter has also analysed accounts and information given to it by the US intelligence services. More academic work has been done on analysing those accounts because Twitter is a more open platform and it is possible to do that; in the case of Facebook, which is closed, it is not. The reason much of the interest has been in activity on Twitter is just that it is a more open platform, not because Twitter is being used in such a way and Facebook is not. The tech companies need to do more, and it has to be a higher priority for the intelligence services too.

1.5 pm

Mr Ben Bradshaw (Exeter) (Lab): It gives me enormous pleasure to follow the hon. Member for Folkestone and Hythe (Damian Collins). I commend him for the work he is doing. I wrote to his Committee at the beginning of this year suggesting just such an inquiry, and I am absolutely delighted that it is doing one.

When I began asking questions about this issue more than a year ago, it is fair to say that I was treated as a bit of a crank. I am very pleased to say that we now have multiple investigations and inquiries, including that of the hon. Gentleman’s Committee. We have the ISC investigation, multiple investigations by the Electoral Commission, and the Mueller investigations. However, what strikes me, and rather worries me, is that these are all being carried out by independent or parliamentary bodies, not by the Government, who are responsible for maintaining our security and defences, and have the power to get to the truth at the bottom of all this.

I have already put much of the evidence and allegations into the public domain, and time is limited, so I will restrict my remarks to a series of questions for the Minister. I hope that he will begin to address and explain what seems to be the Government’s insouciance in dealing with this problem. Why are the Government not investigating this threat themselves but leaving it to others such as parliamentary Committees and judicial inquiries—foreign judicial inquiries, at that?

The central question that several hon. Members have already asked is this: have the Government tasked our intelligence and security services with investigating Russian subversion as a high priority? The information I have from my sources is that they have not. If that is the case, why not? Russia is classified as a tier 1 threat, but the six-point national security strategy does not even mention defence against Russian interference in our political system. That is not good enough. I would be grateful if the Minister could listen to these questions, or at least his officials could, so that they can pass him the answers.

What are the Government doing to support the work of the Committee chaired by the hon. Member for Folkestone and Hythe, who has given an admirably robust response to the completely inadequate response from the big tech companies showing nothing short of contempt for Parliament? He needs the Government and the intelligence services to support the very important work that he is doing. What are the Government themselves doing to get the tech companies to reveal Russian ad purchases and make it easier to identify and block troll, bot and other Russian-backed accounts on social media? What discussions have the Government had with UK media companies about adopting the kind of voluntary agreement that was reached very successfully in France not to report material that had been accessed by illegal hacking?

What co-operation are the Government giving to the Mueller inquiry? When the Foreign Secretary last answered a question from me on this, he said that he had received no request for help from Mueller. However, given that several of the senior figures who have already been indicted by Mueller conducted their central activities here in Britain, it is completely inconceivable to me that there could not have been contacts between the US investigators and authorities and the British authorities. So either our own agencies are not keeping the Foreign Secretary in the loop, or he misspoke in his reply to me. Perhaps the Minister would like to set the record straight.

I have tabled several written questions to various Government Departments about contacts between Ministers and the Legatum Institute, and the replies are still outstanding. I would be grateful if the Minister could chase up those replies.

Will the Minister look into, or ask our intelligence and security services to look into, the roles of Vladimir Antonov, who is subject to an EU arrest warrant, and Roman Dubov, and any relationship they may have had in the past with the former UKIP leader, Nigel Farage? Would he care to comment on reports that broke just before this debate started that a man who has been arrested in Ukraine on suspicion of being a Russian spy was photographed with our Prime Minister in Downing Street back in the summer?

This question is more for our party leaders and Whips than the Minister but surely it is time for British politicians to stop making useful idiots of themselves by appearing on and taking money from Kremlin propaganda outfits such as Russia Today and Sputnik. A lot of the ties between the Putin regime, the far right
and the alt-right are well documented, but it pains me to say that there are still some useful idiots on the left in British and international politics. My message to them is that Russia is a nasty, nationalistic, ultra-conservative and corrupt kleptocracy. It is racist and homophobic, and it makes no secret of the fact that it wants to undermine our democracy. It this debate does anything to give the Government a bit of oomph in tackling this threat and get some reality into our political discourse, it will have been very worth while indeed.

1.9 pm

Sir Edward Leigh (Gainsborough) (Con): We are coming up to Christmas, one of the great feasts of the Christian year that marks the birth of Christ and the bringing of hope to all mankind, but we should recall another event, which is much more recent in time but which happened more than a quarter of a century ago: the dissolution of the Soviet Union on 26 December 1991. When I was elected to this House, 270 million people lived under the direct totalitarian rule of the Soviet Union, with no elections of any meaningful value; and a further 137 million lived in the other countries of the eastern bloc in Europe. On 26 December 1991, Gorbachev went on television to announce that the long nightmare was over. As he went to sign into effect the dissolution of the Soviet Union, his communist-manufactured pen did not work, and he had to borrow a working pen from the CNN camera crew who were filming the event.

We should all believe in the sovereignty of nations and the general principle of non-interference in the internal affairs of other nations. None the less, I think that we should be proud of the part that this country played in the downfall of the USSR and of communism in Europe. Alongside St John Paul II, President Reagan and our own Margaret Thatcher, we were instrumental in resisting totalitarianism and inspiring the captive peoples of Europe to stand up against their communist overlords. At the same time, the Leader of the Opposition and the shadow Home Secretary were going on motorbike tours of East Germany. If we might have been accused of interfering in the internal affairs of the Soviet Union then, I think we can be proud of it.

Let us remember to have a sense of proportion. In those years, there were dozens and dozens of Soviet divisions in East Germany and Poland, posing a direct threat to our freedom and democracy, but today we are talking about alleged Russian interference in UK politics and society. We hear things such as “undermining our democracy”, but can we look at the evidence?

John Spellar: Will the hon. Gentleman give way?

Sir Edward Leigh: I am about to deal with the evidence, but of course I will give way.

John Spellar: Did not the head of the Federal Security Service say only this week that it sees itself as the spiritual heir of the Cheka and the KGB? Does that not tell us all we need to know?

Sir Edward Leigh: I am not seeking to defend the Putin regime. There is much in Russia that is not perfect. I was a member of the Council of Europe delegation to the presidential elections, and I know it is not a perfect democracy, but let us keep a sense of proportion. So much progress has been made, and Russia is an infinitely freer and better place than it was under the Soviet Union. It is not perfect, it is not pleasant and it is not our sort of democracy, so I do not defend the Putin regime, but I want to get a sense of proportion in this debate.

Let us look at the evidence from the Oxford Internet Institute, which is part of Oxford University. It investigated more than 100 Russian-linked Twitter accounts and their activity in the run-up to our EU referendum. The results of the investigation are worth noting. It found that “(1) Russian Twitter accounts shared to the public, contributed relatively little to the overall Brexit conversation, (2) Russian news content was not widely shared among Twitter users, and (3) only a tiny portion of the YouTube content was of a clear Russian origin.”

The fact is that the majority of the UK population—to a significant extent—is not on Twitter.

Damian Collins: I am familiar with the study that my hon. Friend is referring to, but I would just say that it is very narrowly focused. There is also evidence of more than 13,000 bot accounts on Twitter that were believed to be linked to Russia and were deleted very shortly after the referendum. There is a lot that we do not know about this matter, and we need the tech companies to co-operate with us fully so that we understand the scale of it.

Sir Edward Leigh: I am grateful to the Chairman of the Select Committee, and of course we must keep a sense of proportion. I am quoting from a well-established institute and I want to give another point of view in this debate, which I think is fair enough.

I mentioned that the majority of the UK population is not on Twitter. Of the Twitter users, the majority do not even log in daily. Facebook did an investigation into the notorious Russian “troll factory” called the Internet Research Agency and found that its advertisements reached fewer than 200 people in Britain during the referendum campaign. If that is the best Russia can do to overturn our long-established parliamentary democracy, I think we can probably rest at ease.

Wera Hobhouse: Will the hon. Gentleman give way?

Christine Jardine (Edinburgh West) (LD): rose—

Sir Edward Leigh: I will not give way; I have got to finish now. The paranoid tendency to see a red under every bed is very much alive, albeit changed, and there is an explanation for such paranoia. Look at Trump’s victory, and look at the success of Brexit in the referendum. Things are not going the way of the liberals’ world view, and they cannot accept that the people—the workers, even—are abandoning their ideology, presuming that they ever agreed with it in the first place. The left knows that the people are never wrong, so when the people are wrong, as with Brexit or Trump, the left has a psychological need to find some excuse for the people’s misbehaviour.

Wera Hobhouse: Will the hon. Gentleman give way?

Sir Edward Leigh: No, I will not give way to the hon. Lady. Russia is that excuse today. Perhaps the reality is that voters might not agree with the established liberal
consensus on Brexit. Perhaps voters in Britain, America, Poland, Hungary and elsewhere have legitimate concerns that they feel are not being addressed. Those concerns must be addressed, and we in this House must be the ones to address them. Such was the wisdom shown by Disraeli and others in expanding the electorate. Such is the British constitution that it adapts, evolves and bends instead of breaking.

The fact is that the referendum was a free and fair vote of the British people. If there was foreign interference, it was so ineffective that I doubt it made any difference at all to the final result. It was not the work of foreigners somewhere distant, plugging away at computers and unleashing Twitterbots. Authority comes from above but power comes from below, and it came from the people in our referendum. If we do not accommodate the legitimate concerns of ordinary people, we undermine the very foundations of our parliamentary democracy. We might find ourselves being replaced and irrelevant, as Mr Gorbachev did on 26 December 1991.

Mike Gapes: There is an idea that there was a fantastic, miraculous transformation in 1989-90, but, sadly, that was not the case. There is an authoritarian kleptocracy—that word was used earlier—and a regime under which opposition leaders are locked up, journalists disappear or are killed, and polonium is used to murder people on the streets of London. The Russian system of government is not a democracy in any sense that we would understand. Everybody knows that Vladimir Putin is going to be President until 2024 and that this regime will continue, and that is not democracy.

There are very serious flaws in that society, but even more serious is the attempt to undermine cohesion and to sow discord among Europeans in our societies. In the time I have left, I want to mention the kind of tweets put out by the Russian embassy. It put out a picture of a European Union stockade on fire, with a giant Russian bear, and the flag flying over the EU stockade was the LGBT one. That tells us all we need to know about the ideology of the Russian Government and the Russian state. These are not fringe elements; this is the core of the Government.

I refer hon. Members to the report of the Foreign Affairs Committee in the last Parliament, which was published in March, and the Government response. We must look seriously at these questions. I do a lot of tweets, and I get quite a lot of trolls. Some of them can be identified by the fact that there are eight numbers after the name, because they are produced by algorithms and come at very odd times during the night. I often tweet back, “What’s the weather like in Moscow?” The fact is that we all need to recognise that they are trying to interfere in our politics and to create discord. We need to be vigilant, and the Government must do much more.

Wera Hobhouse: The hon. Gentleman is being generous in giving way. I really believe it is important to be aware of beginnings. I celebrated the fall of the Berlin wall, having lived in cold war Germany and I hoped that Russia had changed, but when I went back to Russia only a year ago, people told me that, unfortunately, Russia was facing the same threats and problems that it faced during the cold war, so—

Mike Gapes: Yes, absolutely. There is an idea that there was a fantastic, miraculous transformation in 1989-90, but, sadly, that was not the case. There is an authoritarian kleptocracy—that word was used earlier—and a regime under which opposition leaders are locked up, journalists disappear or are killed, and polonium is used to murder people on the streets of London. The Russian system of government is not a democracy in any sense that we would understand. Everybody knows that Vladimir Putin is going to be President until 2024 and that this regime will continue, and that is not democracy.

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Mr Bernard Jenkin (Harwich and North Essex) (Con): I congratulate the right hon. Member for Carshalton and Wallington (Tom Brake) on securing this debate.

There are some very serious issues to discuss and to bring into the public domain, but I think we need to keep a sense of proportion. I agree with the hon. Member for Ilford South (Mike Gapes) that Russia has not changed its character fundamentally since the days of the Tsar. It has always been somewhat paranoid about the outside world and aggressively defensive, and we see the same characteristics today. However, to describe, as he put it, “the kind of tweets put out by the Russian embassy” in the same terms as the threat we faced during the cold war is to get things a little out of proportion. There are serious issues to discuss, but we should do so responsibly. I want to explain what I mean.

John Spellar: Will the hon. Gentleman give way?
Mr Jenkin: I am very reluctant to take up extra time, but I will briefly give way.

John Spellar: The hon. Gentleman clearly does not understand that Russia, all the way through, has a full-spectrum response. During the cold war, it had all the stuff in the cultural areas and hard power. Has he noticed the size of the recent exercises conducted by Russia in the Baltic? Russia does not see this as different. It is part of a full-spectrum approach.

Mr Jenkin: I completely agree with the right hon. Gentleman, but the fact is that today’s Russia is a shadow of the power that was the former Soviet Union.

Mr Bob Seely (Isle of Wight) (Con): There is one important difference: although Russia’s conventional weaponry has been somewhat hollowed out, significant investment is going into it—there is significant investment in active measures—and it still has the world’s largest nuclear arsenal. Its destructive power is no worse than it was, but it has lost some conventional power, which in many ways makes the international situation more unstable.

Mr Jenkin: I absolutely concur with what my hon. Friend says—I do not want to diminish it at all—but we need to keep cyber-warfare, particularly political interference, in perspective.

The Committee I chair, the Public Administration and Constitutional Affairs Committee, manipulated a report on “Lessons learned from the EU Referendum” in March. It touched on this issue, and if I may say so, it in fact did so well in advance of the right hon. Member for Exeter (Mr Bradshaw), PACAC will also, I hope, conduct an inquiry on the 2017 general election, and we will continue to investigate these issues.

I should declare a tangential interest in that I was a director of Vote Leave at the time of the referendum. I can attest that we were aware of a certain amount of odd cyber-activity, and we speculated that the crash of the online voter registration system was the result of a cyber-attack. This was and continues to be disputed by the Government, but whether or not it is true, the Government need to create more resilient systems.

PACAC’s report highlighted the need not only to consider the potential for foreign interference in elections or referendums, but to examine the real nature of this potential interference. It found that, while the UK and the US understanding of “cyber” is predominantly technical, Russia and China use what is termed a “cognitive” approach, based on understanding mass psychology and how to exploit the fears of individuals. They are less interested in the apparent intended effect of their activities—whether they alter the balance of the debate or affect peoples’ voting intentions—is entirely secondary—but are much more interested in being seen to be able to do what they do. They want to be seen tweaking the nose of the west, flaunting their capability, acting illegally and proving what they can do, and to show that we cannot stop them doing so.

These countries want us to react, and this creates something of a dilemma. They want us to hold debates such as this one. President Putin is manipulating this debate: he will be chortling in the Kremlin at the fact that we are discussing these matters and putting Russia centre stage, because this is exactly what he wants. They see our reacting to this activity as evidence of their ability to control and manipulate us. It is also important for them to be able to report this to their domestic audience as evidence; however incredible it may seem to us, of their power and influence in the world. This has clear implications for what we understand by a cyber-attack, the nature of such cyber-attacks and how we respond both physically and politically. I commend the Prime Minister for adopting a tough stance on this and for the establishment of the national cyber-security centre in 2016, but we need to use this work to gain a better understanding of the real motivations behind it.

The Government published their response to PACAC’s report on the EU referendum in a Command Paper yesterday, and I very much welcome it. The Government say they are taking the issue of cyber-security extremely seriously: the centre played an important role in monitoring key systems for unusual activity in the run-up to the 2017 general election, and the Cabinet Office convened a dedicated monitoring and response cell throughout the election period to ensure that any risks emerging in the immediate run-up to and during the election were co-ordinated effectively. In their response to PACAC’s report, the Government say they will continue to work closely with the Electoral Commission and the Association of Electoral Administrators in assessing the threat to the UK’s democratic process and implementing further measures to mitigate the risks.

Although we can be assured that our paper-based voting system is much more difficult to manipulate than an electronic one, we remain vulnerable to the broader attempt to use social media in elections as a platform for influence. Further consideration should be given to the Electoral Commission’s recommendation in 2014 that the law be changed to require online campaign advertising to have the equivalent of an imprint. The control of offshore operators, however, is extremely difficult.

I encourage the Government to ensure that any efforts to assess the threat include an analysis of the motivations and approaches taken by key actors, and the level of threat that they represent. I encourage them to ensure that that work is translated into an effective and co-ordinated response, and further to our report, I call again on the Government to commit to presenting annual reports to Parliament on these matters.

We must avoid the temptation to overreact and start suggesting that massive changes to public opinion have been created by this relatively tiny amount of social media activity. Otherwise, we are playing exactly into what the Russians want—we are questioning the very processes that they want us to question, and asking the questions that they want to generate. We must avoid doing that because it is completely unnecessary.

1.30 pm

Phil Wilson (Sedgefield) (Lab): I congratulate the right hon. Member for Carshalton and Wallington (Tom Brake) on securing this important debate. The world is interdependent in a way that it has never been before, and it is understandable that it creates insecurity and uncertainty when once intimate communities now become atomised. People are looking for solace in identity politics, and nationalism becomes the playing field of populists. Facebook and Twitter have become the populists’ perfect
dwelling place, where the woes of the world can be expounded in advert form, and dogma in bite-sized chunks. Today that medium is just as likely to be used as a means of spreading lies, half-truths and quackery of all descriptions. Indeed, Facebook acknowledges that well over 100 million US citizens—a third of the US electorate—had seen Russian-promoted disinformation in the period leading up to the 2016 presidential elections.

In *The Sunday Times* in October, John Lanchester carried out an investigation into Facebook and said that Russia’s use of the media “focused on American fragmentation, and sought to exacerbate the country’s social and political divides. It used Facebook’s algorithmic targeting to focus on what it already knew people thought, and gave them more of the same. It used falsehoods, knowing that the company had no real interest in weeding them out. It manipulated people’s feelings. The people behind that campaign had done a better job of studying Facebook’s innate amorality and potential for misuse than anyone in government.”

Russia, it seems, is expert at using social media to twist arguments to feed populists and sow division.

Investigations by journalists such as Carole Cadwalladr in *The Guardian* have revealed links between Russian involvement in the Brexit referendum and UK society in general, and thousands of Twitter accounts based in Russia were active during that referendum. More importantly, Leave.eu is now being investigated by the Electoral Commission about the true origin of its funding. Other speakers can go into great detail about that, but I want to mention one or two things about Putin’s intentions.

Putin is a nationalist who will promote nationalist parties in the EU, which could lead to the fracture and fragmentation of European states and institutions. At the same time, he is a leader who is prepared to ignore the sovereignty of other countries such as Ukraine. He will use every device at his disposal to ensure that his opponents are divided and discontent, and that grievances are fed. He knows how to play to the tune of identity politics.

One reason why I was so opposed to Brexit was because I knew that by leaving the EU we would be playing the Russians’ game for them. A divided economic union on Russia’s doorstep would suit them nicely, and that is where we find ourselves today. With my work on the Defence Committee, I worry about Trump’s commitment to NATO and the kind of trade deal that we will get with a USA that puts America first. There is the question of our ability as a nation to defend ourselves adequately as we pursue a more independent defence strategy, because of a belief in some quarters that we can secure an independent trade strategy as a result of Brexit. That approach has consequences for our military defence capacity to ensure that we can secure trade links as a global trading power.

Defence strategists and experts I have talked to have said that we cannot continue to contribute as we do to NATO while pursuing an independent defence strategy. We cannot do both because we cannot afford to, and that is another win for Putin. What Putin wants—perhaps we are starting to see this now—is the great unravelling of old alliances and international institutions to his benefit. We cannot allow that to happen because, I believe, our way of life is at risk.

Liberal democracy is being challenged in a way that I do not think has happened since the 1930s. I do not believe that Putin wants a military conflict, but in the 21st century there is more than one way to confront perceived adversaries, and that includes cyber-attacks and disinformation that enters society under the radar. We must tighten up regulation around political advertising, including social media, and we must look more closely at the potential for foreign powers to fund our politics. We must ask more of social media organisations, because if they do nothing to tighten their regulations, the Government will have to step in. Politicians have a responsibility to take a step back and think afresh about what social media has actually created, and doing that would be to the benefit of our democracies.

**Several hon. Members rose**—

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. Due to the large number of interventions that colleagues have taken, which always has implications for others, after the next speaker I must reduce the time limit to four minutes.

1.35 pm

**Dr Julian Lewis** (New Forest East) (Con): In the light of what you have said, Madam Deputy Speaker, I will not take any interventions.

I wish to ask whether any hon. Member in the Chamber—other than perhaps the hon. Member for Ilford South (Mike Gapes) and the right hon. Member for Warley (John Spellar)—feels a flicker of recognition when they hear the names of the following organisations: the World Federation of Trade Unions, the International Union of Students, the World Federation of Scientific Workers, the World Federation of Democratic Youth, and—above all—the World Peace Council. Those were part of a magnificent array of Soviet international propaganda front organisations that plied their disreputable trade through half a century from the end of the 1940s right up until the downfall of the Soviet Union. They were well funded, very active and almost wholly—at least as far as the United Kingdom was concerned—ineffective, because they were clunky and did not really understand the way that British people and parliamentarians think and operate.

I have heard something in every speech and intervention made today with which I agreed. We are all on the same page. We all understand that Russia is not a modern constitutional democracy and that it will do everything within its power to promote its messages and undermine the messages of those whom it perceives to be its adversaries. I always hesitate to cite one of the most evil men who ever walked the face of the earth—Dr Joseph Goebbels—but he knew a thing or two about propaganda, and one of his central tenets was that the purpose of propaganda is not to change people’s minds; it is to find out what they already believe, and reinforce it.

There is a very good reason for that. Except when dealing with young minds that have not had a chance to form their value systems and opinions—that is a big and important exception—I have come to the conclusion, through working in this field for a long time before I first entered the House, that people are much more resistant to the effect of propaganda than they are given...
credit for when it comes to changing their minds. The effect of barrages of propaganda might be to dishearten them, but it will not generally convert them unless they are impressionable, and most people are not.

Mr Seely rose—

Dr Lewis: I said that I would not give way, and I am afraid that I will not out of consideration for others.

Let me follow up the argument that was developed by the hon. Member for Ilford South when he spoke about different stages in society. I think that, apart from failed states, there are three main types of society: totalitarian extremism, ruthless authoritarianism, and constitutional democracy. Sometimes, we have the choice between only the first and the second, because the third takes time to evolve.

The reason why the Russia of today, although dangerous, is not nearly as dangerous as the Soviet Union of yesterday is that it has moved largely from totalitarian extremism to ruthless kleptocratic authoritarianism.

The reason why totalitarian extremism is more dangerous is that it has an ideology that finds resonance in the target societies—for example, the ideology of the workers' paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise. There are no fifth columnists of young British people who are bowled over by the masculinity, alleged paradise.

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So by all means be careful and by all means recognise that Twitter can affect young impressionable minds, but remember one thing: to defend ourselves properly we need to defend ourselves in the field of cyber against cyber-attack on our infrastructure, rather than worrying too much about ineffective propaganda measures.

1.40 pm

Chris Bryant (Rhondda) (Lab): I admire the right hon. Member for New Forest East (Dr Lewis) and the hon. Member for Isle of Wight (Mr Seely) may say something about this later— he is more of an expert than I am—but the Russians are engaged in a form of hybrid warfare. It does not involve military weapons so much, although they are keen to continuously flex those muscles and we know, from Georgia and Ukraine and what has happened in Crimea, that they are territorially ambitious. I just want to explain one element of this hybrid warfare.

I asked a man called Ben Nimmo, who runs digital forensic research at the Atlantic Council, to look at MPs’ Twitter accounts, including those of the hon. Member for Folkestone and Hythe (Damian Collins), the right hon. Member for Carshalton and Wallington (Tom Brake), the Secretary of State for Work and Pensions, me and others and analyse the attacks we had received. I and others—the right hon. Member for Carshalton and Wallington referred to this earlier—believe that some anonymous troll accounts are centrally organised from St Petersburg.

The pattern is that the accounts often pretend to be British, even though they might originally have been tweeting in Russian. They tend to tweet in bad English and at Russian times of day. They infiltrate the hard right to propagate and amplify views held by others—that relates to the point about Goebbels that was made earlier—and they ostentatiously, aggressively and with foul language attack critics of Putin. They support the Kreml line on Syria, George Soros, the Olympic ban, Ukraine, the M17 flight and Senator McCain.

The accounts tag other factory troll accounts. For instance, @iatetwit attacked Lucy Fisher, the journalist at The Times who has written about this, and me. It looks like a normal account, but the profile picture is of a Russian skater. It is not her account at all. It used to tweet in Russian, but now tweets very aggressive anti-immigration stuff in the UK. “I’m effing ‘hate Irish’, for instance, was one of the more expressive recent tweets, and @iamjohnsmith called on the right hon. Member for Carshalton and Wallington to resign. [Interruption.] Well, that of itself does not prove it is a bad person. But seriously, he was only being attacked because of his political views. This is why it is dangerous for us to be complacent: there is a specific body of work attacking Twitter accounts to intimidate British MPs.

1.45 pm

Julian Knight (Solihull) (Con): I concur with many of the speeches we have heard today. I believe this is a major threat to our democracy, to western democracy and to our way of life. It is probably the biggest threat I have experienced since the fall of the Berlin wall. At that time, there was a book written by an academic called Fukuyama about the end of history and suggesting that liberal democracy was effectively the final form of government. That now looks quite arrogant and hubristic as, over the years, Russia’s transformation has crept up on us.

There is, effectively, a type of war going on. It may not involve guns, armies and conventional threats, but it does involve bots and St Petersburg. In Russia, the state means society and society means the state. It feeds through many strata of Russian society. In many respects, Russia has been quite open about this. In 2013 and 2014, there were many public utterances from Russian generals who talked about information and the future being hybrid war. That is precisely what we have seen.

Russia is not the only country involved. As I understand it, about 25 to 28 countries are developing this type of global capability. If we all—even what we consider to be friendly nations—turn on one another and adopt these
sorts of tactics, all could be lost. So we need to think about how we tackle this. The Digital, Culture, Media and Sport Committee is currently investigating fake news, but perhaps a bigger issue is the use of algorithms, which allow access to target those who will internalise fake news.

During the US elections, swing states were targeted, especially individuals who were particularly susceptible to this type of fake news. There is currently a major debate about whether Facebook and other social media platforms are publishers, but we need to concentrate on the algorithms and on how we can get into those black boxes that tell us precisely how they work. We need to understand them and to introduce regulation with proper oversight. The danger of making Facebook a publisher is that with responsibility can come enormous power. It decides what goes online and it can dictate the discourse. That is too much power to put into its hands.

Social media companies need to co-operate more with the Select Committee and with international bodies. They, too, are invested in our society and our western ways. Unless they come to the party in this respect, there could be some real problems down the line.

On Brexit, I do not think the evidence is quite there at the moment in terms of the level of interference seen in the French elections, but it seeped in almost by osmosis. In Germany, a lot of fake stories appeared in relation to the French elections, but it is clear that an investigation is taking place. The chief executive told us last year that the only organisation that could control information was GCHQ, and nothing seems to have happened. As a result of that degradation, big lies have been told in other campaigns as well, such as the campaign for the alternative vote.

We no longer respect objective truths. People can lie with impunity and get away with it. We know that a great many people were interested in distorting the referendum and election issues, and we have no defences against that.

1.49 pm

Paul Flynn (Newport West) (Lab): It is unfortunate that the Chairman of the Public Administration and Constitutional Affairs Committee has left us. I served on the Committee and believe that it would have been very helpful if he had informed the House about the organisation, in which he had a leading role during the referendum, that is under investigation by the Electoral Commission. I have served on the Committee for three Parliaments and I am ashamed that we are neglecting the most prominent issue before us.

My right hon. Friend the Member for Exeter (Mr Bradshaw) need not be shy about being premature in raising the issue. We had a debate on it in the Committee, and produced our report at the end of the last Parliament. We said that the Electoral Commission had told us that it was powerless to control information from abroad.

The role of the Public Administration and Constitutional Affairs Committee has been taken up by other Committees, and we are grateful to them for what they have done. A House of Lords Committee took it up the other day, when the Electoral Commission’s chief executive said that, as a UK-based regulator applying UK-based laws, the commission could do nothing about activity on the internet that was taking place outside the UK.

A year after the threat to us was flagged up, we are told that the Electoral Commission has no powers and that an investigation is taking place. The chief executive told us last year that the only organisation that could act was GCHQ, and nothing seems to have happened there. We are trying to control our elections with the tools of the steam age rather than those of the digital age. I raised the issue in my final point of order of the last Parliament, and Mr Speaker’s reaction was kind as always, but his main problem was that he did not know what an algorithm was.

Having been warned about these matters, we must realise that our elections and referendums are up for sale. People can spend large amounts of money—not just in Russia but in America—to obtain a certain end in our campaigns here. We are in a worse position than we have been at any time since 1880. There has also been the degradation of our political debate. It is possible to put forward a preposterous lie, which, if repeated enough, is believed and allowed with no censure.

The Office for National Statistics is the arbiter on these matters and the keeper of the truth, but it was the chairman of the UK Statistics Authority who complained that the Foreign Secretary and the present Secretary of State for Environment, Food and Rural Affairs had made a claim that was demonstrably untrue, using a gross figure about the money that might be coming to the health service. Those two MPs were not summoned to the Committee to account for themselves, because the Committee refused to summon them, but it did summon David Norgrove, the man who had pointed out the error. As a result of that degradation, big lies have been told in other campaigns as well, such as the campaign for the alternative vote.

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1.53 pm

Mr Bob Seely (Isle of Wight) (Con): I should put on record that I have been doing some academic research on Russian conventional and non-conventional warfare. I lived in the Soviet Union and in post-Soviet states between 1990 and 1994, and I have recently made about seven trips to Ukraine and the Baltic republics for research purposes.

I thank the right hon. Member for Carshalton and Wallington (Tom Brake) for initiating the debate, and for the spirit in which it is taking place. I think the best way I can help is by giving a few definitions, either Russian or my own, and then making some suggestions to the Minister.

In my view, the most important thing we can achieve is to avoid worsening relations with Russia and do what we can to minimise the chances of conflict, which are small but genuine. At the same time, however, we need to call out Russian malign intent, understand what is happening, and take firm action when it is required. It is clear that the Kremlin opposes liberal democracy and sees it as a threat. Its doctrines imply a conflict of values. We see that in the Russian foreign policy concepts, two of which have emerged in the last 20 years, and in the information security doctrine, the recent national security strategy and the three military doctrines that have also appeared in the past two decades.

My hon. Friend the Member for Solihull (Julian Knight) talked about the conceptualisation of active measures and about hybrid war. In contemporary Russian doctrine, the first characteristic of military conflict is
the combining of “people power” with military and non-military tools. It has been described as the “integrated use of force, political, economic, informational and other measures of a non-military character, implemented with the extensive use of protest potential of the population and Special Operations forces”.

That is my slightly rough translation of the original. It refers to cyber and espionage as well as traditional, physical special forces operations.

Contemporary military conflict involves the integrated use of all tools, and vote-rigging is very much part of that. I have come across more than 50 such tools, too many to list here, but they can be divided into six categories. There is information warfare, of which we are seeing a great deal in this country, and in which I would include the substance of cyber. There is soft power: culture, religion, governance and law. That is more applicable to eastern Europe than to us. There are subversive political tactics. They date from the old Soviet active measures of which my right hon. Friend the Member for New Forest East (Dr Lewis) will be well aware: assassination, blackmail, kompromat—the stuff that the Russians may or may not have on President Trump; we hope not, but who knows? Those tools were developed by the KGB, and have been re-championed by the FSB and the GRU. There are also diplomacy and public outreach, economic tools, and conventional and non-conventional military tools.

To those six elements we should add another two: command and control. Journalists often miss that out because they do not think it particularly interesting, but for diplomats, soldiers and, one presumes, spooks—people who are trying to understand them—the command and control structures are important. Finally, there is control through “psychological chess”. The Russians call it “reflective control”, and it is a way of leading opponents to their own demise.

I have been filleting my speech, and I have 45 seconds in which to tell the Minister what I think we need to do. I suggest that he should remember what was happening in the United States in the 1980s. It had a House Intelligence Committee which reported twice a year. It was a standing, powerful Committee which used a great many experts from across the range to publicise its results in order to inoculate society against the lies that were told. We need such a Committee. I shall write about that to various Members, including my hon. Friend the Member for Totnes (Dr Wollaston) and the right hon. Member for Derby South (Margaret Beckett), in the new year. We need a powerful Committee that can look at matters holistically. Russian warfare is holistic, and ours needs to be as well.

We also need a standing group of experts. In the United States in the 1980s, the Active Measures Working Group was very successful in bringing to light the warfare activities of the Soviets and presenting the evidence to Mr Gorbachev.

When I sat on the Defence Committee, along with Members who are present today, an issue that was often drawn to our attention was the influence of Russia through cyber-technology, radio stations and other media.

I am a staunch Brexiteer, and I was so pleased that the result of the referendum reflected what I believed was best, and still believe is best, for the United Kingdom of Great Britain and Northern Ireland. I am proud to represent the constituency of Strangford, which is a mixture of rural and urban, of city workers and villages, and which I believe contains a fair representation of the views of the United Kingdom. Strangford voted to leave. The question is, do I believe that that was achieved by Russian interference? Some Members have argued that there was an attempt to influence our vote, and the part of me that enjoys spy films has perked up: I want to see how the conspiracy works.

I am in no way casting aspersions on anyone who has spoken today. Members have their own opinions, and they have a right to those opinions, but they must also accept the ballot-box decision of June 2016. If they accept that, they should work with the rest of us to ensure that Brexit happens. I am simply trying to ascertain whether Russian influence changed the outcome of the referendum, and I have to say that I do not believe it did. I believe that my fishing community in Portavogie and the surrounding villages, who have seen their livelihood and their villages decimated by the structure imposed by the common fisheries policy, decided that enough was enough. They had had enough of Europeans lining their pockets at the expense of our fishermen in our seas catching our fish. They were fed up to the back teeth with bureaucrats sitting in centrally heated offices in Brussels making decisions about how many fish should be caught in Portavogie, along the coasts of County Down and elsewhere. They wanted out.

It is my opinion that the farmers who have been tangled in red tape and regulation for too many years, and who can rely on the Government to support and facilitate them, wanted out. The people on the street who see the money going to Europe with little return—and who want our money to stay here and be handed to those areas of need such as education and health, instead of being used to erect monuments in European cities—wanted out. We made our own minds up.

A balanced argument demands that I also highlight the people in my constituency who wanted to stay in, and who believed, “Better the devil you know than the devil you don’t.” There were those who were concerned about how local business and trade with Europe would continue, and there were those who were concerned about how their business would continue, and they voted to remain, as was their right. I visited those businesses and got their opinions, which I have fed into Government through my hon. Friend the Member for East Antrim (Sammy Wilson) and the Brexit Committee, to make sure that they are a part of the strategy the Government are trying to pursue. I must also say that these businesses have since put in place plans to secure their business and to ensure that they survive and thrive. That is what we do in my constituency, and it is what we should do in this House.

Was Russian influence at play? Did the Russians skew the vote? No, I do not believe they did. My constituents are intelligent people with a good understanding. They voted with their heads and hearts, and I do not believe...
for a second that a Twitter or a Facebook campaign affected this in any way. I believe the waiting lists in the hospitals and the problems with education were major issues, alongside the true driver of taking back our sovereignty and independence. That was what the vote was about.

The people have voted to ask us to do this, and we must deliver on that, regardless of any Russian campaign. It is clear to me that the people want out, and they want the Brexiters, like me, and everybody else in this Chamber to be of the same opinion.

2.1 pm

Stephen Gethins (North East Fife) (SNP): This has been a fascinating debate and this is an opportune time for it: I thank the right hon. Member for Carshalton and Wallington (Tom Brake) for securing it.

It is also opportune to reflect on the fact that we are not the first to experience this. I had the great fortune a number of years ago, before I was an MP, to work in the former Soviet Union, and to have worked in Tbilisi for several years. As the hon. Member for Isle of Wight (Mr Seely) pointed out in his excellent contribution, anybody who has spent time in the former Soviet Union will know that what we have experienced and are experiencing is not new; the tactic has been deployed over decades rather than just the past few months. It is useful for us to reflect on that. It is also illustrates why our engagement with the Ukrainians, the Georgians and others who have experience of this is so important.

As has been said, this debate is not about our relationship with the people of Russia. The people of Russia are wonderful, with their rich culture and rich history; the Russian Federation is the most extraordinary, diverse and wonderful country. The hon. Member for Harwich and North Essex (Mr Jenkin) is not in his place at the moment, but he said he did not want this debate to take place. I welcome the fact that it is taking place, however, and I want to use it to highlight the impact Vladimir Putin has had on his own people.

Last year, I spent some time studying the conflict in Chechnya. It is a much-forgotten conflict, but in 2003 the United Nations described Grozny as the most destroyed city on earth. It is easy to forget the devastating impact the current President of the Russian Federation has had on his own people; it is a far more devastating impact than he has had on people elsewhere in the world. It is always worth bearing that in mind.

I recommend a Foreign Affairs Committee report from a couple of years ago, that the hon. Member for Ilford South (Mike Gapes) and I, along with other colleagues, put together. It was—as always, thanks to our officials—a thoughtful and useful piece of work, and I want to reflect on the evidence we took.

Some of the most impactful evidence we took was in St Petersburg. We invited groups from around the Russian Federation to come and give evidence, and learned of the impact of the Russian regime on lesbian, gay, bisexual and transgender groups who have been threatened and bullied, and lawyers who fight for the rule of law with incredible courage that all of us in this House should reflect on.

The most impactful group I personally met was the Union of the Committees of Soldiers’ Mothers of Russia. These were the women whose young men, and often young women, had been sent into the armysometimes to fight, and who had sometimes lost family members, and could not get information about them. That is devastating for any family, and we would do well to reflect on the ongoing suffering of the people of Russia, and in particular on the bravery of the women of the Union of the Committees of Soldiers’ Mothers of Russia. I encourage the Minister and all Members to reflect on that.

I have appeared on RT. The report we produced was incredibly critical of RT, and I remember asking its representatives, “Will you give us evidence of where you’ve been critical of Russian actions in Syria?” They gave us none; it was, I think, the only bit of evidence they did not want to give us. So I thought I should go on RT, because if we are going to criticise an organisation, we should give it the opportunity to answer back.

Mike Gapes: The hon. Gentleman has referred to the Select Committee on Foreign Affairs inquiry. He will also recall that when we took evidence from RT and Sputnik, we were told that they had a charter just like the BBC’s. We asked, “Where is it? Is it published?” They said, “We’ll send it to you.” As far as I am aware, it was never received by the Committee, however.

Stephen Gethins: As always, the hon. Gentleman has a fine recollection of the facts and makes an excellent point.

It is important to state that Russia is one of the most dangerous places on earth to be a journalist. It is worth putting on the record the extraordinary bravery of journalists going right back to those who covered the conflicts in Chechnya, Dagestan, Ingushetia and North Ossetia, as well as over the border in the ongoing conflicts in South Ossetia, Abkhazia and of course Nagorno-Karabakh. Those areas do not often get debated because of everything else that is going on.

What is the solution to this problem? It is clear that our work with the EU has been very important. I hope that, regardless of where Members stand in the debate on leave or remain and where we sit in this Chamber, we will agree that the Minister must commit to continuing with our key partnerships with those organisations. The EU has a huge role to play. In terms of the development of the economy and the rule of law, we have done some extraordinary work with these organisations in Ukraine, the south Caucasus and elsewhere, and I hope the Minister will commit to continuing that.

I also pay tribute to the soft power that can be ongoing. We can do an extraordinary amount of work in cultural diplomacy, and I pay tribute to the British Council and others who are doing some fantastic work, including people who have worked for years in this area, such as Craig Oliphant—formerly of the FCO—Jonathan Cohen and Dennis Sammut. These are extraordinary people who have done extraordinary work in building our relations and understanding.

Finally, I say again that we must continue to work with the EU in stabilising and working with, and giving a carrot to, the countries that are threatened by the Russian Federation. The greatest threat to independence
and sovereignty is not to the UK; it is often to the countries of the western Balkans, the Baltics and the south Caucasus.

2.8 pm  

Liam Byrne (Birmingham, Hodge Hill) (Lab): I congratulate the right hon. Member for Carshalton and Wallington (Tom Brake) on securing this important debate.

The argument I want to make is that, unlike our agencies, the Government have been tragically late in waking up to the new world-view that President Putin set out with such clarity and force after his re-election as President in 2012. I also want to set out the opportunity, the means and the motive which have driven Russia to intervene in our democracy, and then to propose to the Minister a number of areas where I think we can work together on reform over the year to come.

Let me start with the motive, however. We have heard a lot, in particular from my hon. Friend the Member for Ilford South (Mike Gapes), about the history of this, and that motive is important to underline. After Putin returned to the presidency in 2012, he offered a very different view about the possibilities of co-operation with the west from those he harboured during his first term. That world-view was not a secret. He set it out with great clarity in his 2013 state of the nation address, where he gave us the theory to match the fury he offered the world in his Munich security conference speech of 2007. He attacked what he called the “post-Christian”, west of “genderless and infertile liberalism”, he attacked the Europeans who he said embraced an “equality of good and evil”, and he attacked what he said was a west trapped in moral relativism, lost in a vague sense of identity. Europeans, argued President Putin, had begun “renouncing their roots, including Christian values, which underlie Western civilization.”

The Kremlin-backed Centre for Strategic Communications had a headline for this story. It described the pitch as “Putin: world conservatism’s new leader”. But of course, this world-view has nothing to do with traditional conservatism. It has a great deal to do with the new trends of the alt-right. It has nothing to do with the party of Disraeli.

If Mr Putin were content to confine his philosophy to the limits of his own borders, we would not be having this debate. However, the reality is that he has set out systematically to wreck the vision, the legacy and the record of President Gorbachev, who set out, between 1987 and 1989, a very different view of the way in which Russia and Europe could work together to create what he called “an all-European home”, subject to a common legal space and governed by the European convention on human rights. That is not a view that President Putin shares. There is no all-European home for President Putin. Instead, we see a systematic effort to divide, rule, confound and confuse.

That brings us to the means of Russia’s new strategy. The right hon. Member for New Forest East (Dr Lewis) did us a favour by sketching out the history of active measures. They have a long history in Russian warfare techniques. Major Kalugin, who was the KGB’s highest-ranking defector to the west, described the approach as “the heart and soul of Soviet intelligence”.

Since 2012, under General Gerasimov, this doctrine has now been renewed. Some call it a doctrine, and some call it a philosophy, but the idea is that “the very rules of war have changed”, and that the role of non-military means of intervention behind an opponent’s lines is now very different.

As Anne Applebaum and Peter Pomerantsev of the London School of Economics have set out, these new tactics are characterised by opportunism and involve an unregulated network of propagandists whose material is distributed online. They point out that Russia is now operating in a post-truth environment, and there is no attempt to win people over to a Russian view of the world. There is simply an attempt to confuse and confound.

The way in which this goes to market in the west, however, is through an unholy alliance with extreme leftist groups and extreme right groups. Its aim is to polarise and divide, and to tear down the words on the coat of arms here in the Chamber, which state that we have “more in common” than sets us apart. If we look at the 45 new parties that have been created in Europe over the past 10 to 20 years, we see a clear majority that have some sympathy with Russia. They include Germany’s AfD, Austria’s FPO, the Golden Dawn in Greece, Jobbik in Hungary, the Front National in France, the Northern League in Italy and, indeed, the United Kingdom Independence party.

All those parties have taken a pro-Russia position on matters of huge international interest. The Front National, for example, was given significant loans by Kremlin-backed banks. If we look at the AfD’s relationship with Russia, we see how broadcasters such as Sputnik and Russia-linked accounts systematically intervened to attack Chancellor Merkel and to support the AfD. If we look at the relationship with UKIP, we can see very close links. Nigel Farage famously said that President Putin was the leader that he most admired, back in 2014. In the European Parliament, UKIP has taken consistent positions in favour of the Russian annexation of Crimea. The Atlantic Council has analysed a number of policy positions and concluded that UKIP MEPs “made similar statements blaming the EU for the Ukraine crisis and asserting Russia’s right to intervene in the ‘near abroad’.”

Looking at all this in the round, the US intelligence community concluded that Russia was intervening systematically abroad in the west, and it would be naive of us to think that Russia was not trying to intervene here in this country.

Mr Seely: Will the right hon. Gentleman give way?

Liam Byrne: I will not give way, because of the lack of time.

That takes us to the heart of the reform agenda that we need to look at. It has now become clear that there is a dark social playbook that is being used to great effect. We have hackers such as Cozy Bear hacking emails, and they work in partnership with useful idiots such as WikiLeaks. Alongside them, we have what are politely called alternative news sites. These include Sputnik, Russia Today and, frankly, Leave.EU, Westminster and Breitbart. They work hard to circulate news that will create a row on Twitter, then the troll farms kick in. The
material is then sucked into private Facebook groups, at which point dark money is switched behind those ads to circulate them widely.

The study that I have commissioned for today’s debate from the data science firm Signify will be of interest to Conservative Members. It looked at the terrible front page in The Daily Telegraph attacking Conservative Members for being “Brexit mutineers”. Leave.EU and Westminster probably picked up that story. Westminster published the original content. Leave.EU then amplified the story on Twitter and Facebook channels, calling Conservative Members “a cancer” and “Tory Traitors”. Standard social listening tools show that the Twitter account attracted about 1,300 interactions. On the original post, there were only 44 interactions, yet the post on Facebook secured more than 23,000 interactions. The difference is explained by the fact that money, run in this case by Voter Consultancy Ltd, was being switched behind the story in order to attack, influence and attempt to suborn Conservative Members in the debates that we have had over the past week or two. Interestingly, Voter Consultancy Ltd is a dormant company, so we do not know quite where the money was coming from. It has, however, just set up an interesting subsidiary called Disruptive Communications, together with a man called John Douglas Wilson Carswell, formerly of this parish.

My point is that we now have a well-established playbook involving a method of creating rows on Twitter and sucking their content into Facebook using dark money. The ads are not going to everybody. Firms such as Cambridge Analytica or Aggregate IQ are very effectively targeting the ads at a particular demographic.

Mr Jenkin rose—

Liam Byrne: I will not give way.

There is now a motive, a means and a method for Russia to intervene in democracy that we must be aware of. The challenge that we face is that our legislation is completely out of date. The chairman of the Electoral Commission, Sir John Holmes, has openly warned that a perfect storm is putting “our democratic processes in peril” and called for urgent steps to deliver transparency in political advertising. We have regulation for social media firms under the European e-commerce directive of 2000, but that was written before social media firms grew to their present size and scale. Because they are treated as platforms, rather than publishers, Ofcom will not regulate them as broadcasters.

The Electoral Commission has confirmed to me that it cannot use civil sanctioning power on non-UK based individuals, or on conduct that takes place outside the UK. That is significant because—as my right hon. Friend the Member for Wolverhampton South East (Mr McFadden), who is not in his place, said—there is a risk that money came in from abroad to support campaigns. The Advertising Standards Authority has expressed to me its grave disquiet that it can ban broadcast political advertising but it cannot ban political advertising in targeted social media platforms.

There are five key steps that we need to take. First, it is ludicrous that the national security strategy does not include a specific objective to defend the integrity of our democracy. Secondly, we need to review the e-commerce directive, as Lord Bew has recommended, and if the Government do not bring forward consultation on such a change, we on this side of the House will do so. Thirdly, it is time to look again at the Communications Act 2003. In particular, we want to know why the Electoral Commission is not using its power to investigate collusion between Aggregate IQ and Cambridge Analytica. Fourthly, the Electoral Commission obviously needs new powers. Fifthly, we need to pick up on what the hon. Member for Isle of Wight (Mr Seely) said about a different generation of responses, like the active measures working group. I shall finish with a line from Abraham Lincoln, who said that “the price of freedom is constant vigilance.”

We cannot let a new cyber-curtain disguise what our opponents are up to. It is time that this Government opened their eyes and started acting.

2.18 pm

The Minister for Digital (Matt Hancock): I am grateful for this opportunity to speak today, and I thank the right hon. Member for Carshalton and Wallington (Tom Brake) for bringing forward this topic for debate. It is of course the first role of Government to protect the nation and its people and to safeguard our democracy, and we recognise and acknowledge the concern expressed by the House today about the threat posed to our politics and society by the exploitation of digital technology and platforms. We are happy to work with Members across the House on this. Of course, digital technology brings huge benefits and we celebrate the freedom that they bestow, but they also allow malign actors new means by which to communicate. We are committed to defending the UK from all forms of malign state interference, whether from Russia or anywhere else. When there is any suggestion that the Kremlin has sought to interfere in the political process, we treat such allegations seriously and carefully. The position is that, to date, we have not yet seen evidence of successful interference in UK democratic processes by a foreign Government.

Chris Bryant: I am grateful to the Minister for giving way, because there is an interesting divergence between the three Ministers who have spoken on this topic. The first response was, “I have seen no evidence that the Russians were trying to do anything”, and then the version that we have heard today is, “I have not seen any successful interventions.” What would success be? How is he defining success? I presume he means that there have been attempts.

Matt Hancock: We have seen no evidence of interference that has successfully affected democratic outcomes in the UK by a foreign Government. That has been the UK Government position for some time.

Chris Bryant: What would success be?

Matt Hancock: In a political process, success would potentially involve changing the result of that political process, and we have not seen evidence of successful attempts.

Julian Knight: Part of the reason we are finding it so difficult to establish the impact is the lack of information coming from the social media companies. Will my right
hon. Friend therefore join me in calling on Facebook in particular to co-operate thoroughly with the Digital, Culture, Media and Sport Committee inquiry?

**Matt Hancock:** Absolutely, and I will come on to express that in some pretty firm terms later in my speech. The point is that we have not yet seen evidence of successful attempts, but we remain vigilant none the less. I can assure the House that the whole of Government are alert to the threat and that we are working across Government on it.

**Damian Collins:** Aside from the evidence that has been published out of the American inquiry, do the Government have evidence of intent, whether or not that activity was successful as they define it?

**Matt Hancock:** As several Members pointed out in the debate, there is already evidence of activity in the public domain. The question is about the scale of that activity and whether it is significant or not significant. As I say, there is not yet evidence of successful interference in UK democratic processes.

**Mr Jenkin:** I, too, question the criteria for success, because there is evidence of success in that it is provoking consternation at and the questioning of democratic results and policies in our country. Those are the criteria for success. We want to hear that GCHQ will aggressively target the generation of such material, do its best to block it and be much more proactive, but perhaps the Minister is coming to that point.

**Matt Hancock:** I will come on to that important point in relation to the cyber-attacks.

As the Prime Minister made clear in her speech at the Guildhall in November, we want to build a more productive relationship with Russia, but we also want to see Russia play its full and proper role in the rules-based international order. We will therefore not hesitate in calling out behaviour that undermines that order or threatens our interests at home and overseas.

**Liam Byrne:** If there was no evidence of successful intervention, was there evidence of unsuccessful intervention? If so, what was it?

**Matt Hancock:** Some evidence has already been declared, such as Facebook’s declaration that there had been some paid-for advertising by organisations that were also involved in US democratic processes. However, as we know, the scale of the activity that has been declared by Facebook is extremely small, amounting to $0.97. I will get on to the point about the transparency of information, because we do not think that that amount credibly represents the whole gamut of activity.

We have identified Russia as responsible for a sustained campaign of cyber-espionage and disruption around the world. When we have seen the Kremlin deploy disinformation in an attempt to sow division and meddle in overseas elections, and to deflect attention away from international incidents, such as the downing of MH17 or the use of chemical weapons by the Syrian regime, we have rightly raised those concerns on the international stage. However challenging our relationship might sometimes be, it is also essential that we keep the channels of communication open to the Kremlin and the Russian people. To that end, my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs will be in Moscow tomorrow. While there, he will firmly and clearly raise our concerns over the use of disinformation and cyber, and he will reaffirm the Prime Minister’s message, given at the Guildhall, about wanting to see a more productive relationship, built on mutual trust.

**Stephen Gethins:** I thank the Minister for his generosity in giving way. On that productive relationship and cultural exchanges—he may not be able to answer this question just now, but he can write to me or ask the Foreign Secretary to write to me—will he guarantee funding for organisations such as the British Council, which is doing remarkable work in places such as Russia?

**Matt Hancock:** Of course we support the British Council. The hon. Gentleman made a good speech, but I felt slightly sorry for him, because the former leader of the SNP is on RT, taking RT’s shilling. I can confirm that Alex Salmond’s show is already under investigation by Ofcom. It is rather difficult for the SNP spokesman to say anything on this matter when he is completely contradicted in his attitude and tone by his former leader.

**Stephen Gethins:** I did not want to intervene again, but I feel obliged to do so. The Minister refers to a former Member of Parliament, but current Conservative Members are getting paid for appearances on RT. Does he think that that should be cracked down on?

**Matt Hancock:** It is wholly inappropriate to appear on RT, and I certainly would not do so myself, but the SNP needs to take a cold, hard look at itself and its relationship in that regard, because I do feel sorry for the hon. Gentleman, who made quite a good speech and lots of good points.

I want to respond to some of the points raised in the debate. The right hon. Members for Birmingham, Hodge Hill (Liam Byrne) and for Exeter (Mr Bradshaw) and the hon. Member for Ilford South (Mike Gapes) asked that this matter be a top priority for our national security strategy, and I can tell them that we take all allegations seriously and reassure them that the Russian threat, in all its forms, is a tier 1 national security issue.

Turning to the points made by the right hon. Member for Carshalton and Wallington, he asked whether there had been discussions with Facebook and others. The answer is that there have, and they have been led by DCMS, because we lead the overall relationship with the platforms. He also asked for political parties to be treated as critical national infrastructure, but we think they should be regulated differently. For instance, the National Cyber Security Centre offers political parties access to the best cyber-security guidance, and we will continue to strengthen that guidance. Political parties are different from CNI, and it is vital that we do not surrender our own values of liberal democracy in our response to this threat.

We welcome any ISC work in this area, including with the Electoral Commission, which has the resources and the powers to follow the money. Any international money that funds British political activity—political parties or regulated activity—is not appropriate. The question of whether the Electoral Commission can then go further and deeper is not relevant. The point is that if
the money is international, it is not right. The right hon. Gentleman also mentioned imprints on online adverts, and I can confirm that the Electoral Commission is looking at that. He referred to RT, and a robust regulatory framework is in place for broadcasting, as has been discussed, and Ofcom has found RT to be in breach of the regulator’s broadcasting code on 13 separate occasions.

The right hon. Member for Exeter and the hon. Member for Rhondda (Chris Bryant) spoke passionately about their views on Russia. My hon. Friend the Member for Gainsborough (Sir Edward Leigh) and the hon. Member for Strangford (Jim Shannon) both made the point that the question is not about whether there have been Russian attempts at interference, but to what degree. I agree with them, however, that there is no evidence of successful interference.

My right hon. Friend the Member for New Forest East (Dr Lewis) has long experience in this battle for minds, and I strongly agree that it is crucial that online users are able critically to analyse and properly question sources of information and news, especially when they relate to political or polling activity. He is right that our best defence fundamentally is our critical faculty as a society, and long-term work to ensure that that is strong is important.

This has been a very informed debate. In recognition of the new threats posed by cyber, the National Cyber Security Centre, as mentioned by my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), who is the Chairman of the Public Administration and Constitutional Affairs Committee, has stepped up support for political parties and parliamentarians to encourage them to protect the data they hold. There is a distinction, however, between cyber-security—attacks to break down data-holding systems, which the NCSC is built to defend and GCHQ is involved in—and the open publication of misleading disinformation. Of course there is an overlap, but they are two separable issues. In government, it is for the NCSC to deal with cyber-attacks, but not to make judgments about disinformation, because it is a security agency. That is a matter for the Government to take a view on, not the NCSC.

The UK electoral system is one of the most robust in the world, and our manual counting system is difficult, if not downright impossible, to manipulate through direct cyber-attack, but cyber is just one of the issues. The Electoral Commission was mentioned many times. It has opened investigations into several aspects of campaign financing, including around the EU referendum, and although I cannot comment on these ongoing investigations, it is right that we consider whether the Electoral Commission is equipped with the right powers to carry out its critical function.

There have been suggestions for how the rules might be tightened up, including ideas from the commission itself, and we will continue to consider what the right balance of tools and powers should be, with particular recognition of the increased role of social media and online platforms. This needs to be done in the context of fake news, as set out so clearly by my hon. Friend the Member for Solihull (Julian Knight). We share the House’s concern about the rise of fake news, and we fully expect social media companies, including but not limited to Twitter, Facebook, Google and Microsoft, to comply in full with the Digital, Culture, Media and Sport Committee’s request for information.

That brings us to one of the most important things that has come up in this debate. The Committee is due to examine top brass from Facebook, Google and Twitter at a hearing in February. These platforms recognise the problem, and we recognise the progress they have made, but there is far more for them to do on transparency and co-operation. This is a work in progress and there is much more to do. Frankly, we do not think that the Select Committee, on this issue, has been given the straight answers we would expect. So far the published information is entirely partial and wholly inadequate. It took the platforms a year to get up to speed with what to do in the US context, and this time they must do much better. We do not rule out taking further action if necessary. They need to be part of the solution, not part of the problem. The Chair of the Select Committee is an extremely reasonable man, and his reasonable demands must be met in letter and spirit. We welcome the inquiry and look forward to studying its findings closely.

Finally, as my hon. Friend the Member for Solihull said, the threats to our democracy are different from those in the past. They are vested no longer in tanks in the heart of Europe, but in the ether, in cyber-space, on the screens of our smartphones. We must have the confidence that the robust and free challenge of ideas is the best way to decide the future of our country, but political discourse must be based on objective reality, not malicious disinformation from abroad. Let us not fall into the trap of feeble relativism. Let us send the message clear and loud from this debate: true parliamentary democracy is better than autocracy, more free and more just. Once again, in a new generation, we are called to protect our freedom, justice and way of life. We must not fail.

2.33 pm

Tom Brake: I thank the Minister for his tough words about the social media companies, but we also need to ensure that the security services provide them with information they may have so that they can follow the leads already obtained by the intelligence services. I hope that the Minister will take it from this debate that the House demands that the UK Government prioritise defending our democracy from Russian interference.

Question put and agreed to.

Resolved,

That this House has considered Russian interference in UK politics and society.
**Christmas Adjournment**

2.34 pm

**Bob Blackman** (Harrow East) (Con): I beg to move, That this House has considered matters to be raised before the forthcoming adjournment.

Unfortunately, the Chair of the Backbench Business Committee, the hon. Member for Gateshead (Ian Mearns), had to return to his constituency earlier and has asked me to lead off in the debate.

I kick off by sending the sympathies of the whole House to the Chairman of Ways and Means and his family at this time of terrible tragedy. We hope that he has as peaceful a Christmas and new year as is possible under these dreadful circumstances.

I wish to begin with the matter of homelessness. I make no apologies for pointing out to the House that my Homelessness Reduction Act 2017, almost the last Act given Royal Assent before we broke up for the general election, is yet to enter fully and finally into law. It becomes law on 1 April 2018. The Government have just concluded a detailed consultation on a 180-page document on the advice given to local authorities on the implementation of the Act and how homeless people are to be treated in this country. The Select Committee on Communities and Local Government is making representations to amend the consultation document slightly to make it far more user friendly for the people who need help—the people who are homeless.

The Act was the longest private Member’s Bill in history and the most expensive. It is quite clear, therefore, that this will be a revolution in how homeless people are treated in this country. The secondary legislation required to bring the Act into full force will come before the House in February, I believe, so clearly there is still work to be done to get this in place as required.

**Norman Lamb** (North Norfolk) (LD): I commend the hon. Gentleman’s amazing work on this important legislation. I was with an amazing group of people at the Shelter office in Birmingham yesterday and, in particular, spoke to peer workers, who had been through the experience of street homelessness and could provide incredible and important support. They raised the issue of how sanctions in the benefits system are applied to street homeless people, many of whom suffer from mental ill health and have addiction issues, and who, with the best will in the world, have no way to ensure they attend a benefits meeting a week or fortnight hence. They miss the meetings and then have no money for a month or longer. This, surely, is something we have to address in terms of the civilised treatment of these people.

**Bob Blackman**: Clearly, people who are street homeless—actually sleeping on the streets rough—have chaotic lives and do not work to the same sort of timetables as everyone else. It is clearly wrong in principle, therefore, that they be penalised when, through no fault of their own, they fail to attend such meetings and have their benefits taken away. We have to do far more. We know, above all else, that every single person who is homeless is a unique case and therefore should be treated as such and sympathetically.

This is the 50th anniversary of the founding of Crisis. One of my political heroes was the late Iain Macleod, who helped to fund and start Crisis. It started off as Crisis at Christmas, but has gone on to provide services throughout the year. All Members have an opportunity to make a difference. The Crisis Christmas single, a re-recording of “Streets of London” by Ralph McTell, commemorates its 50th anniversary. It features the Crisis choir and Annie Lennox as guest vocalist. All Members and members of staff can download the single, for 99p, and we can aim to make it the Christmas No. 1.

If I cannot convince Members to buy “Streets of London”, they could download Phil Ryan’s Christmas single. He has worked with Lord Bird, the founder of the “The Big Issue”, for 26 years, and has launched a self-penned single, “Walking Down this Lonely Street”. Homelessness and loneliness are two things that go hand in hand. It would be great for all Members to download and support those singles.

**Siobhain McDonagh** (Mitcham and Morden) (Lab): The hon. Gentleman will be aware of the great many churches that do a huge amount to provide night shelters at this time of year. My own church, Christ Church in Collier’s Wood, is part of a group of churches that provides a hostel from November through to January. As a person of faith, it is great to see that action, but it is also a desperate thing to be happening.

**Bob Blackman**: At this time of year we should commend all those volunteers who give up their time at Christmas, and throughout the year, to help homeless people. FirmFoundation does a brilliant job in my constituency, and I am sure every constituency has such groups of people who come together to help others, and particularly the street homeless.

We had two successes in the Budget that we should celebrate. The help to rent proposals will help upwards of 20,000 families to get together a deposit for a rental property, and the funding of three Housing First pilots is a good start, although we need to see it rolled out right across the country.

Equally, in the Budget we had a huge win on the staircase tax, which was going to affect 90,000 businesses across the UK, following the Supreme Court’s decision to allow the Valuation Office Agency to levy rates individually on offices that are on separate floors or corridors. One campaigner in my constituency came to see me about it. I lobbied the Chancellor—I am pleased the Chancellor—I am pleased that many Members on both sides of the House did so, too—and he listened to what we had to say.

There is some unfinished business that needs to be concluded in Parliament. First, the Government conducted a long-awaited consultation on removing caste as a protected characteristic in equality law. There were thousands of responses from the British Hindu community, and we now await the Government introducing legislation to remove this ill thought out, divisive and unnecessary legislation from our statute book.

Equally, we have the plight of Equitable Life policyholders. I am the co-chairman of the all-party parliamentary group on justice for Equitable Life policyholders. An outstanding debt of £2.6 billion is still owed to those people who invested their money after listening to advice and were victims of a terrible scam.
[Bob Blackman]

We recently had the 99th anniversary of the great union of Romania, with Romanians gathering to celebrate the joining of Transylvania to Romania. As the chairman of the all-party parliamentary group on Romania, I had the privilege of attending the national celebration at the embassy, and I wished some 10,000 of my constituents a happy national day.

This time of year would not be complete without raising some local issues. There is what I can only describe as the north face of the Eiger at Stanmore station. As one arrives at the terminal after travelling on the Jubilee line, one is met by 49 steps to reach street level. There is no lift—the lift was taken out of the plan by a previous Mayor of London—but the Department for Transport has held a consultation. Hundreds of my constituents have campaigned for lifts at Stanmore and Canons Park stations, and I look forward to the Department coming forward with the necessary funding to make that happen.

We have also had the scandal of the Hive sports ground, which Harrow Council sold to Barnet football club for a relatively small sum of money. I led an Adjournment debate on the subject. Barnet football club, having acquired the whole land, has now submitted planning applications to overdevelop the site in a way which residents are objecting to in huge numbers. I trust we will see those planning applications duly rejected, as they should be.

People often think of rural areas as having problems with broadband, but I suggest they come to Stanmore in my constituency, where the various providers refuse, point blank, to provide high-speed broadband to residents, even though many of them desperately need it. We look forward to the providers being forced to provide high-speed broadband in the way they should.

I have continued to work to encourage the opening and development of free schools in my constituency. The proposed Mariposa and Hujjat free schools are both strongly supported by local residents but objected to by Harrow Council. I trust that those objections will be removed so that we can see first-rate schools being set up for the constituents I have the honour of representing.

There are three other important local issues. I attended the opening of the DiscoG coding academy, a new facility in Belmont in my constituency that supports young people to learn to write code. They learn how to write computer code from the age of five, which is an excellent way of ensuring that our young people are getting the type of education they need to complement what they learn in school.

At this time of year, although we are celebrating Christmas, it is of course the festival of Hanukkah, too. I had the honour last week of attending the lighting of the menorah at Stanmore Broadway, as we brought together members of the public from all faiths and none to ensure we all recognise the multiculturalism of London, and particularly of Harrow.

Harrow Mencap is doing brilliant work, and it has now formulated a function that can only be called ‘connecting communities.’ I said earlier that we should concentrate not on people’s handicaps but on the things they can do, and Harrow Mencap is a prime example of that. Although the organisation works with people who have profound disabilities, it gets the best out of them and ensures they have the opportunity to live a full and active life, getting a job where appropriate. Harrow Mencap brings people together from across the communities, many of whom are very isolated indeed.

Madam Deputy Speaker, I wish you, Mr Speaker, your fellow Deputy Speakers and the whole House—all Members and all members of staff—a happy Christmas and a restful break. We look forward to 2018 being a happy, peaceful, prosperous and, above all else, healthy new year.

Several hon. Members rose—

Madam Deputy Speaker (Mrs Eleanor Laing): On behalf of the whole House, I thank the hon. Member for Harrow East (Bob Blackman) for his kind words. It is a great pleasure to wish everybody a happy and peaceful Christmas.

I am afraid that my first consideration has had to be put to a time limit on speeches because, as the House knows, we are quite limited this afternoon. We begin with a time limit of seven minutes.

2.48 pm

John Grogan (Keighley) (Lab): It is a great pleasure to follow the wide-ranging speech of the hon. Member for Harrow East (Bob Blackman). He mentioned the Christmas No. 1, among other things, and I just want to mention three things that all have a Christmas link.

The first is the near-complete absence of trains on Boxing day in the United Kingdom outside Scotland. This situation does not exist in the rest of Europe, where a comprehensive train service is provided throughout the Christmas holiday period. In the UK, outside Scotland, if anything, the situation is worse this year than in previous years.

The great airports of Heathrow and Gatwick are served by buses this year, rather than trains, although Stansted does have some trains. The only other line in England that has a train service is Marylebone to Oxford on the Chiltern service, aside from in the enlightened area of Merseyside, where Merseyrail for the past three years has run a service—not to all stations but to selected stations. Each year that is going from strength to strength. For example, this year, Liverpool football club are at home at Anfield in the early evening on Boxing day, and a service will run well into the evening to allow fans of Liverpool football club not only to get to the game, but to get home. They are almost unique among English football fans in being able to do that.

The House of Commons Library tells me that it was not always like this in Christmases past. Until 1975, a Sunday service was provided on most of the rail network, but that was gradually run down until it all but disappeared in 1980. Members may well ask why this is a particular problem. It is because it means that some people cannot go home for Christmas; people who have to be at work. First thing on 27 December would have to travel back on 26 December and they just cannot do that.

I have already mentioned sporting events. On Boxing day, I will be at my beloved Valley Parade watching Bradford City take on Peterborough, but in my charity bet in my constituency I have gone for an accumulator of Bradford City, Leeds and Burnley all winning that
day, in order to cover all my bases in the constituency. As well as the sport, the sales are taking place, as are all sorts of events—at theatres and so on. We also often talk in this House about loneliness, so we can see that closing down this network for nearly 60 hours is just too long—that is to leave aside what this does for the environment.

There is, however, some hope in the north of England. In its rail franchise, Northern will have to provide 60 services on Boxing day 2018. We hope that those will be the first trains in Yorkshire on this day—I suggest they be on the Airedale and Wharfedale line—since 1980. TransPennine Express is also obliged to make suggestions to the Government on Boxing day services, which it has done. I hope that the Government will discuss funding those with TransPennine Express, and that with the necessary funding in place Manchester airport will be served for the first time ever on Boxing day. That is its busiest day of the year and there should be trains running. If it is good enough for Stansted, it is certainly good enough for Manchester.

We need to stop the blame game between the two Front-Bench teams on this issue. When the Conservatives were in opposition, they drew attention to it, and now my beloved Labour party draws attention to it around 26 December each year. Whether the railways are in public or private hands, the House must unite in insisting that a basic service is provided on Boxing day.

Let me quickly move on to discuss food. I am looking forward to my Christmas dinner, but can we trust the food on the table? We have seen a report by The Guardian and ITN about chicken processing plants, particularly those of the 2 Sisters Food Group, which initially came out in September. It suggested that standards were well below what we should expect at the group’s West Bromwich plant. There was chicken on the floor and production was suspended. But the situation has got even worse in recent days, with ITN and The Guardian having now said that Tesco gave a red warning to 2 Sisters Food Group about another of its 12 plants, the one at Coupar Angus, in Scotland, at about the same time—this was in September or October. In that case, the labelling was almost non-existent in some cases. Some chicken had been condemned as unfit for human consumption; it was not clear what had happened to it. It is extremely worrying that Tesco knew this, yet its chief executive, David Lewis, no less, did a press conference in October and, when he was asked whether he had any knowledge that the problems extended beyond the West Bromwich plant, he said that Tesco “didn’t find anything that would indicate that what was seen in West Bromwich was present in any of the other factory sites”.

Yet Tesco had just given a red warning to the Coupar Angus plant. Mr Lewis has some explaining to do. Why did Tesco not provide this information to the public or to the Food Standards Agency? All supermarkets should definitely do that in future. There should be CCTV in all cutting plants, as there is in abattoirs, so that at Christmas time and throughout the year we can trust the food on our table.

We have already heard a couple of references to the importance of churches at Christmas. In Yorkshire, we are particularly proud that the live midnight mass on BBC 1 this year comes from the Catholic cathedral in Leeds, which has a magnificent choir. In recent years, Members from different parties have occasionally been critical of the BBC’s commitment to religious broadcasting. In the past few days, the BBC has responded with a rather good report. I commend it to the House. I think it is recognised that the BBC alone of the public service broadcasters now has a responsibility to bring religious broadcasting to the country. Among other things, the BBC has committed to having a religious affairs editor backed by a religious team. I commend that report to the House.

All that remains is for me to wish you, Madam Deputy Speaker, and the House a merry Christmas and, having mentioned my football bet, to reveal that I placed my accompanying charity bet at Ladbrokes in Keighley on Thistlecrack in the King George VI chase, the big horse race on Boxing day and another part of sporting Christmas.

2.55 pm

Sir Paul Beresford (Mole Valley) (Con): I cannot follow the hon. Member for Keighley (John Grogan) on anything except, of course, wishing everyone a merry Christmas. The trouble is that his sporting interest has a round ball, whereas I prefer the one that is slightly tweaked at the ends, and most of the teams I support wear black only.

I wish to raise just one issue, which is, unfashionably, a men’s issue. It is well known to the House—and to The Sunday Telegraph—that I am a very part-time dentist. I am also chair of the all-party group on dentistry and oral health. As one can anticipate, the profession pushes me on various causes. This is one that I wish to raise: I would like the Government to extend the human papillomavirus vaccination to boys as well as girls. I raise this issue because it might be timely, as I understand that the Joint Committee on Vaccination and Immunisation is about to report on this issue to the Secretary of State for Health.

There are a number of HPV viruses, two of which are very nasty. Girls are vaccinated against the virus to stop cervical cancer. HPV viruses also cause penial cancer and genital warts. Slowly but surely, because of the vaccination programme for girls, there will be a reasonable herd immunity. I say reasonable because the vaccination reaches far from 100% of girls; many start the course but do not complete it, while many others do not even start it.

My specific interest is in the fact that these nasty viruses cause between 35% and 70% of head and neck cancers, depending on the anatomical site. For example, 70% of oropharyngeal cancers are caused by HPV. Treatment of head and neck cancers is often debilitating, disfiguring and destructive of the patients and their self-esteem. Frequently, radiology and/or surgery is required, involving the face, the jaw and teeth, the neck, the tongue, the pharynx, the larynx, the oesophagus or combinations of them. Physical disfigurement is common, and speech and eating can be significantly impaired.

In the global ranking of cancer deaths, head and neck cancers rank fifth. Furthermore, the prevalence of head and neck cancer is markedly higher in males than in females, with males affected at the rate of 2:1. In the UK, the frequency of head and neck cancer is increasing at one of the fastest rates of all cancers. The cost of treatment to the NHS is astronomical.
Vaccination programmes can eliminate, or virtually eliminate, certain diseases by producing herd immunity—the polio campaign is an example. The HPV vaccination programme for adolescent girls in the United Kingdom has had considerable success, but it is not producing full herd immunity.

We recently had a Westminster Hall debate on HPV vaccination for men who have sex with men. With HPV vaccination, I do not think that who is having sex with whom is relevant. I contend that heterosexual men—there is still a proportion of us left in this community—are very vulnerable. The estimate is that 10% of young UK girls do not get the full vaccination cover. Research suggests that 20% of 16 to 24-year-old men have had 10 or more sexual partners. Statistically, one of those partners has not been vaccinated.

Vaccination programmes for girls and boys would stand a reasonable chance of producing effective herd immunity. I understand that the cost would be another £22 million a year, but set that against the £58 million for treating genital warts and way over £300 million for head and neck cancer. What is important is not who is having sex with whom, but the need for that herd immunity. If Australia, Austria, Canada, Israel, Switzerland, the United States and even New Zealand can manage this, then we can, too. To put it simply, it is not fair, ethical, or socially responsible to have a public health policy that leaves 50% of the population vulnerable to HPV and head and neck cancer.

3 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I will be brief. I believe that one of the best uses of time in the future in this Parliament would be a thoughtful consideration of how the devolved Administrations and the UK Parliament can work best together to benefit constituents, particularly constituents in my vast and far-flung part of Scotland.

I shall touch on three subjects this afternoon. I apologise to Members because they have heard me mention them before, but I do feel duty bound to bring them up. The first is broadband. The hon. Member for Harrow East (Bob Blackman) was quite correct to raise the issues in his own constituency, but, clearly, when someone is dealing with distances as vast as mine, the matter presents particular challenges. In the past, not so very long ago, we saw a bit of backwards and forwards between hon. Members on both sides of this Chamber about whose fault this is. I do not want to get into that, but it does seem to me that, if one could have a get together, a meeting of minds between both levels of government, perhaps we could work together to tackle the issue.

As everyone in this Chamber knows, I am a remainer. Whatever form Brexit Britain takes, we will absolutely need connectivity in the future if we are to compete in a world market. I hope that we can all accept that. Equally, I have mentioned universal credit many times in this Chamber, but the problem that universal credit presents to my constituents is that many of them cannot go online to access it. That is enough said on broadband.

In the north of my constituency is the former nuclear power station, Dounreay, which is being decommissioned. We have a skills base there which is second to none. The challenge for me and for everyone who cares about employment in the far north of Scotland is to see how we utilise those skills in the future in that area. At the Scottish Government level, we have the Highlands and Islands Enterprise trying to encourage development, but we also have the Nuclear Decommissioning Authority, which is very much a function of Westminster. The more joined up—I know that it is a clichéd phrase—that we can be, the more I can say to the working people of Caithness that we are doing our very best to look to their future to see what we can do.

The temptation for me here in this Chamber is to go down the health route. I am sure that Members of the Scottish National party would yawn if I did that, but I will not do so because I have already covered the subject in some detail. However, what I do want to mention is energy and the production of energy. Today, I have received a letter from a constituent, Mr Murray Threipland, who owns and runs a business in Caithness, Duneath Engineering. He has recently got planning permission to build a turbine, which will cost him just short of half a million pounds. That is great; he has got the go-ahead. However, due to problems with the local electricity grid, he cannot export the surplus energy that he is going to make. He is faced with buying a large number of electric heaters and, at night time when he does not need the surplus energy, heating up the night air of Caithness. A nice idea, people may think—it might help get rid of the midges or keep the odd poacher warm, but it does not achieve much else.

We need energy in this country. We need to make as much energy as we can and to do it as efficiently as we can. Again, a joined-up view of government both north and south of the border would be hugely helpful. I take the view—that perhaps in slight contradiction to other colleagues here—that the UK is here to stay. Things such as broadband and energy do not respect national boundaries; they are for the good of the UK. The same goes for how we decommission nuclear sites, how we use the skills and how we approach the future.

That is really all I have to say, except, like others, I should like to thank people for all that has been done in this place. I am no longer a new Member—I have been here for six months—and want to say something that is personal to me. I have been touched by the kindness, support and advice that I have received from all parts and all parties of this Chamber. How this place works strikes me as being very, very special, and I am deeply grateful for it.

Madam Deputy Speaker, may I wish the merriest Christmas to Mr Speaker, you and all the other Deputy Speakers, every Member in this House and in the other place as well—not that I frequent it very often—and everyone who works here? Thank you.

3.4 pm

Bob Stewart (Beckenham) (Con): Happy Christmas everyone, especially to my friend the hon. and brave Member for West Ham (Lyn Brown), who sometimes speaks in such debates on the subject of hysterectomy procedures, which far too many women have had to undergo without pain relief. I wish to put on record my full support for her campaign to sort that out.

Personally, I would like today to raise the matter of central Government funding on behalf of my constituency, Beckenham. We live in the London Borough of Bromley, which is represented in this place by three Tories and
one Labour MP. In 2017-18, Bromley had the fifth smallest settlement funding of the 32 London boroughs, but it has the seventh highest population. Actually, Bromley is the largest London borough by geographical size. It also has one of the highest proportions of older people and, most certainly, the most extensive road network. Yet the associated cost implications of these factors are not reflected in our settlement funding, which is the second lowest per head in London, despite which Bromley has dealt with its finances extremely efficiently. Our council tax remains relatively low considering the local services provided and our low central Government funding settlement. But it has not been easy.

Bromley Council has been hugely innovative in tackling its tasks: it has created as low a cost base as possible, pioneering many measures to balance cost, value and outcomes; it has outsourced whenever that makes sense and, within reason, where it gets most efficiency at a low cost; and it has created leisure trusts that work. It does all this by maintaining relentless cost control measures on all its activities. However, most of the cost-saving measures that many other boroughs have yet to take have already been implemented in Bromley. The obvious implication is that there is little scope to achieve many more savings. Our flexibility on further cuts is hugely constrained without reducing our statutory requirements.

Bromley’s core finding has been cut more than the London and England average continuously since 2010. This will have been reduced by 75% in real terms over the decade. By 2020, Bromley’s central Government funding will have been reduced in real terms to a quarter of what it was in 2010, although I accept that it has new methods of raising money. Bromley has managed to generate savings of £90 million since 2010, but, as is obvious, the mid and low-hanging fruit cuts have now been taken. Bromley Council, with reluctance, has no choice but to put its statutory requirements in the firing line.

By 2030, Bromley’s population is expected to increase by considerably more than the national average, but future funding is unfortunately not currently assessed on population growth. Using Greater London Authority central estimates, the population of over-65s in Bromley is expected to increase by about 44% between 2017 and 2037, and the population of over-90s is expected to increase by 123%, with an overall population increase in Bromley of 18% during that period. Surely that must be considered when looking at central Government funding.

It is now widely recognised that, in all areas of England, there is an urgent need for a fairer system of central Government funding. It seems that decisions on this issue may be delayed until 2020 or 2021. In the meantime, Bromley could be punished for being an ultra-efficient council. That is not only unfair but wrong.

For their part, councillors in Bromley feel that our efforts at keeping costs down and making efficiencies are largely unrecognised by the Government. The efficient running of local government should be encouraged, not penalised, so I ask the Government to reconsider the situation in Bromley, recognise what has been achieved and ensure that the borough is properly supported in the interim with another transitional grant of the kind the Secretary of State for Communities and Local Government has previously provided to help us out.

I repeat: happy Christmas to everyone—in this Chamber and throughout the land.

Dr Rupa Huq (Ealing Central and Acton) (Lab): As is customary, I wish everyone in the House a happy Christmas.

I want to raise an unseasonal tale of big infrastructure and small business, which affects the Park Royal chunk of my constituency. Park Royal was once Europe’s largest industrial estate. They built things such as planes for both world wars and munitions; the Heinz factory was there, and Guinness emanated from Park Royal, but now Park Royal finds itself on the receiving end of the heavy-handed High Speed 2—that is the big infrastructure. In Ealing Central and Acton, we are blessed: we have a lot of these big infrastructure projects. The planes going to Heathrow fly over us—we are on the flight path. Crossrail is coming to link east and west to our part of the world, and there is also HS2.

However, in this season of good will and good faith—I voted in good faith for the HS2 project, and I like the idea of high-speed rail, connectivity and all those things—a bunch of small businesses in the Park Royal industrial estate feel that they have been shafted. Sorry, that is perhaps unparliamentary language; these businesses have been ill treated by HS2—at this time of year—and they wanted me to raise their plight.

I am doing that in this forum because, talking of good will, Robert Goodwill—sorry, I cannot remember his constituency.

Hon. Members: Scarborough.

Dr Huq: That’s it. He’s a good Yorkshireman, isn’t he?

I remember raising HS2 issues with the hon. Gentleman in the House, and it worked for a time, so I want to see whether it will work again. In 2016, when he was the Minister for rail—he is now the children’s Minister—he came to Park Royal. I asked him to see for himself what was going on.

Park Royal used to be a place of big businesses; now, the businesses are much smaller. We have Mediterranean food manufacturers, prop hire, laundries and all sorts of small family businesses, so families, livelihoods and that sort of thing depend on the area. Park Royal has been named in The Independent as a sort of mini-Beirut, which sounds quite scary, but a lot of middle eastern food manufacturers come from the area. If Members have baklava in a west end restaurant, it is likely to have been made in my constituency.

A number of these small companies were initially told that when the HS2 project happened, they would be given six months to relocate. There was no assurance about when that would happen, and these companies are having compulsory purchase orders put on them. So the Minister came with me, and we saw that assurances were received that people would have a relocation grant and be given good time in which to get their businesses up and running again. One of the companies is a prop hire business—probably no one in this House has ever been to one of those. It covers acres and acres, and has vintage telephones, whalebone corsets, ’70s cereal packets and all sorts of things, and it is not easy to relocate those things. Superhire props is the business I am thinking of.

The Minister said there would be a £250,000 disturbance payment, which is a strange phrase describing what happens when someone is forcibly moved elsewhere.
However, these payments have not been forthcoming. The thing is that HS2 is very clever: it can operate within the letter of the law, and we are talking about assurances, not legally binding guarantees.

Three hundred employees and their families have written to me. They are facing Christmas with a very uncertain future, because they are about to be CPO’d on 10 January. Some of them have two premises now, so they are paying for two lots of rent, leases and staff. One of them was on BBC London recently. The workers have downed tools and gone because they are not being paid since the advance payment from HS2 has not been forthcoming. When the ghost of Christmas past—the Minister—came to visit and saw what was happening, he gave those promises in good faith, I believe.

Something has gone wrong with HS2. It seems to be haemorrhaging CEOs, and the project has run over time and over budget. Hon. Friends whose constituencies are further into London—my right hon. and learned Friend the Member for Holborn and St Pancras (Keir Starmer) and my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq)—opposed it. I did not, but I am losing patience with HS2.

There is also what HS2 does to residents. Three roads in my constituency—Shaftesbury Gardens, Midland Terrace and Wells House Road—face 10 years of works 24/7. Imagine a child born now getting to its 10th birthday and only knowing living on a building site! The only assurance that these residents have been given is for secondary glazing on one side of one of those roads. That is just not good enough.

When I raised this with the Secretary of State for Transport, he said, “My door is always open.” I have written letters and submitted written questions, but I feel a bit like I am banging my head against a brick wall. I gave those promises in good faith, I believe.

It seems as though people are negotiating a Kafkaesque web of bureaucracy in order to get these payments. For a big business with a turnover in the millions, £250,000 is a drop in the ocean. The relocation costs will be much more than that. They feel that the number of hoops they have had to jump through is insupportable.

Old Oak, which Park Royal feeds into, has been identified by the Mayor of London as a super-development opportunity area. There will be 26,000 new dwellings and two tube stations, as well as Crossrail and HS2. There is a lot of promise there. The marketing spiel says that it will be an incubator for new business, but the old businesses that have been built up over years—family businesses—are facing a very bleak Christmas this year.

HS2’s mission statement says that it will give “sufficient liquidity...to be able to make satisfactory arrangements for relocation”.

That is not the approach that is being taken. This is undermining public confidence in the project. I have been voting for it and trying to defend it, but my local residents and businesses have had enough of HS2.

It is very disappointing that this has come at this time of year. As I say, assurances are only assurances—they are not legally enforceable. They are not worth the paper they are written on, quite frankly. As for Christmas future, I hope that in the new year, which is only next week, we will have better news for the businesses and residents who feel that they have been done over by HS2.

3.18 pm

Sir David Amess (Southend West) (Con): Before the House adjourns for the Christmas recess, there are a number of points that I wish to raise.

A constituent of mine, a former model, Carla Cressy, suffers from endometriosis. The condition was diagnosed in January 2016. She is doing everything she can to launch a campaign to make 14 to 18-year-old girls aware of this disease. I am going to do everything I possibly can to help her to raise awareness.

We have debated the Women Against State Pension Inequality Campaign and the WASPI women time after time in this House. I am still getting many letters from constituents who claim that they were not made aware of the changes. I know that this will be a difficult one for the Government, but I really do think that we will have to look at this situation again.

In November, I met the Institute of Fundraising. We have many wonderful charities in Southend West, and they brought to my attention the potential difficulties posed to them by the Data Protection Bill and the General Data Protection Regulation. This is good law, but it creates a number of difficulties for charities.

In the new year, my party will launch Diversity2Win. I am very honoured to be a patron—together with Baroness Jenkin, my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), and the Prime Minister—of this initiative to make our party even more diverse than it is at the moment.

In October, I was very privileged to be present at the Queen’s Award for Voluntary Service, which was received by two magnificent local charities that help people with mental health issues and those in other very difficult situations. I pay tribute to Crossing Boundaries and Growing Together. The voluntary sector thrives in all our constituencies, but particularly in Southend. Southend Association of Voluntary Services is delivering a National Lottery-funded project called Volunteering-on-Sea. It is an exhibition curated by people aged between 10 and 20, and it helps those from disadvantaged backgrounds.

Of course, we again had our centenarians’ tea party. It was an absolute privilege to welcome the wonderful gentlemen and ladies who celebrated reaching the age of 100 or more. The Hive enterprise centre is a wonderful project in the centre of the constituency, and it offers state-of-the-art business opportunities.

I raised phone scams recently in the House. I am sick to death of getting calls from people telling me that I have been involved in an accident, and all that nonsense. It really has to be dealt with by the Government.

In 2000, I was very successful in getting on to the statute book a fuel poverty Act. The matter has to be looked at again, so next year I will introduce a new Bill, which I hope will get the House’s support. That aims to bring fuel-poor homes up to Energy Performance Certificate band C by 2030, and to ensure that all homes meet that standard by 2035.
I see that the hon. Member for Kingston upon Hull North (Diana Johnson) is present, and I congratulate Hull on being the city of culture this year. Southend-on-Sea was the alternative city of culture, and it has been an absolutely triumphant year for the town that I am honoured to represent. Our wonderful charity, the Music Man Project, performed at the London Palladium, and in 2019 it will perform at the Royal Albert Hall.

The marvellous British Legion, which celebrates its 80th anniversary, organised a wonderful collection of ceramic poppies that was displayed along the cliffs of Southend. It has been a wonderful year, and the best Christmas present that Southend residents could receive would be for us to be declared a city. I am in discussions with the Minister for the constitution, my hon. Friend the Member for Kingswood (Chris Skidmore), about organising a contest, if there has to be a contest, for city status next year. I think we could have it around the occasion of the royal wedding.

I am very close to the organisation that wants people in Iran to enjoy democracy; that is not the case at the moment. I have lobbied the United Nations and the Nobel peace prize committee, and I also addressed a conference on the issue earlier in this Parliament.

The Southend citizens advice bureau has recently brought to my attention further issues regarding universal credit. These include difficulty in submitting online applications, inaccurate calculations and delays in both the claiming process and payments to constituents.

It has to be explained why petrol prices are going up as quickly as they are at the moment. Something is wrong there.

Madam Deputy Speaker, you were chairing proceedings when we had a debate on stroke. Mechanical thrombectomy is a treatment that I hope will be rolled out throughout the UK. On diabetes, a constituent told me that there is no enough provision in schools to help children who have diabetes.

The University of Essex, which has a campus in Southend, received its highest ever ranking in The Times university guide. Anglia Ruskin University has a wonderful medical centre, which is being developed.

This year, I was privileged to enjoy the very successful event held by Essex Boys and Girls Clubs in Hadleigh Park. I absolutely support the efforts of Project 49, an award-winning service in Southend for adults with learning disabilities. I also support the efforts of those involved in the active ageing community event organised by Southend Older People’s Assembly earlier this year.

This has been a difficult and challenging year for parliamentarians in all sorts of ways, and there has been much sadness. I hope that everyone will focus on something good and positive that has happened in their life. We thank all the staff of this place, who support us. I wish you, Madam Deputy Speaker, as well as Mr Speaker and the other Deputy Speakers, a very happy Christmas and a wonderful and joyous new year.

3.24 pm

Lyn Brown (West Ham) (Lab): As the hon. Member for Beckenham (Bob Stewart) said, I often use this debate to talk about women’s health matters in a way that can make grown men wince. I have to say that he and other hon. Members on both sides of the House have been very generous in their support for the hysteroscopy campaign. I am very happy to report that, following a meeting this week with the Under-Secretary of State for Health, the hon. Member for Thurrock (Jackie Doyle-Price)—it was a very good meeting—I really hope some progress can be made. I thank him and others for their support.

Bob Stewart: Is the progress that the hon. Lady mentions pain-free for ladies who have to undergo this treatment?

Lyn Brown: The woman Health Minister I met has read the women’s testimonies I presented to her, and she was horrified by them, as the House has been when I have read them out on previous occasions. She and I are very clear that this is about choice—informed choice—and about making sure that women get what they need, rather than what is cheapest. I do not want to put words in her mouth, but I think we are both on the same page, and it was a very happy meeting. I therefore have only three, not four, issues that I want to raise today.

First, NewVIc—Newham Sixth Form College—is a great further education institution that regularly sends more young people from disadvantaged backgrounds to university, including to Russell Group universities and Oxbridge, than any other sixth-form college in England. Newham is a massively deprived area, and research tells us that 13 out of 20 children in Newham live in poverty, and that it is currently second worst of all local authorities in England for social mobility. The fact that our young people are doing massively well at our FE institution is therefore testimony to them, their teachers and their parents. However, NewVIc’s budget has been cut by £770 per student, and that includes £200 per student from the deprivation allocation. How on earth can that be justified?

I would be very grateful to the Minister if he liaised with the Department for Education on my behalf to secure a meeting about this with NewVIc and me so that we can help NewVIc to continue to be a much-needed engine of social mobility in my community and that of my right hon. Friend the Member for East Ham (Stephen Timms).

The Deputy Leader of the House of Commons (Michael Ellis) indicated assent.

Lyn Brown: I have had a nod.

My second issue concerns a mental health condition called depersonalisation disorder. At least one of my constituents is a sufferer, and she has asked me to share her story with the House. Since she was 18, my constituent has lived for years in a continuous state of detachment. The world and her own life do not feel real. She lives in a dream, performing actions on autopilot, and she sometimes does not even recognise herself in the mirror. It is terrifying.

The disorder is under-researched and very poorly understood, and it can take eight to 12 years to get the right diagnosis. The consequences of a misdiagnosis can be dreadful, because anti-psychotic, anti-anxiety or antidepressant medications do not help and can make the condition markedly worse. As one sufferer, Sarah, has explained:

“Relationships…lose their essential quality… You know you love your family, but you know it academically—rather than feeling it in the normal way.”

I would genuinely find it very difficult to live if I had this disorder; I know I could not do so.\n
With swift diagnosis and specialist treatment, patients can have a real hope of remission, but existing NHS provision is woefully inadequate. There is only one specialist unit, based at the Maudsley Hospital, and many patients wait years for funding to attend it, while others are refused funding. The service is anyway only for adults, even though the condition typically begins in a person’s early teens. May I ask the Minister for a meeting with the Department of Health to discuss this further? Again, I would be very grateful to him if he helped that request on its way.

Finally, I wish to mention fixed odds betting terminals. As we have established in this debate, without any contradiction, Newham is a borough with high levels of deprivation, yet it also has one of the highest numbers of betting shops in any borough, with 81 in operation, and 12 on one street alone. Newham Council estimates that £20 million of residents’ money was lost to fixed odds betting terminals in just one year. I and my right hon. Friend the Member for East Ham (Stephen Timms) have called for a reduction of the maximum stake to £2, and I received the Government’s consultation on this issue, which rightly suggests that a £2 limit will help to stop problem gambling. Such a limit would be a great, if belated, Christmas present to the children of Newham.

In conclusion, I thank the staff of the House for their unfailing kindness, professionalism, and service to us all. I know I will not be the only person in the Chamber today who is thinking of our Deputy Speaker and sending him our love and prayers. I am also thinking of the family of Jo Cox, Brendan and the children, and about the family of our own PC Keith Palmer, as they face their first Christmas without him. We all know that that will be massively hard. I wish you, Madam Deputy Speaker, and all hon. Members, the happiest of Christmases, and the very best of new years.

Madam Deputy Speaker (Mrs Eleanor Laing): Following what the hon. Lady has just said, the Chairman of Ways and Means is very grateful for all the messages that he has received. Hundreds of Members have sent him very kind messages, and he has found that a great support at this sad and tragic time. I will pass on to him, once again, the good wishes of the whole House.

3.31 pm

Nigel Huddleston (Mid Worcestershire) (Con): May I associate myself with your comments, Madam Deputy Speaker, and those of the hon. Member for West Ham (Lyn Brown)?

What a fantastic opportunity and innovation these debates are—seven minutes to talk about pretty much anything we would like. I am surprised that the Benches are not overflowing with colleagues, but that leaves more time for the rest of us, so I am pleased. I wish to say two or three things by way of a thank you, then express a concern, and hopefully end on a positive point.

Lyn Brown: I thank the hon. Gentleman for his kind words, but it is sad that not many people are here today. The information we had was that this debate was massively over-subscribed. I would like to go back to the old tradition where we had a proper Adjournment debate in which we could properly explore the issues that are important to our constituents, without having to contain that within a four, six or seven-minute speech. I thank the hon. Gentleman for allowing me to say that.

Nigel Huddleston: The hon. Lady makes a valid point that I am sure others were listening to.

Bob Blackman: I thank my hon. Friend for giving way, and I heard the representation from the hon. Member for West Ham (Lyn Brown)—she is also an hon. Friend. The Backbench Business Committee allocates the time and there were supposed to be three hours for this debate, but unfortunately because of statements our time was compressed. However, I will take that as a representation from the House, so that when the Committee considers the next recess Adjournment debate we can look for a full day’s debate.

Nigel Huddleston: I am happy to have facilitated that discussion.

I wish to thank you, Mr Speaker, and your entire team, and indeed everyone who looks after us—and I do mean looks after us—in this place. From security, the cleaners, and those in hospitality, everybody does a very good job and they do not always receive the praise that they deserve. I also wish to thank my family who go through quite an ordeal living with me, particularly given the lifestyle that we all lead, and I thank my constituents for re-electing me this year, for which I am grateful. I am sure I speak on behalf of all hon. Members when I say that although we are grateful to those who voted for us, we also represent those who did not. All Members across the House take that very seriously, and we do our best to represent the breadth of opinion, although that is sometimes overlooked.

I would like to say a special thank you to three people who have inspired me this year. I am very proud to have got to know them very well. Tracey Hemming runs the Freedom Day Centre and the Freedom Disco in my home village of Badsey. What an inspiration she is. She had an idea about 18 months ago to set up an event for disabled children and those with mental health challenges, and she has done the most fantastic job. I have managed to visit her several times. She is an amazing lady and deserves credit. Diane Bennett runs Caring Hands in the Vale, in Evesham, and runs the local food bank. She is an inspirational lady who I have got to know very well. Up in Droitwich, in the northern part of my constituency, a fantastic gentleman called Patrick Davis is doing a great job of reinvigorating salt production in Droitwich. I am very honoured to live in an area where volunteering and community engagement and involvement is at the heart of people’s day-to-day activities. They are very busy with their jobs and families, but the volunteering is incredible. I have never known anywhere—I have lived and worked abroad for many years—with that degree of dedication. It is an honour to be associated with so many of them.

The issue I would like to raise is something we are not seeing in the Chamber today: intolerance. I am increasingly concerned about the intolerance, abuse and intimidation happening at the extreme ends of both the far right and the far left of British politics. It is not representative or reflective of the day-to-day activity in this place, where we generally get along. We have a lot of banter. We disagree, sometimes vehemently, but I think we all know...
that having strongly held opinions does not necessarily mean that we are right. We have the self-awareness to realise that we can sometimes be persuaded and that the opinions of others can be right. We should try to listen to them and we should be willing to change policies where necessary. I am proud that, for example, we recognised that mistakes we make deserve to be protected by our military and Foreign Office, and to travel on a British passport. We believe it should also give you the lifelong right to vote. This commitment was made very firmly. Mr Speaker: The House will now be treated to a second dose of Gapes.

3.40 pm

Mike Gapes (Ilford South) (Lab/Co-op): Thank you, Mr Speaker. A merry Christmas to you, to all the Deputy Speakers, to your panel of Chairs and to all the staff of the House. May I also send special best wishes to the friend the Chairman of Ways and Means? I know how hard it is for him at this time.

I am going to concentrate on one issue, and in doing so, I wish a merry Christmas to all the British people living in this country and the 5 million British people who are living in other countries, including 1.2 million in the European Union, because in the last few years we have not given the views and representativeness of those people the weight that they deserve.

In September 2014, the then chairman of the Conservative party pledged to end the 15-year rule applying to the eligibility of British people living overseas to vote in our elections. That commitment was made very firmly. He said:

“Being a British citizen is for life. It gives you the lifelong right to be protected by our military and Foreign Office, and to travel on a British passport. We believe it should also give you the lifelong right to vote.”

The manifesto on which David Cameron and the Conservative party won the 2015 election included that pledge. Subsequently, the Government issued a consultative document, and a commitment to introduce a “votes for life” Bill was announced in the Queen’s Speech on 27 May 2015. The Bill did not materialise, but in October 2016 a policy statement was published, setting out how the removal of the 15-year rule would come about. British citizens who had lived in Spain, Italy, France, Germany, Portugal, Estonia, Lithuania or elsewhere in the European Union for more than 15 years were not eligible to vote in the EU referendum. As a result, although their rights had been more affected than those of any other British citizens by the decision made in 2016, they had no say in it.

It is a notable feature of the EU negotiations in which the Government are involved at this moment that, although the rights of EU citizens in this country now seem to be protected, British citizens living in other EU countries will have inferior rights because those rights will exist only in the countries where they are currently resident; the rights will not be passportable because those people will lose the right to freedom of movement between other EU countries. That is a very important point: whereas EU citizens in the UK can move back and go to any other EU country, as things stand, British citizens
in the EU will only be able to reside in that particular country and will not have the rights of free movement elsewhere in the EU. That needs to be looked at.

I wish to declare that I am the honorary president of Labour International—at least until Momentum gets rid of me. [Interruption] I am not joking; it has been suggested. I am speaking because I am aware of the concerns of so many—not just people in the Labour party but Conservatives internationally. Clearly, there was an excuse: we had a general election this year, so the Bill that might have come through from the 2015 election has not been produced. Therefore, I have been pursuing the matter with some questions.

I tabled questions in November asking the Minister for the Cabinet Office

“what plans the Government has to extend the voting rights of UK citizens who are resident overseas in UK elections and referendums”;

and

“if he will bring forward legislative proposals to guarantee votes for life in UK elections and referendums for all UK citizens living abroad.”

The answers referred me

“to the reply given to the Member for Halifax (Ms Lynch) on Thursday 7 September 2017”.

The answer that my hon. Friend the Member for Halifax received, to a question asked on 4 September, was:

“As outlined in our manifesto, the Government is committed to legislating to scrap the 15-year rule and will do so in time for the next scheduled parliamentary general election in 2022.”

That is not good enough. They were working on a schedule for 2020 and an early general election meant that people could not have a vote in that election. There is absolutely no guarantee in the current political climate that the next general election will be in 2022; it could be before then.

This is not a partisan point; there will be those across the parties who disagree with extending that democratic right to all British people living overseas. But in the modern age, with digital systems of voting, checking or registration, we need to modernise and extend democracy to all those British people, particularly given that we are bringing about significant change not just in this country, but all over the world.

3.47 pm

Jeremy Lefroy (Stafford) (Con): It is an honour to follow the hon. Member for Ilford South (Mike Gapes), and I will come on to the point he made a little later in my remarks.

I also extend to all those working on our behalf over Christmas and the new year, whether in the private sector or public services, my grateful thanks. They give up their family time on our behalf. In my constituency of Stafford, I particularly think of the workers at General Electric, some of whom are facing an uncertain future, with a consultation going on over the loss of 500 jobs. I assure them of my commitment to see that, if there are other opportunities locally or regionally, they are made aware of them and that all support possible is given to them.

I want to tackle three subjects, the first of which is health and social care. I have spoken often on this subject, particularly in respect of Stafford Hospital, now County Hospital. It is great to be able to say that the care at County Hospital, formerly the Stafford Hospital, has improved tremendously over the past few years. I pay tribute to the board who have gone through a very difficult period, both at the time of the Francis public inquiry and then at the time of the trust special administration—the only trust special administration under the Health and Social Care Act 2012.

Bob Stewart: I should like to pay tribute to my hon. Friend. He has worked tirelessly to sort out that hospital, and he has been a great advocate of getting it fixed.

Jeremy Lefroy: I am most grateful, but I think my hon. Friend perhaps exaggerates my own part in this. It is really the workforce at the hospital who have done it, but I accept his thanks on behalf of all those at the County hospital and in Stafford who have fought for it.

I want to talk about the forthcoming Green Paper on social care, and my remarks will include both health and social care. It will provide a really important opportunity for us to change things in health and social care for the better and for the long term, but it will need cross-party working. The area of social care and health has been blighted too often by infighting between the parties. We also need to take an integrated approach.

We score highly, internationally, in regard to people’s opinion of their access to good healthcare. In a survey carried out not so long ago, 35% of people in the USA said that they did not have good access to good quality healthcare. In France, the figure was 18%, in Germany it was 15%, and in the UK it was only 4%. That is the glory of our national health service: by and large, it gives people access to high-quality healthcare, whatever their income and wherever they live in the United Kingdom. However, it is also generally accepted that more money is required. I do not have time to go into the detailed figures, but something between 1% and 2% more GDP needs to be spent on health and social care. The question that needs to be asked in our contributions to the Green Paper next year is: how is that money to be raised?

I have always said that we need a ring-fenced health and social care levy, on top of our present budgeted expenditure on health and social care. It needs to be a broad-based levy, and it needs to be income based, so that it is fair across the country and the population. Such a levy would not provide for everything that we need to do, but it would help to ensure that the £10 billion to £20 billion of additional resources that we need to put into the health and social care system as a minimum in the coming years, on top of what we already spend, was available. What is more, I think that it would be accepted by the general population. If the money were ring-fenced for health and social care, they would know that it would be spent on things that they really cared about and needed. Let us not forget that the national health service is one of the biggest sources of cohesion in our country: it is something that we all rely on.

I want briefly to touch on the European Union negotiations, which are incredibly important to all of us. The Prime Minister has said that she wants the best possible deal, and I absolutely support her in that. We need a unique, long-term deal that is the best possible for our jobs and tax revenues, and also for bringing back control to this country in certain areas. The deal must include goods and services—not just goods—and
it must be frictionless. It must fully respect the Belfast agreement. It must also respect the people of Gibraltar. It must cover security, aviation, data and many other areas, including agreements with other countries, of which there are dozens.

There has been discussion over whether we should be closer to Norway or Canada—mention has been made of “Canada plus-plus-plus”—but I simply make the observation that geographically, and probably in spirit, we are closer to Norway than to Canada when it comes to this type of agreement. I urge the Government to look closely at that matter. I also suggest that we look at the European Free Trade Association. It is not perfect, and it might not be something for the near term, but I believe that in the medium term we cannot stand on our own. We need to work together with other like-minded nations, which might include Iceland, Norway, Switzerland, Liechtenstein and perhaps others. When it comes to negotiating agreements and working together on trade, it is better to work with a number of countries rather than just on our own.

We also need to consider the idea of associate European citizenship, on a voluntary basis, for all those United Kingdom citizens who want to retain strong, close allegiances with our friends and neighbours in the European Union. It has been raised as a possibility by Guy Verhofstadt in the European Parliament and by others. Let us take it into consideration in the negotiations.

Finally, but in some ways most importantly of all, I want to touch on humanitarian work. There are possibly more refugees across the world now than at any other time since the end of the second world war. Whether from Syria, Yemen, South Sudan, the Democratic Republic of the Congo, Somalia, Burma or Burundi, there are possibly up to 30 million refugees, not including the people who are suffering within their own countries.

I welcome the recent news about Hodeidah in Yemen, and the fact that the port has been opened up for a minimum of 30 days for humanitarian and relief supplies. I pay tribute to Her Majesty’s Government for their work on that, but we must keep an eagle eye on the situation over this Christmas and new year recess. In the Democratic Republic of the Congo, 1.7 million have had to flee their homes this year—more than in any other country in the world—yet it sadly receives hardly a mention in the news and even in this place. Four million people have been displaced, and 7 million people are struggling to feed themselves. In 2018, it is absolutely vital that we maintain the work that it is doing all over the world to feed themselves. In 2018, it is absolutely vital that the minimum of 30 days for humanitarian and relief supplies.

I pay tribute to Her Majesty’s Government for their work on the issue down the road over the years.

The revelations about the large donation to the Democratic Unionist party for Brexit campaigning, made from Scotland through Northern Ireland, presumably to avoid the usual reporting restrictions, forced the hand of the current Government, and the secondary legislation that we were considering on Tuesday was presented. That donation was £435,000 from the Constitutional Research Council. The organisation is based in Scotland, but none of us in Scottish politics had heard of it before. However, I note that it has links to the Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker), who I believe received some thousands of pounds on behalf of the European Research Group—the Conservatives’ extreme Brexit wing.

During the proceedings on Tuesday, the Under-Secretary of State for Northern Ireland, the hon. Member for Northwich (Chloe Smith), told the Committee that she had consulted the Electoral Commission in Northern Ireland, as she was obliged to do, and she gave the impression that the commission was in agreement with the Government on the date of commencement. She said:

“I hope that the Committee has found that summary of the provisions helpful. As hon. Members know, the Electoral Commission will be responsible for implementing the arrangements set out in the draft order. The Government have fulfilled our statutory obligation to consult the commission about the draft order; I place on the record my thanks to the commission and its staff for their close co-operation and constructive input into the drafting process.”—[Official Report, Third Delegated Legislation Committee, 19 December 2017, c. 5.]

My office contacted the commission yesterday and was told that it remains of the opinion that the start date for open reporting should be 1 January 2014, rather than the new date of 1 July this year. That is important because the commission still wants the appropriate date to be the one that is in legislation passed by this Parliament. That legislation was intended to normalise the reporting of donations and loans to Northern Irish parties and to make it difficult to channel money secretly into politics.

We are all well aware of the need for transparency in politics and of the need to avoid corruption and to be seen to be avoiding corruption, and we trust the Electoral Commission to do its job and ensure that the rules are followed. Its staff are the experts in this field, and while I am aware that experts are not in favour in some parts of this House, we can surely agree that we should take the advice of the Electoral Commission on matters pertaining to donations and loans to political parties.

It is unfortunate that the Minister gave the impression on Tuesday that she had the commission’s agreement, when it is clear that she did not and does not. I hope that she will take the opportunity to clarify the situation to the House and for the record. Meanwhile, since it is clear that the commission remains opposed to the new date presented in secondary legislation and since the regulations have not yet been presented on the Floor of the House for approval, I wonder whether the Minister might reconsider her position and defer the introduction of these regulations until the Government have had sufficient time to consult properly on the most appropriate date for the proper and full reporting of donations and loans in Northern Ireland to start.

Reporting was originally supposed to start from 2007, and a Government consultation in 2010 showed that more than three quarters of respondents in Northern Ireland wanted it to go ahead, but I am afraid that it
was fudged. It was deferred and put back on the shelf, and eventually new legislation, the Northern Ireland (Miscellaneous Provisions) Act 2014, set a new date of 1 January 2014. We should see that date honoured. I hope that the Minister intends to address the wrongful impression given to the Committee that the commission agreed with the new date and that she will withdraw the regulations presented and take time to undertake a proper and full consultation on them, so that we get a date that satisfies the intent behind the legislation. We must avoid corruption and any danger of leaving the impression that there might be something to hide. It is vital that a debate on this issue be scheduled in the House in the new year.

On that rather sombre note, I would like to wish everyone in the House, all the officers, you, Mr Speaker, and the Deputy Speakers, who have been so helpful to us all throughout the year, “Nollaig chridheil agus bliadhna mhath ûr”, which is Scottish Gaelic for, “Merry Christmas and happy new year.” I particularly want to send my thoughts and best wishes to the Chairman of Ways and Means. I am fond of the gentleman and was very sad to hear of his difficulties. I wish him and his family all the best.

Mr Speaker: Thank you very much.

Diana Johnson (Kingston upon Hull North) (Lab): A very experienced Member of Parliament said to me recently that the “MP” at the end of our names does not just mean “Member of Parliament”; it also means “must persevere”. I want to speak in this debate because I want to tell the House again about the contaminated blood scandal, and I will persevere in my view that justice delayed is justice denied.

It was great news on 11 July when the Government announced an inquiry into the contaminated blood scandal, the biggest treatment disaster in the history of the NHS. We know that at least 2,400 people have died and that others still live with the effects of HIV, hepatitis C and other viruses they got through contaminated blood products. I put on the record again my personal thanks and the thanks of all the families of those who have died, and the thanks of the all-party group on haemophilia and other viruses they got through contaminated blood products, to the Department of Health and the former Bishop of Liverpool, Bishop James Jones, to help get the message across to the Government that the Department was not the appropriate body to lead on this.

Many people did not want to get involved with the consultation because the Department of Health was at its centre. The Cabinet Office took control of the inquiry on 3 November, which we welcome, and it said there would be an update before Christmas on what will happen next. We were hopeful that a chair would be announced by today. I find it a little galling that this is the last day before we rise for Christmas and, although a written ministerial statement was on the Order Paper when I looked at 8.30 am, it took until 2.13 pm for us to see exactly what the Government propose.

The Government have now said that they will have a judge-led inquiry, which I understand from the people who engaged with the consultation earlier this year was the wish of the overwhelming number of people. That is positive, but today’s statement gives no indication of when we will get the judge’s name. What concerns me, as I started off by saying, is that people are living today with HIV, hepatitis C and other conditions, and people are dying today because of what happened to them. We are now five and a half months on from that initial positive announcement, but we still cannot see the start of the public inquiry. Can the Minister enlighten us on when in the new year the name might be announced?

In the light of what recently happened with Grenfell—where a judge was appointed and the community raised concerns about not feeling part of the inquiry—whatever leads the inquiry on contaminated blood has to ensure that the families and those affected are at its very heart, feel included and are able to contribute as fully as possible. My only reason for raising that is that the judge-led Penrose inquiry in Scotland did not deliver in the way we wanted for the people of Scotland who have been affected by this scandal. Part of the problem was the judge who was appointed. We need to make sure that whichever judge is appointed has not only the requisite legal and forensic skills to do a good job, but the ability to understand what has happened to the people who have been so badly damaged by the contaminated blood scandal.

We are grateful for the involvement of the former Bishop of Liverpool, Bishop James Jones, in interceding with the Government in the summer on the involvement of the Department of Health. His skill, wisdom, knowledge and ability would be well used in some capacity in the inquiry that we hope will start next year. I hope that the Government will take that on board.

The Government could also take steps now to try to alleviate some of the suffering that this group of people is experiencing. First, the Government have introduced a new financial scheme—not compensation but limited financial support—but the scheme in Scotland is more generous in some regards. I ask the Minister to take it to his colleagues to see whether we can agree to have a scheme in England that is no less generous than the one in Scotland, with the anomalies in the English scheme being ironed out.

Secondly, the Government could also take action now so that people affected by the contaminated blood scandal are passported through the benefits system, so that they do not have to have constant assessments for personal independence payment and employment and support allowance, and everything else.

Thirdly, as in the Irish settlement, priority for NHS treatment should be given to people affected by contaminated blood. Again, the Government could introduce that positive measure now.
Several hon. Members rose—

Mr Speaker: There are three remaining would-be Back-Bench contributors. The Front-Bench winding-up speeches must begin no later than 4.27 pm. Members can do the arithmetic for themselves.

4.9 pm

Stephen Timms (East Ham) (Lab): I commend the perseverance of my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) in pursuing this contaminated blood scandal. Like others, Mr Speaker, I wish you and everyone a very happy Christmas, but the topic I wish to raise is a bit less merry.

Jobcentres are evaluated on the basis of benefit off-flow. Plaistow jobcentre, which was, until its closure in October, in the constituency of my hon. Friend, was a constituent of mine, came to see me in September 2013. She described “awful working conditions”, and “unfair benefit sanctions” harassing people off benefits. I alerted the Department, and a senior official visited the jobcentre in October. I was grateful for that, but I understand that staff were banned from expressing concerns to him. He reported that everything was fine.

I was told that it was common to ask people to sign on for their benefit claim at irregular dates, in the hope they would forget to do so one week and their claim would then be closed; and that advisers were told to sanction a claimant if they called them on their mobile twice and they did not answer. In June 2014, I met for the first time my constituent Nasima Noorani, a personal adviser at Plaistow jobcentre, and Jannat Mirza, a team leader. They had been sacked from Plaistow the month before. A number of former staff there, not those I have mentioned, told me of a practice introduced by the new management. It was designed, in particular, to avoid people reaching 52 weeks in their jobseeker’s allowance claim, because at that point they would have had to be referred to the Work programme. There was immense pressure on staff to stop this happening and to stop referrals taking place. The procedure, which I am told was used repeatedly from mid-2013, was that as people approached a deadline they would be taken off benefit and paid instead the same amount of cash from the flexible support fund for a couple of weeks, on a pretext—for example, to pay for a travelcard to get to a non-existent job—and then signed back on to JSA again a short time afterwards. Claimants got the same amount of cash and benefit off-flow went up by one.

However, claimants’ housing benefit was affected. One of the people on the receiving end of this, whom I know, complained about it. As a result, Naseema Noorani and Jannat Mirza were sacked. The claimant who complained, and all the staff I have discussed this with, are quite clear that those two employees were not the guilty parties. Naseema Noorani was the adviser who initiated the flexible support fund payment, but she only saw that claimant that morning because a colleague was late. It was made clear by managers that this was what she should do; the FSF payment was specified in a post-it note already on the claimant’s file. Jannat Mirza had no involvement at all. She merely authorised the use of a form for a slightly different purpose from usual. No action was taken against other staff who specified how much should be paid and who authorised the claim; nor against the managers. Naseema Noorani and Jannat Mirza were clearly scapegoats to cover up malpractice by more senior colleagues.

Jannat Mirza, unable to afford representation, lost an unfair dismissal claim. The tribunal seems to have done a cut-and-paste job on the Department for Work and Pensions’ submission, and made no serious attempt to address what had really happened. Naseema Noorani did not even try to claim. Since 2014, nobody has been able to tell me any possible gain from the fraud to the staff who were sacked. Others, however, had a clear career incentive to boost benefit off-flow. I have pursued this for three and a half years. Unable to remedy the injustice—and one of the two women is still out of work after more than three years—I simply want to place on the public record an account of what really happened.

Poorly designed numerical targets gave big incentives to managers, and in this case, as has perhaps occurred in others, they succumbed to temptation to bend the rules for their own advancement. As well as holding the managers to account, Ministers need to reflect on what went wrong and on the very high price paid by wholly blameless employees and large numbers of benefit claimants.

4.14 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): This time last year, my single, a Band Aid cover named “National Living Rage”, rocketed up the Christmas charts, highlighting the plight of workers and the national scandal of low and unfair pay in Britain. There are many matters of sincere importance to be discussed before the forthcoming Adjournment, but this Christmas there are perhaps few as critical, heartbreaking and lamentable as the fact that 128,000 children will wake up homeless on Christmas morning. I cannot help but wonder how closely my two recent Christmas campaigns are linked, because more than half the homeless households in London are in work.

It would take a heart of stone to consider childhood homelessness on any scale to be acceptable. I was simply astonished to hear the Prime Minister seem to justify this crisis in Prime Minister’s questions yesterday by remarking that these children are not rough sleepers. Maybe not, but these children will wake up on Christmas morning in B&Bs, in hostels, or in the heart of a working industrial estate in my own constituency of Mitcham and Morden.

Lyn Brown: I have not seen children sleeping rough, but I have certainly seen children under the age of 12 in hostels that churches run to keep people off the street. For me, that is the lowest level “roof over head” that there is. It is not a big step away from sleeping on the street.

Siobhain McDonagh: I completely agree with my hon. Friend. Consider Sarah's family, who live in temporary accommodation in Mitcham. They will not have a Christmas dinner because they have no facilities to be able to cook one. They will not have a Christmas tree because their room does not fit anything other than the bed that the four of them share. They will not have any presents because every penny possible is being put aside
so that one day they will have enough for the extortionate deposit that is the golden ticket needed to enter the private rented sector. In fact, I will be amazed if Father Christmas is even able to find Sarah's family, because hers is one of the 22,000 families that have been moved out of their home borough, often without the receiving local authority being made aware of their arrival. When that happens, I am in no doubt that their safety cannot be guaranteed.

Recent freedom of information requests by the Children's Rights Alliance for England have astonishingly discovered that almost a quarter of temporary accommodation is inspected by local authorities only once tenants have left. Worryingly, nearly two thirds of local authorities said that they did not even seek advice from their safeguarding service when they placed families in B&Bs or temporary accommodation. These are the realities faced by the 79,190 families in temporary accommodation in England today. Of course, those figures do not even account for the 9,000 rough sleepers on the streets of England today. Of course, those figures do not even account for the 9,000 rough sleepers on the streets of our constituencies, or for the 56% of 16 to 25-year-olds in the UK who say that they have family or friends who have sofa-surfed.

There can be no doubt about the responsibility for the country's deplorable housing crisis. The report published yesterday by the Public Accounts Committee stated explicitly that the Department for Communities and Local Government has had an "unacceptably complacent" attitude to the reduction of homelessness. The Department's current plans to tackle the issue were said to address only the tip of the iceberg, and there is an unacceptable shortage of realistic housing options for the homeless. Of course, most of us knew that already.

The last time that the Government target of building 300,000 new homes in one year in England was achieved was almost half a century ago, in 1969. The difference back then was that councils and housing associations were building new homes. But a solution is right here, in our hands: we must give councils the right to build as well as the right to buy. The private sector has never reached, and does not have the inclination to reach, the Government's targets. For example, last year, only 121,000 permanent dwellings were completed by private companies; meanwhile, just 1,840 were completed by local authorities.

If the Government target of building 300,000 new homes is to be achieved, councils simply have to play their part, which is why I am calling on the Government to grant local authorities the right to build and the right to buy so that housing can be let to families on low incomes at social housing rents. A home to live in should appear on no child's Christmas wish list. Father Christmas is simply not in a position to influence the budgets of local authorities, but the Government are, and on behalf of the 128,000 homeless children across the country, I sincerely hope that this will be their last Christmas morning without a place to call home.

4.19 pm

Jim Shannon (Strangford) (DUP): As always, it is a pleasure to be called to speak. Just as an introduction, let me quickly focus on the real meaning of Christmas. It is about not the actual date, but the remembrance. The very word "Christmas" means a Christ celebration. This is a time that has been set aside for people around the world to remember the fact that Christ gave up his divinity to come to earth in human frailty as a baby, to grow up tempted and tested, as each and every one of us has been, and ultimately to be the key part in God's plan of salvation for every person on this planet through his death and resurrection. There is no point in Christmas if we do not have an Easter, and I am very pleased to celebrate them both.

This is a time when people of every nation, tribe and tongue have time to recognise not a date, but a promise fulfilled; not a time of birth, but an offer of a new birth to all who believe and accept Christ; not a birth certificate, but a plan from a loving God to a most beloved people. That is what Christmas is really all about. I love Christmas as a time to remember what the Lord did for us. I know that Christians throughout the world are joining me and others to thank God for the real meaning of Christmas.

At this time of year, we must also remember those across the world who, due to persecution and deliberate verbal and physical abuse, cannot go to their church and worship God as we can. I urge people inside and outside this House to pray for those people and to keep them very much in their thoughts.

In the short time that I have, I will mention a scripture text that I received, "Labour for the night cometh". I thought very much about what I wanted to say. I know others have talked about this, but I very quickly want to focus on the volunteers and say a most sincere thank you to the people in our communities who work day and night, week day and weekend, sacrificing themselves nine-to-five, indeed a lot more, to provide help and assistance to people throughout the UK. They will not be able to spend the whole day at Christmas with their family, as they will be taking care of other people's families. I am also thinking of NHS staff, healthcare assistants, porters, cleaning staff, GP services, lab technicians, and members of the Police Service of Northern Ireland, the police services, and the intelligence agencies. They do not sleep in their beds so that we can sleep in ours. I am also thinking of the fire service, the prison officers and all the staff in the road services. There are also those in uniform, whether in the Royal Navy, the Army or the Air Force. People posted in other parts of the world will not be close to their families. We should take a moment to think of all of them.

I also wanted to take this time to highlight the fact that our nation would not work the way that it does without help and support of the literal army of volunteers who daily give their time and energy to make a difference and help people throughout this land. We simply could not live our life without them.

We live in a nation of givers: people who give generously throughout the whole year. It always makes me feel very, very proud to be British when I think about our giving mentality. I know that people in Northern Ireland perhaps give above the national average, but everybody, in all regions of the United Kingdom, gives and we should keep that in mind.

I am also very conscious of the fact that I should mention a few charities. I do not have time to go through them all, but let me mention very quickly the food banks and the people who work for them. There are 1,235 Trussell Trust food banks and 700 independent food banks. Tragically, volunteers do almost 3 million hours of unpaid work each year. That is equivalent to a basic wage of some £22 million. That is what the volunteers...
in the food banks do for us. We should consider that, as well as having this mainly volunteer-based support, this one sector has thousands who donate to food banks to help people in their communities. We all make a contribution to that.

At this Christmas time, I want to express my sincere thanks to all those who, throughout the year, have volunteered and helped out in churches and community groups in my constituency of Strangford and in the rest of our great United Kingdom of Great Britain and Northern Ireland. Our society simply would not work without people going out of their way to help others. That selflessness is so clear at Christmas as we hear of people donating to the food banks, of churches providing gifts, of people carol singing to the elderly and of people inviting neighbours and relatives to eat with them.

Christmas is very much about families. Mr Speaker, you will have your family with you at Christmas time, and I wish you every enjoyment with that. All of us will hopefully have our families around us as well, but there are those who do not have families, and we should be ever mindful of them.

I offer my most sincere thanks to everyone who has played a part in making someone’s life better this year—whether that is the Salvation Army helping individuals or the homelessness organisations that hon. Members have mentioned. We all have a focus on people, because we all try to work on behalf of our constituents.

I thank you, Mr Speaker, for your patience with us all in this House. It is quite something. I know that I have said this many times, but I do say it with sincerity. In fact, you probably show more patience to me than to anybody else. Next year, I am really going to try not to use the word “you”. I will endeavour to make that happen; it has only taken me seven years to remember and I will try to remember it in the year to come, if we are spared.

As other hon. Members have said, the right hon. Member for Chorley (Mr Hoyle) is very much in our minds and prayers at this time.

I thank the other Deputy Speakers, who—like you, Mr Speaker—treat us very fairly, with so much patience and kindness. Mr Speaker, you are very much a champion of the Back Bencher. As a Back Bencher who has no aspirations to be anything other than a Back Bencher, I particularly enjoy the opportunity to participate in the debates in this House.

I thank the Hansard staff, who have been able to understand my accent and my Ulster-Scotsisms, which have actually been quite challenging for me at times, so they must be much more challenging for anybody else. I also thank all the staff, including security, who look after us in the House.

I hope that all hon. and right hon. Members in this House, Her Majesty, the Prime Minister, Her Majesty’s Government and Her Majesty’s Opposition have a very merry Christmas and a happy new year. I also publicly wish my constituents in Strangford, who I have the privilege to represent, a merry Christmas, and a happy and blessed new year.

Mr Speaker: The hon. Gentleman has spoken in the spirit that we have come to expect from him, and it is hugely appreciated.
of my hon. Friend the Member for Glasgow Central (Alison Thewliss), will all be closed and relocated to Shettleston. Nowhere in the UK is being as disproportionately impacted by jobcentre closures as Glasgow’s east end—an area that has an unemployment rate double the UK national average.

I am afraid that, despite countless written questions, correspondence and a face-to-face meeting at Caxton House, the Employment Minister has repeatedly failed to take account of the profound concerns expressed by myself and the whole community in Glasgow’s east end. That includes our three east end Tory councillors, who also oppose these closures.

Patrick Grady (Glasgow North) (SNP): As my hon. Friend says, the jobcentre closures are affecting the whole city of Glasgow. Is he particularly concerned, as I am, that Ministers have not been very reassuring on whether this will be the last round of closures, and that there is a real risk that, further down the road, the city could lose even more of its jobcentre provision?

David Linden: I am grateful to my hon. Friend for that intervention. He is absolutely right. The fact that Ministers have not clarified that point should be sounding alarm bells in our city, and I very much join him in expressing that concern.

However, it is not too late for the Government to drop these plans. They should conduct a full equality impact assessment. When they do, they will see for themselves the profound challenges posed by sanctions, poor transport connections and the deep-rooted issues of territorialism and gang violence that still exist in our city.

The second issue of concern expressed to me by the EHRA relates to universal credit. The social destruction that is universal credit is due to be unleashed on Glasgow next year, and it is crystal clear from the debates we have had in the House that it is simply not working. More than that, it is fundamentally flawed, and the tweaking around the edges that we saw during the Budget simply is not enough. Major concerns still exist—among not just politicians on both sides of the House but housing associations in the third sector—as to how universal credit is due to be rolled out, particularly in Glasgow.

Every day, evidence is mounting that universal credit is creating social destruction as it continues to roll out across these islands. The reduction from six weeks to five weeks, although welcome, is not enough. The wait for the first payment of universal credit is pushing people into rent arrears, debt and crisis, and we know that 25% of claimants are even waiting longer than six weeks—and that is according to the Department for Work and Pensions.

I am afraid that the manner in which the Tories have rolled out universal credit is completely opposed to their stated intention of making it mirror a salary. The refusal to halt the roll-out is nothing more than arrogance, and we see that the Conservative party is wedded to this ideological flagship welfare cut, despite the misery it is causing in our local communities.

Citizens Advice Scotland has said that evidence from five bureaux in areas where universal credit has been fully rolled out has shown an average 15% rise in rent arrears issues, compared with a national decrease of 2%, and an 87% increase in crisis grant issues, compared with a national increase of 9%. Citizens Advice Scotland has also analysed over 52,000 cases it has seen and has concluded that those on universal credit would, on average, appear to have less than £4 per month left to pay all their creditors after they have paid essential living costs—that is not something we should be condoning in the House.

Finally, the Trussell Trust has reported seeing a 17% increase in food bank usage in areas of full universal credit roll-out—more than double the national average. My own local food bank—Glasgow NE Foodbank, run by Tara Maguire—is already at breaking point. The full universal credit roll-out in Glasgow could well be the straw that breaks the camel’s back. That is why I am very much calling today for the roll-out of universal credit to be halted and abandoned entirely in Glasgow.

If there is one thing I have learned in my time in this House, it is that the Government have difficulty listening. We see that with Opposition day debates and with the power grab they are trying with the Brexit Bill. So if I may, I would, in the spirit of Christmas, urge Ministers to come back to the House with a new year’s resolution to listen and to act in the interests of our communities.

They can start doing that by abandoning the proposed closure of Glasgow’s jobcentres and halting the universal credit roll-out in Glasgow.

4.33 pm

Karin Smyth (Bristol South) (Lab): I did promise the House brevity, as I am aware that colleagues will want to return to their constituencies and families for Christmas and, indeed, to start some Christmas shopping—those of us who have not managed it. I spotted some Ministers in the House of Commons shop this morning, so I know we are all a little behind.

With the Prime Minister, the Defence Secretary, the Foreign Secretary, the Trade Secretary and the Business Secretary all in Poland, and with the First Secretary resigning, I wonder whether my opposite number, the Deputy Leader of the House, feels that he is here starring in the remake of “Home Alone” this Christmas. I enjoy working opposite him; he has been very supportive. I wish him well in his endeavours. I think the Government are in safe hands with him in the coming weeks.

Brexit is the biggest issue of our time, and it is right that we have concentrated so much of our time in this place on that subject. We have had over 64 hours of debate on the EU (Withdrawal) Bill. Over 300 amendments have been tabled and there have been 14 reports by 10 different Committees. There have been 43 votes in total, and we have won one—but a very important one. As many colleagues have said previously—you have endorsed this, Mr Speaker—it is crucial to the functioning of our parliamentary democracy that all Members vote according to their judgment of the best interests of their constituents. The outcome on amendment 7 has therefore been reassuring for all democrats.

I would never have thought that I would be pleased to be surrounded by so many eminent lawyers and scholars of “Erskine May” in the past few weeks, but it has been very interesting. I have found it quite a treat to witness colleagues pursue so ingeniously every legislative avenue to take back control to this place. I have learned a lot.
I have learned about Humble Addresses, and I am now almost clear on the difference between a sectoral analysis and an impact assessment.

**Nic Dakin** (Scunthorpe) (Lab): You could make a lot of money out of that.

**Karin Smyth**: I could have done if I had chosen a different career.

We owe many right hon. and hon. Members who have pored over every detail of the Bill, their advisers, and, indeed, the Clerks of this House a huge debt of gratitude. I sincerely hope that they have some lighter reading over the Christmas period.

While we have been talking a lot about Brexit, Members have participated in debates on other really important subjects here and in Westminster Hall. We have heard from colleagues, particularly here, about the roll-out of universal credit, which has been discussed again this afternoon. This policy is having a huge impact on families struggling to make ends meet, whom we particularly think about over this Christmas period. All of us, regardless of party, have a huge number of constituents who are affected. I know that my colleagues will share a commitment to do all we can to help mitigate the impact of this when the House returns in the new year.

During this interesting debate, many hon. Members have raised issues close to their own hearts and their own constituencies. It has been a fairly sombre debate with so many important issues being raised. It has illustrated the fact that regardless of which side of the House we sit on, our constituents often face the same issues, and we do share work and support each other across the House to make things better for people.

We have heard from the hon. Member for Harrow East (Bob Blackman), my hon. Friend the Member for Keighley (John Grogan), the hon. Member for Mole Valley (Sir Paul Beresford), the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone), the hon. Member for Beckenham (Bob Stewart), my hon. Friend the Member for Ealing Central and Acton (Dr Huq), the hon. Member for Southend West (Sir David Amess), my hon. Friend the Member for West Ham (Lyn Brown), the hon. Member for Mid Worcestershire (Nigel Huddleston), my hon. Friend the Member for Ilford South (Mike Gapes), the hon. Member for Edinburgh North and Leith (Deidre Brock), the hon. Member for Stafford (Jeremy Lefroy), my hon. Friend the Member for Kingston upon Hull North (Diana Johnson), my right hon. Friend the Member for Harrow East (Bob Blackman), my hon. Friend the Member for Ilford South (Mike Gapes), the hon. Member for Mitcham and Morden (Siobhain McDonagh), the hon. Member for Strangford (Jim Shannon), and finally—well volunteered—the hon. Member for Glasgow East (David Linden); they should have told you what you were letting yourself in for.

We have heard about a huge range of subjects. I did not know that it is the 50th anniversary of Crisis, which the hon. Member for Harrow East talked about. The theme of transport occupied my hon. Friend the Members for Keighley and for Ealing Central and Acton. My hon. Friend the Member for Keighley made an excellent point on behalf of sports fans, workers, shoppers and theatre-goers travelling on Boxing day. Like me, my hon. Friend the Member for Ealing Central and Acton is well advised on transport matters by a son who is very keen on these subjects. She made a good point about the impact of welcome infrastructure projects on her constituency with regard to HS2, and the importance of small businesses.

My hon. Friend the Member for West Ham again demonstrated the range of passionate campaigns that she has pursued in this place. She is held in huge respect across the House for that work. We heard about three of the campaigns that she will be pursuing. She has already managed to elicit some response from the Government Front Bench on that work.

I first heard my hon. Friend the Member for Ilford South speak at a Labour party event when I was a young child in the late 1980s—he talked about defence and international affairs and was hugely impressive. He is hugely knowledgeable on these subjects. Today he spoke, again with great passion, about British citizens here and abroad. Long may he continue to do so, on behalf of the people of Ilford South.

My hon. Friend the Member for Kingston upon Hull North is the embodiment of the phrase "must persevere". I remember being here to hear the good news that she shared about the campaign in July, and I am shocked to hear that she has had to pursue the work down every single avenue. As she said eloquently, she will persist on behalf of those families.

My right hon. Friend the Member for East Ham—he is very knowledgeable, and I always listen attentively when he talks about these matters—raised some terrible accounts of activities that are going on in Plaistow jobcentre. I know that he will pursue the matter with Ministers.

My hon. Friend the Member for Mitcham and Morden reminded us of the production last year of her record, which we all very much enjoyed. She is pursuing relentlessly another Christmas campaign on behalf of homeless children, for whom she has been working so hard. She is another dedicated campaigner, who has been a constant source of good advice and support to me and to many other hon. Members.

I am sure everyone will join me in thanking all those across the country who, despite enormous pressure on local services, continue to work so hard over this period to provide the vital services that our communities need. To our servicemen and women, to those who keep our public places clean and to all public servants I express heartfelt thanks for all that they do. If I may, I would like to touch on my own constituency, Bristol South, and pay tribute to all the GP surgeries and to the staff at South Bristol Community Hospital, who will be providing vital care to people over this period.

In keeping with the Christmas tradition, let me say that the red, robin keeps bob, bob, bobbing along, and I take this opportunity to say well done to Bristol City on their 2-1 win last night against Manchester United at Ashton Gate. Never have I met so many fans watching. But I work very closely with the club, which is based in my constituency and which makes a huge contribution to the local community. We have heard about how many other football clubs across the country do similar work. Well done to Bristol City, and I hope that they have some rest over the period before the next game with Manchester City. It is a shame that the draw
did not turn out differently, Mr Speaker, because I would have enjoyed welcoming you back to Bristol South to watch the game if Arsenal had been drawn.

I am looking forward to spending some family time in Bristol, and I am sure that my family will be pleased to see me. As the hon. Member for Mid Worcestershire said, this job is not easy, and our families support us very well. I hope that many hon. Members will have time with their families. I will be catching up with “The Crown”. I am a huge fan of the series, and I am hoping that I might be able to polish my accent a little bit by the end of it. I am hoping to catch up with “The Last Jedi”, which I have not seen yet. If any hon. Members have not seen “Paddington 2”, I would thoroughly recommend it. It carries some heart-warming messages about the importance of being an inclusive and caring society that we could all take away with us.

Bristolians will have the opportunity to visit my constituency to watch “Beauty and the Beast”, which is being performed in the Tobacco Factory theatre. It is a reminder that in the often cruel times in which we live, beauty and, indeed, beastliness are only skin deep. On that note, I wish all my colleagues, and colleagues from across the House, a safe, happy and peaceful Christmas. I look forward to continuing to work with them all in the new year and, of course, welcoming in a new Labour Government.

4.43 pm

The Deputy Leader of the House of Commons (Michael Ellis): The hon. Lady’s speech was going so well until that last point; I really do not think that that is likely to happen.

I welcome the hon. Lady’s comments. She started by mentioning how many Ministers from Her Majesty’s Government were abroad in Poland at the moment. May I assure the House—and you, Mr Speaker—that I have not seen yet. If any hon. Members have not seen “Paddington 2”, I would thoroughly recommend it. It carries some heart-warming messages about the importance of being an inclusive and caring society that we could all take away with us.

The hon. Member for Keighley (John Grogan) spoke about the train service, or the lack thereof, on Boxing day. He also spoke about his sports teams; he wished them well, and we join him in doing so. A number of constituency Members will no doubt recognise the issue of the absence of train services on Boxing day, and I am sure he will pursue it. He finished by mentioning a horse race in his constituency, the King George VI chase, which takes place on that day. He will no doubt be there to enjoy that race; at least, I am making such an assumption.

My hon. Friend the Member for Mole Valley (Sir Paul Beresford) made a passionate speech about the HPV vaccination for boys as well as for girls. He clearly speaks with considerable expertise, given his dental background, and he made a powerful case. I have no doubt that he will want to raise this matter with the Health Secretary. What he said was clearly well informed. I can say that, since 2010, survival rates for cancer have increased year on year, and it is true that the statisticians have calculated that some 7,000 people are alive today who would not have been alive without those year-on-year increases. There is, however, much more work still to do.

The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) spoke about the importance of broadband in his constituency in Scotland. I have to say that, since 2014, the Scottish Government have had the funding, but have not started on this important matter and Scotland has fallen behind England, Wales and Northern Ireland. As a consequence, the next generation of broadband funding will not be going through the Scottish Government. On the local full-fibre networks programme and the 5G programme, the United Kingdom Government will work directly with local councils, because it is very important for broadband to be provided to his constituents and those throughout Scotland.

My hon. Friend the Member for Beckenham (Bob Stewart) spoke about settlement funding. He spoke very passionately about the efficiency of Bromley Council, which clearly has a powerful advocate in him. Other organisations, such as our armed forces, also have a very powerful advocate in my hon. and gallant Friend. He is a powerful advocate for his constituency, and he spoke about the efficient running of his local authority. I have no doubt that the Department for Communities and Local Government will have heard what he said.

The hon. Member for Ealing Central and Acton (Dr Huq) spoke about HS2 and the Park Royal area in her constituency. She was clear about the value of small businesses, so I know she will want to congratulate the Government on the fact that the United Kingdom has, for the first time, been ranked first in Forbes’s annual survey of the best countries for business. I have looked into the matter she raised about the compensation for small businesses in her area, and I understand that the first date under law for such compensation is 10 January 2018. I have been told that it is on time—and that there are discretionary payments of up to £250,000 to help with cash flow. I have also been told that the Minister for Rail, the Under-Secretary of State for
Transport, my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard), has written to her. The letter has been posted today, so I hope she will receive it soon.

My hon. Friend the Member for Southend West (Sir David Amess) spoke, as he has done previously, about the painful condition of endometriosis. I know that he will continue to highlight that painful condition that affects hundreds of thousands of people around the world, including many in the United Kingdom. He also spoke about Volunteering-on-Sea, an organisation in his constituency that looks after 10 to 20-year-old disadvantaged young people. He said that he had attended an event with a number of centenarians. He still has a long way to go before he becomes a member of that particular club, but I know how well he looks after people of all ages in his constituency. I know he is still keen to see Southend declared a city. He mentioned the pending royal wedding, and it would be remiss of me not to offer congratulations to His Royal Highness Prince Harry, and wish him well. As to whether Southend will be a city by that date—well, my hon. Friend will have to consult people other than myself.

I was pleased to hear that the hon. Member for West Ham (Lyn Brown) had a productive meeting with the Under-Secretary of State for Health, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), about the painful condition on which she has been passionately campaigning for so long. She has support from across the House on that subject, and I am pleased that the meeting with the Under-Secretary of State went well. She also spoke about the fixed odds betting terminals and machines that are a feature of this day and age, and she will no doubt be pleased that a consultation has been launched by the Government on that issue.

The hon. Lady also focused on depersonalisation disorder, and she knows an individual in her constituency who suffers from that. There will no doubt be many others, and sometimes diagnosis is very slow for that condition. She wishes to meet a Minister from the Department for Health. I am sure that we can help to arrange such a meeting, and if she writes to me we will certainly help in any way we can.

My hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) spoke about volunteering in his constituency. He said that we have seen a prevalence of intolerance in British politics that he thinks is not acceptable—I think we would all agree. As he said, and as I can confirm, most Members across the House are able to chat and disagree professionally, while still getting on well and socialising, and all Members will agree that abuse, threatening behaviour, insulting conduct, leaving coffins outside the offices of MPs, and the like, is to be deprecated in the strongest possible terms. My hon. Friend said that he is proud of the Conservative party. May I just say that the party is proud of him?

The hon. Member for Ilford South (Mike Gapes) spoke about people in the European Union, and elsewhere around the world, who lose their power to vote once they have lived outside the United Kingdom for 15 years. I am pleased that he is in favour of reforming that, but I think it was a previous Labour Government who reduced the level from 20 years to 15 years. I am pleased that he is speaking about the rights of UK citizens living in EU countries, and I have certainly heard Conservative Members speak about that subject repeatedly. As has been agreed, the intention is to scrap that rule before the next scheduled general election in 2022.

My hon. Friend the Member for Stafford (Jeremy Lefroy) can claim a personal success in his campaign on the hospital in his area, which I know he worked on a great deal. He spoke about the NHS, and like all of us he is so proud of the national health service. According to the Commonwealth Fund, the NHS has been rated the best health service among the 11 developed countries, and that is something of which the NHS, and all its staff, can be very proud. My hon. Friend wants—as do we all—the best possible Brexit deal for this country, and no doubt he and many others will join me in expressing great confidence that the Prime Minister will deliver just that. He also spoke, as he often does and will continue to do, on humanitarian work and the 4 million displaced people in the Democratic Republic of the Congo.

The hon. Member for Edinburgh North and Leith (Deidre Brock) made allegations that she will no doubt want to raise in the proper place. Members are open to considerable scrutiny and I invite her to declare any information she may have on that subject to the appropriate authorities.

The hon. Member for Kingston upon Hull North (Diana Johnson) has been a passionate campaigner on the contaminated blood issue. She is to be commended and congratulated on her work. She said that she was grateful to Her Majesty’s Government because in the summer the Prime Minister agreed to hold a public inquiry. There is more to be done. I understand that today’s written ministerial statement indicated that it would be a judge-led inquiry, and that there would be a further statement in the new year regarding the name of the judge and the fuller composition of the inquiry.

The right hon. Member for East Ham (Stephen Timms) spoke about a particular jobcentre issue in his constituency, which was concerning to hear about. I suggest that, if he has not already done so—I suspect he has—he should raise it with the relevant Minister at the Department for Work and Pensions. He made a powerful case, as he often does.

On the issue raised by the hon. Member for Mitcham and Morden (Siobhain McDonagh), Her Majesty’s Government are dedicating over £1 billion to 2020 to tackle homelessness and rough sleeping, and to support the Homelessness Reduction Act. I am running out of time, but if I may I will just say that 1.1 million additional homes have been delivered since 2010—over 357,000 affordable homes, with 217,000 last year. That is the highest for all but one of the last 30 years. There is more work to do—there always is—but housebuilding starts have increased by more than three quarters since 2009. Over 432,000 households have been helped into home ownership through Government schemes such as Help to Buy and right to buy.

We finished with the hon. Member for Strangford (Jim Shannon), who spoke of the true meaning of Christmas. I remember him doing so last year at this time. I thank him for and congratulate him on his work. He spoke passionately about volunteers and the giving mentality, which I know he himself has. He spoke of the wonderful people of Northern Ireland and his constituency. I can absolutely agree with him about that, not least—I should declare an interest—because my mother was
Michael Ellis

born in Northern Ireland. He is a doughty champion in this place for the disadvantaged and dispossessed around the world at this time of year. He is a powerful advocate for those good causes. He spoke of Mr Speaker as the champion of the Back Benchers and I know Back Benchers would certainly agree with that.

May I take this opportunity to thank you, Mr Speaker, the Deputy Speakers and the staff of this House for the work they do all year round? I thank not only those who protect the security of this House and serve it in myriad ways, but those who protect the country here in the United Kingdom and around the world. Her Majesty’s armed forces serve around the world, so many will not be with their families over the festive period. I take this opportunity to thank them from the Dispatch Box for their service to this country. I thank everyone here and wish them all a very merry Christmas.

Mr Speaker: I thank the Deputy Leader of the House, the shadow Deputy Leader and all colleagues for their speeches this afternoon and, in particular, for their expressions of gratitude to my colleagues who sit in the Chair and, above all, to all those who serve us in various capacities with great ability and commitment in this House.

Question put and agreed to.

Resolved, That this House has considered matters to be raised before the forthcoming adjournment.

Cycling Fatalities: Ian Winterburn

Motion made, and Question proposed, That this House do now adjourn.—(Andrew Stephenson.)

5 pm

Fabian Hamilton (Leeds North East) (Lab): This debate is the last parliamentary business before the recess and, indeed, the last business of the year, but it nevertheless deals with an issue that is of great seriousness and grave concern to my constituents and to many others, given the number of people who have been injured or killed when cycling on our roads.

On 12 December last year, 58-year-old Ian Winterburn was cycling to work at 7.30 am, as he did every day. Ian was a keen and regular cyclist. As usual, he was wearing his cyclist’s high-visibility jacket, and all his bike lights were on. He always wore a cycling helmet. As he was passing the junction of Whitkirk Lane on the A6120 ring road in Halton, Leeds, a silver Skoda Fabia was signalling to turn right, but instead of waiting for Ian to cycle past, the driver went straight into him, knocking him off his bike and fatally injuring him. She claimed that she had not seen him. After 10 days in a coma, Ian died from his injuries on 22 December.

Cyclist Charlie Alliston was famously sentenced to 18 months in prison recently for fatally injuring pedestrian Mrs Briggs in one of two such fatal accidents last year, yet any more cyclists have been killed or badly injured by cars during the same period. Alliston’s case justifiably received plenty of media coverage, but shocking deaths such as that of Ian Winterburn scarcely receive any, and public anger towards cyclists is now at an all-time high.

The 51-year-old driver of the Skoda that killed Ian was sentenced on 20 October by Leeds magistrates court for causing death by careless driving.

Ruth Cadbury (Brentford and Isleworth) (Lab): I congratulate my hon. Friend on initiating the debate. I co-chair the all-party parliamentary group on cycling, and I commend to him one of the recommendations of our report on justice for cyclists. We asked the Government to address “Confusion and overlap between ‘careless’ and ‘dangerous’ driving” in such cases.

Fabian Hamilton: I shall deal with the issue of careless versus dangerous driving and the different penalties involved. Indeed, I shall refer to the all-party parliamentary group that my hon. Friend so ably chairs, and of which I am currently the treasurer.

The driver of the Skoda was given a four-month prison sentence suspended for two years, a £200 fine, 200 hours of community service and a two-year driving ban. Her licence had been suspended previously for 14 months for drink-driving.

One of the most shocking aspects of this tragic case—apart from the loss of a much-loved husband, father and teacher—is the way that the family have been treated by the various authorities involved in dealing with the terrible and totally avoidable loss of such a valuable life. Ian Winterburn was hit at 7.30 am that day, but the West Yorkshire police crash investigation team did not arrive at the scene for more than an hour.

The police and the Crown Prosecution Service believed that the driver did not adequately defrost her car windscreen before setting off from her home nearby. There was
circumstantial evidence to support that, as her windscreen wipers and car heating were on full power although it was a dry day. However, because the crash investigation team took so long to arrive, they could not confirm the state of the windscreen at the time of the accident. Of course, had they arrived sooner, there could have been proof that the windscreen was not properly de-iced. The driver would then have faced a charge of causing death by dangerous driving, which carries a considerably higher sentence on conviction than the lesser charge of death by careless driving.

There is only one crash team for the whole of West Yorkshire, an area with a population of 2.3 million. The family have asked a number of pertinent questions about that issue alone. They asked, for example, why there was only one crash team for such a large area, how many people were in that team, how many crash investigations they investigated each week and where the team was based.

It took more than three hours for the police to contact Mrs Winterburn that day to inform her about the collision. When she asked why it had taken so long, the answer was that the crash team was too busy securing the crash site and collecting evidence, which was its main priority, and that there were not enough staff to contact Mrs Winterburn earlier. As Members may imagine, this was extremely traumatic for Mrs Winterburn and her family and greatly added to the trauma they experienced upon hearing such terrible news.

But it gets worse. When the family arrived at the hospital, they spent a number of hours in the resuscitation unit, where no staff were available to keep them updated. Ian Winterburn was still wearing his cycling clothes, and it was to be another 16 hours before any member of staff gave the family information about the extent of Ian's injuries, the prognosis or, indeed, the next steps in his treatment.

Let me move on now to the role of the coroner service. Although Ian died on 22 December, just one year ago tomorrow, it took until 10 January to obtain a death certificate. That was apparently because of a backlog over the Christmas and new year holidays, but it meant that Ian's body had to be kept at the Leeds General Infirmary mortuary for two weeks before a funeral could take place. As Members may imagine, this added considerably to the stress and trauma suffered by the family. Presumably, people still die from unknown causes or accidents over holiday periods, and although everyone deserves holidays and time off, especially public servants, surely it is important that the coroner service does not close, except perhaps on Christmas day itself.

The Crown Prosecution Service told the family that the case against the driver who killed Ian was so serious that it would be heard in the Crown court and that they should not even attend the magistrates court hearing, which would be merely a formality and would only last for a few minutes. However, in the event, the driver was convicted, after two one-hour sessions, by the magistrates court, and no support whatsoever was given to the family.

No help was even offered to the family in the preparation of their victim statements, which of course they had little knowledge of how to prepare and no previous experience of writing. This further added to the anxiety felt by Ian's close family, and made them lose faith in the whole criminal justice system. One of the pertinent questions asked by Ian's daughter, my constituent Alex Wilks, who is here today, when she came to see me about her father's death and how their family's treatment by the various authorities was, "Why is the most senior CPS lawyer in West Yorkshire only employed for two days a week?"

After the shock of the brief court case and what the family feels is the inadequate sentence for a driver who had previously been given a 14-month driving ban after a conviction for drink-driving, the family was told by the police that the coroner would now close the inquest because there had been a criminal conviction. A short while later, the coroner phoned Georgina, Ian's widow, to tell her that there would still be an inquest and that a number of witnesses would attend it.

As we can imagine, this came as a huge shock to the family, and Alex, Ian's daughter, rang West Yorkshire Victim Support to ask what the family should expect from the hearing, only to be told that it knew nothing about the hearing. The next day the coroner's office rang Georgina to tell her that there had been a "mix-up" and that there would not be an inquest after all. No apology has ever been offered for the further upset caused to the family by this so-called "mix-up".

Many Members will know that I am a keen cyclist, because I pester them every summer to donate to my annual charity bike ride, and I can often be seen arriving at the Palace of Westminster in my hideous, brightly coloured lyca on my carbon racing bike; indeed you, Mr Speaker, have generously seen me off on some of my cycling jaunts.

I am also an officer of the all-party group on cycling, which last July published a report on cycling and the justice system. We took a huge amount of evidence from cycling groups, lawyers, the police, the CPS, Transport for London, local authorities and many others. Among our conclusions were the following recommendations. The police must ensure that a higher standard of investigation is maintained in all cases where serious injury has resulted. That includes eyesight testing, mobile phone records and assessments of speed, drink and drug driving. We received many examples of the police failing to investigate properly, or even to interview witnesses or victims. Too often, weak investigations have undermined subsequent cases. I hope that the Minister will want to comment on this.

We also recommended that all police forces should ensure that evidence of common offences submitted by cyclists or other witnesses using bike-mounted or person-mounted cameras or smart phones should be put to use and not ignored. Too often, these bits of evidence are ignored. The confidence of cyclists that their safety is a priority for the police will be undermined if such evidence is dismissed and no action is taken. In some cases, just a written warning could be enough to change bad behaviour.

The length of time required by the police to serve a notice of intended prosecution for a road traffic offence is currently just 14 days, and that must be extended. That was one of our strong recommendations. We believe that that period is too short to enable cases to be adequately processed. In some cases, it could enable offenders to escape justice altogether.

We also said that there was confusion and overlap between careless and dangerous driving, a point echoed by my hon. Friend the Member for Brentford and
Isleworth (Ruth Cadbury), so bad driving often does not receive the level of punishment that the public feel it should. New offences introduced over the past few years have started to plug some of the gaps in the legislation, but many problems remain, particularly when cyclists are the victims. We believe that the Ministry of Justice should examine in more detail how these offences are being used, including the penalties available for offences of careless and dangerous driving.

The police and the CPS should ensure that victims and bereaved families are always kept adequately informed throughout the process of deciding charges. This is done in many cases, but we have heard of victims being ignored and informed only at a much later date that cases have been dropped or that guilty pleas for lesser offences of careless and dangerous driving.

My hon. Friend probably knows more than I do about the numbers, but many problems remain, particularly when cyclists are the victims. New offences introduced over the past few years have started to plug some of the gaps in the legislation, but many problems remain, particularly when cyclists are the victims. Is it the Ministry of Justice or is there any form of local accountability? When was the last review of the coroner service, and what were its findings? Finally, when will the coroner service website be improved to offer more and better information to grieving and unsupported families, which seems a simple, straightforward reform?

In conclusion, if we truly care about our environment and about the growing public health crisis, surely we must do far more to encourage cycling, both as a healthy activity and as a way to reduce carbon emissions and congestion, but tragedies such as the death of cyclist Ian Winterburn do nothing but discourage the public from cycling. We need to make cycling far easier and much, much safer, and part of that task is about ensuring that when terrible fatal accidents do occur, the appropriate administration of justice can be relied upon. We all need the assurance that cycling is a safe activity and a good way to move around our towns and cities for everyone who is capable of using a bike. Meaningful answers to and action from the Winterburn family’s pertinent questions, born out of tragedy and grief, would be a good start.

5.16 pm

The Minister of State, Ministry of Justice (Dominic Raab): I begin by thanking you for your stewardship of these debates over the past year, Mr Speaker, and I wish you a restful Christmas with your family.

I congratulate the hon. Member for Leeds North East (Fabian Hamilton) on securing today’s debate. It is fitting that we finish by debating such an important issue and fitting that the debate is being led by the hon. Gentleman in his doughty way. He is passionately defending and championing his constituents, who have raised an issue not just of local concern and concern to him, but of national importance. Colleagues who have dealt with tragic cases in their constituencies know that careless or dangerous driving can ruin lives and devastate families. Numerous colleagues from across the House have raised their cases with me, as the hon. Gentleman has done passionately and tenaciously, and with my predecessors who held this portfolio at the Ministry of Justice.

By way of context, road deaths in Britain have been falling over the past 30 years as a result of a whole range of factors, including safer infrastructure, new vehicle technologies, tougher law enforcement and shifting social attitudes—there has been a ground shift in how people think about drink-driving. We should also pay tribute to our precious NHS, which provides far better trauma care than was the case when I was first learning The Highway Code. As a result, casualty figures show a 5% fall from last year alone. However, more than 27,000 people died or were seriously injured on our roads last year. While many of those were tragic accidents, too many of them involve criminal behaviour, whether classified as dangerous or careless driving, or people failing to stop at the scene so that there is proper accountability. Of course, behind each and every collision statistic, each of those 27,000 cases represents an individual story of a life or a family devastated, personal suffering or family trauma.

The hon. Member for Leeds North East is raising one of those tragic cases: the death of cyclist Ian Winterburn, the father of his constituent, Alexandra Wilks. I believe
that some of the family are here today, so I extend my personal condolences and deepest sympathies to them, particularly at this delicate time as we approach Christmas. Mr Winterburn was involved in a road traffic incident just over a year ago and, as the hon. Gentleman said, tragically died of his injuries. As the hon. Gentleman will know, as a Justice Minister, I cannot comment on the judicial treatment of the individual case, the decision on prosecution, or the charges brought by the CPS. Those matters are dealt with independently, which is of course right as politicians should not interfere with either prosecutorial or judicial matters. He will know that some of the operational police matters are for his local constabulary or police and crime commissioner.

The hon. Gentleman has raised many questions, and I want to focus on as many of them as I can in the time available. I can talk, as he knows, in general terms about what the Government are doing to ensure the courts have adequate powers to deal with the most serious offences committed on our roads that result in either death or injury. As I think he and the APPG will know, on 16 October the Government published their response to the consultation on driving offences and penalties relating to causing death and serious injury. It concentrated on the most serious driving offences—those that result in death or serious injury—and considered a range of concerns raised in recent years by victims of these crimes and their families, by members of the public, whether individually or as signatories to petitions, and by parliamentarians, both in debates and on behalf of their constituents.

The consultation closed earlier this year and we received 9,000 responses, which I think is close to, if not, a record, showing how widespread is the public interest and concern in this pertinent area of law. It is not one of those esoteric areas of law; it affects people’s daily lives. We considered all the submissions in detail before publishing our response, and in that response we distilled and considered the views and came forward with three specific changes to the law, all of which received overwhelming support in the consultation. I hope the hon. Gentleman will welcome them too. I am always careful about such matters, given the suffering and the fact that justice can go only a small part of the way, but I hope that victims and families find some solace in these measures and that the public see in them a stronger sense of justice.

We propose to give courts additional powers to deal with the most serious cases where life is lost, by increasing the maximum penalty for causing death by dangerous driving from the current 14 years to life imprisonment. That means that in the most serious cases—for example, the maximum penalty for causing death by dangerous driving while under the influence of drink or drugs, the overall seriousness of the offence should be considered the same as for dangerous driving and that the penalty should be the same.

We also propose to close a gap in the law. Currently, the maximum penalty for careless driving is a fine. Not least given some of the anguish the hon. Gentleman reflected in his powerful speech, it is time to consider whether that really is good enough. A fine is the maximum penalty in all cases of careless driving that do not result in death. Even if the driver injures another road user, cyclist or passenger, and even if the incident results in the victim being left with a serious, debilitating or permanent injury, the court can only impose a fine. It seems clear that the law needs to provide a stronger response to careless driving that results in serious injury. We propose, therefore, to create a new offence of causing serious injury by careless driving. This will carry a custodial penalty and sit alongside the existing offence of causing serious injury by dangerous driving. Again, this was supported by those who responded to our consultation earlier this year.

We intend to bring forward these proposals for reform as soon as parliamentary time allows. The Government are determined to clamp down on all dangerous, careless and reckless criminal behaviour on our roads, and it is right that any changes to legislation take account of the Government’s wider proposals for safer roads. We want to make sure that we have a consistent sentencing framework for those who kill or cause serious injury on our roads, and we intend to incorporate the changes I just outlined, along with those that emerge from the review of cycling safety that the Transport Secretary announced back in September and which I am sure the APPG would commend and welcome.

In the time available, I want to touch on some of the wider points the hon. Gentleman raised. He asked about the Sentencing Council, which is obviously independent and is responsible for issuing the guidelines and keeping them under review. A review of the guidelines for motoring offences involving death is on the council’s work plan and has been postponed pending the Government’s consultation and any changes to the law that flow from it. It is, of course, sensible that the guidelines should reflect changes to the law—there is no point reviewing the guidelines if the law is about to change—and new draft guidelines will be subject to full public consultation in due course.

The hon. Gentleman also asked about the distinction between careless driving and dangerous driving, which the APPG also considered. The law, as it currently stands, sets out an objective test designed to compare the driving of a defendant in the specific circumstances of a case with what would be expected of a notionally careful and competent driver.

What amounts to dangerous driving is determined not, as is more normal in criminal law, by considering the driver’s state of mind or intentions, which in the context of driving is often quite difficult to gauge or ascertain, but by examining the nature of the driving itself. In general terms, if the court considers that the driving falls far below the expected standard, and if it would be obvious to a competent and careful driver that the manner of driving was dangerous, the court will find it to have been dangerous driving.

The consultation examined the option of a single bad driving offence, to which the hon. Gentleman referred, and we set out in detail why we are not persuaded of the case for change. Those who propose a single test tend to say it will lead to more convictions and longer sentences—I
totally understand the impetus and drive behind that—but, as we explained in the consultation, we do not think that will necessarily be the case, because the maximum penalty for a single offence would have to be broad enough to cover the most serious offences. We have proposed that causing death could result in a life sentence but, in the least serious cases, a driver’s culpability for the death could be much lower. The challenge is to reconcile or unite those two offences.

If the offences do not make a distinction between the seriousness of the offending, it is possible that the conviction rate could actually fall because juries might be reluctant to convict a driver in some less serious cases—ones where they could imagine themselves in the same position—for an offence with a very serious maximum penalty. Of course, sentences also may not increase, because a judge would still consider the culpability of the offender in deciding the appropriate sentence. I would not want to mislead victims or families that a broader offence might result in higher sentences. I am also not sure that a single offence would mean the Crown Prosecution Service is unable to accept a lesser plea in circumstances where that is inappropriate.

I hope I have addressed at least some of the wide-ranging concerns raised by the hon. Gentleman in this important debate. This is our last debate before we rise for Christmas. I cannot think of anything more tragic than the loss of a life, especially where that loss is avoidable—we are all trying to prevent such deaths.

Again, I extend my deepest condolences to the Winterburn family, especially as we approach Christmas time. No punishment will make up for the loss of a loved one—we all know that—but we can and should make sure that justice is properly done. That is the least the victims and the families deserve, and it is precisely what the public expect.

Question put and agreed to.

5.28 pm

House adjourned.
Westminster Hall

Monday 11 December 2017

[SIR DAVID AMESS in the Chair]

Brexit Deal: Referendum

4.30 pm

SUSAN ELAN JONES (Clwyd South) (Lab): I beg to move,

That this House has considered e-petitions 200004, 187570, 193282 and 200311 relating to a referendum on the deal for the UK’s exit from the European Union.

It is a great pleasure to serve under your chairmanship, Sir David, and a real privilege to lead this important debate on behalf of the Petitions Committee. This place is not short of a debate or two on Brexit—in fact, the Prime Minister is making a statement as we speak—but this debate is rather different from all the others because it is based on petitions signed by a very large number of people from across the length and breadth of our country. I thank the proposers of all the petitions and all the signatories. Looking around at the Members here today, I think we are going to hear a wide diversity of opinions.

We are here to debate themes expressed in four petitions. Like the rest of the country, they are not all of one mind on Brexit and they do not express a single standpoint. The petition that has by far the largest number of signatures—136,789 when I last looked—calls for a referendum on the final Brexit deal:

“We, the undersigned, call upon HM Government to give the people of this country the final say on the Brexit deal negotiated between the UK and EU. This would be done through a referendum that would take place prior to the April 2019 exit date.

The referendum would allow for three options:
(1) To revoke Article 50, thereby keeping Britain in the EU
(2) To reject the UK-EU deal and leave the EU
(3) To accept the UK-EU deal and leave the EU

If no agreement has been negotiated by the UK and EU before the date of the referendum, then the third option could be removed. If all three options remain, it may be necessary for the vote to take place using a Single Transferable Vote to ensure no option is disadvantaged. Regardless of whether individuals voted to remain or leave the EU in the June 2016 EU referendum, everyone should have a chance to decide their future based on the final agreement negotiated between the UK and EU.”

TOM BRAKE (Carshalton and Wallington) (LD): Does the hon. Lady think that, by signing the petition, people have in fact been expressing the will of the people?

SUSAN ELAN JONES: They are certainly expressing their own views by signing the petition. I always think it is healthy for such petitions to be tabled. These are part of a very important debate.

The first petition is not dissimilar to another petition that calls for the final Brexit deal to be put to a referendum, with revoking article 50 as an option. On the other side of the coin, there is a petition that calls for the rejection of all demands from the EU for penalty charges for Brexit. Finally, the fourth petition calls for no referendum on the final deal between the UK and the European Union. The petitioners do not mince their words one bit:

“The attempts to propose yet another referendum and pose a set of questions to the British public on the final deal is a distasteful proposal, considering we were already given a free and fair referendum last year, to now agree to another referendum would be an appalling waste of taxpayers’ money and send out the wrong message to the British public that the vote last year was meaningless.

The referendum should not be re-run just to placate individuals unable to accept a democratic decision.”

There we have it. Therein lies our problem. Brexit is a subject about which we all think different things, and our country is deeply polarised.

Back in the day—it seems such a long time ago—when Prime Minister Cameron was listening to his focus groups, it all seemed so simple: offer a referendum on EU membership, unite the Tory party with a pledge, and ensure that enough UK Independence party voters come on side to beat Labour in the marginal seats in the 2015 general election. That bit seemed to work for him, but the next bit of the plot did not go quite so well. Try as team Cameron and other remainers might, they did not get a remain vote.

There have been many interpretations of the 2016 referendum campaign and result. It is certainly difficult to find a new one, but I have not been shy of trying. For all I have read and heard about this subject, I do not think that any other commentator has used one of Aesop’s fables to press their case. Allow me to try to remedy that omission. I think the little tale of the goat kid and the wolf explains perfectly what is happening—I should inform you that it is only a very short tale, Sir David.

“A Kid, returning without protection from the pasture, was pursued by a Wolf. He turned round, and said to the Wolf: ‘I know, friend Wolf, that I must be your prey; but before I die, I would ask of you one favor, that you will play me a tune, to which I may dance.’ The Wolf complied, and while he was piping, and the Kid was dancing, the hounds, hearing the sound, came up and gave chase to the Wolf. The Wolf, turning to the Kid, said: ‘It is just what I deserve; for I, who am only a butcher, should not have turned piper to please you.’”

The official moral of the tale is that everyone should keep their own colours. My adapted version of the moral is this: if one believes that Brexit is a lot of old cobblers, do not introduce an initial referendum on the subject. However, I hasten to add, I am speaking for myself and no one else. With the referendum genie firmly out of the bottle, we need to ask whether there is a case for one before the April 2019 exit date.

According to Survation, in an opinion poll for The Mail on Sunday, 49.5% of voters now want a referendum on the final deal, compared with 34.2% who definitely do not and 16.3% who say they do not know. Intriguingly, according to the same poll, 34% of the 2016 leave voters want such a referendum. That should not be such a great surprise. It is a view that Ross Clark expresses with great lucidity in The Spectator magazine:

“If we were to be forced to fund EU projects and not have full freedom to set our own regulations and cut our own trade deals with the rest of the world I can’t see the point of leaving at all. If we are not prepared to transform ourselves into a Singapore, recasting Britain as an unashamed havenot for business and enterprise then Brexit will have been a waste of time and money,
[Susan Elan Jones]

If we are going to remain a European-model social democratic country then we might as well remain in a club of other European social democracies”.

Now, I disagree profoundly with Mr Clark’s political views and with what he wants for our country, but his logic relating to a referendum on the final deal makes perfect sense. He also makes a compelling argument for holding a multi-option referendum, with electors expressing a first and second-preference vote.

Daniel Zeichner (Cambridge) (Lab): My hon. Friend is making a wonderful speech. Has she had the opportunity to look at some of the work that the Constitution Unit has done through citizens’ juries, and similar work by Catherine Barnard at the University of Cambridge? People who voted to leave, when asked what they actually want, move in quite a sophisticated way, which demonstrates that the real question is not whether we are leaving, but what we want to go to next. On that issue, it is entirely legitimate to give the decision back to the British people. Why should anyone object to that?

Susan Elan Jones: I confess that I have not actually read that, but I should be delighted to do so, because it sounds a very thoughtful and extensive piece of research. I am grateful to my hon. Friend for raising it.

One of the strongest arguments for holding a referendum lies in the gap between the promises that were made on what Brexit would be and what has in fact happened in the meantime. Allow me to quote the Foreign Secretary—I like quoting him, ever since he wrote in a newspaper article three days after the general election that my seat had been won by the Conservatives. At that point I started to question the accuracy of some of his statements. Initially he told us that he would vote to stay in the single market. In the aftermath of the referendum, he wrote in The Daily Telegraph that “there will continue to be free trade, and access to the single market”, adding for good measure that there was no “great rush” for Britain to extricate itself from the EU.

This past weekend the Foreign Secretary took to the great literary medium of Twitter to say that, after meeting the Prime Minister, he “found her totally determined that ‘full alignment’ means compatibility with taking back control of our money, laws and borders.”

What on earth is that supposed to mean? But it is interesting. Even more interesting, of course, was the glorious red bus that travelled the length and breadth of the land proudly proclaiming that a vote to leave would mean £350 million extra per week for the NHS. To my mind, the bus was the evidence equivalent of the chap going around with a sign saying that Elvis is still alive. Unfortunately, however, the ramifications are rather greater.

Here are a few other considerations. Were we ever told that in the 2017 Budget we would see the Chancellor set aside £3 billion over the next two years to pay for the administrative costs of preparing for Brexit—more than the £2.8 billion granted for the NHS in the same Budget? What of the downgrading in growth forecasts and the fall in our credit ratings? What of the very real concerns about jobs, as well as consumer, environmental and labour standards? What of the real issues of respect for the devolved Administrations and for our parliamentary institutions? What of probable Russian meddling in the referendum process itself? What of the elusive impact assessments, which apparently have vanished into thin air?

At the end of June the Secretary of State for Exiting the European Union said that analyses were being done of 50 to 60 sectors. By 25 October we were being told that not only did they exist but they were “in excruciating detail”. Last week, however, when asked by the Chair of the Exiting the European Union Committee, my right hon. Friend the Member for Leeds Central (Hilary Benn), whether the Government had undertaken any impact assessments, the Secretary of State’s answer was no. This is not Harry Potter and the Ministry of Magic; it is supposed to be the serious business of the Government preparing for the biggest change our country has seen since the second world war. What in heaven’s name are we supposed to make of the obvious governmental chaos in this area?

What of a final divorce settlement, which will cost somewhere between £36 billion and £39 billion according to official sources, but up to £100 billion according to a former Brexit Minister? That represents “total capitulation”, according to one fulminating Daily Telegraph columnist—there is nothing like The Daily Telegraph when it fulminates, is there? Then there are the serious economic and constitutional issues relating to the Irish border and full regulatory alignment. What of the recent study by the Bank of England, which stated that a “disorderly” Brexit could cause “a wide range of UK macroeconomic risks”, such as a massive fall in the value of the pound?

Julian Knight (Solihull) (Con): The hon. Lady is making a typically engaging speech. The petitions are obviously well-intentioned and sincere, but they ignore the realpolitik of negotiation. In my recent trip to Germany with the Digital, Culture, Media and Sport Committee, we found that there was real enthusiasm for pulling any levers whatsoever to try to stop Brexit. Surely talk of a second referendum just adds succour to those who wish in effect to bring about a punishment Brexit so that there is no Brexit at all.

Susan Elan Jones: I am not sure that the Tory writing in The Spectator would agree with the hon. Gentleman. If I read the article correctly, the writer was trying to save the Government and to stop the Conservatives knocking the spots off each other, so I am not sure that what the hon. Gentleman said is true. I will move on to some of the points he makes later.

Paul Flynn (Newport West) (Lab): During the first referendum I said that the choice was between Operation Fear and Operation Lies. I believe that we need to have a second referendum. In the same way, Wales voted first against devolution and then for devolution. The public will have a clear idea of what the nightmare of Brexit will mean in a few months’ time. Do they not need to have their second vote, as second thoughts are always superior to first thoughts?

Susan Elan Jones: As ever, my hon. Friend makes his point well.
Let me return to that recent risk study by the Bank of England. In its stress test for British banks, the Bank modelled a 4.7% fall in output, a 27% devaluation of the pound against the dollar, and a devaluation of a third in house prices. Indeed, what—if to quote the Brexit Secretary—some of our key decision makers have just “slightly misspoke”? One minute the first part of a deal seems to have been done, and the next we are told that nothing is agreed until everything is agreed. Then, in the midst of it all, it seems that the Secretary of State for Environment, Food and Rural Affairs has had a moment of epiphany—we all like those moments. Recognising that there may be trouble ahead, he reassures us:

“If the British people dislike the arrangement we have negotiated with the EU, the agreement will allow a future government to diverge.”

But would it not be much cleaner, quicker and simpler just to put the final deal to the British public?

**Peter Grant** (Glenrothes) (SNP): The hon. Lady is making a passionate and carefully thought-out argument. Is it not also the case that after we have left the EU the Environment Secretary, or anyone else, will be unable to offer the United Kingdom the chance to come back in, because as soon as the United Kingdom is out we would fail the fundamental test of democracy? We would not be allowed back in because too many of the legislators in Parliament are not elected.

**Susan Elan Jones**: The hon. Gentleman makes a very interesting point.

**Paul Masterton** (East Renfrewshire) (Con): The hon. Lady said right at the start of her engaging speech that the referendum had left the country polarised and divided. Would a second referendum make the country more or less polarised and divided?

**Susan Elan Jones**: It would be a different sort of referendum because it would be based on the final deal—but I am coming to that, if I get there.

“Realpolitik” was mentioned by the hon. Gentleman who has just been to Germany, the hon. Member for Solihull (Julian Knight). I will bring that word in at this point, because there are realpolitik reasons for having a referendum on the final deal. The Government might claim to be trenchantly opposed to a referendum—I suspect that is what the Minister will say today—but might it not help dig them out of what appears to be an awful hole they are in? Would the idea not also generate real appeal at the other end of the political spectrum—and, I am sure, a cheer or two at next summer’s Glastonbury festival?

Opponents of any sort of referendum in 2019 will take a very different view of all that. They might say that referendums, “just aren’t very British”; that we are not Switzerland, California or Latin America and we do not do that sort of thing—or not very often. Opponents might ask what supporters of a second referendum really want—is it for Parliament to dissolve the country that does, which is the political equivalent of a penalty shoot-out that keeps going until the preferred team wins.

There is also the argument that the Archbishop of Canterbury put forward last March, when their lordships considered the Government’s European Union (Notification of Withdrawal) Bill on Report and Third Reading. The archbishop disagreed with those who said that the process for securing Brexit was simple. He stated:

“It would be dangerous, unwise and wrong to reduce the substance of the terms on which we exit the European Union to the result of a binary yes/no choice taken last summer, and the Government should avoid any inclination to oversimplify the outcome of the most complex peacetime negotiations probably ever to have been undertaken.”

However, he also had this to say:

“neither is the complexity of a further referendum a good way of dealing with the process at the end of negotiation. It will add to our divisions; it will deepen the bitterness...Division of our country is not a mere fact to be navigated around like a rock in a stream but something to be healed, to be challenged and to be changed.”—[Official Report, House of Lords, 7 March 2017, Vol. 779, c. 1213.]

I am far more sympathetic to the need for a referendum on the final deal, and the more I consider the evidence from the start of this debate, the more I move towards that position.

**Dr David Drew** (Stroud) (Lab/Co-op): I previously supported the referendum. It was the worst time in British politics that I have ever known, and some of us have been involved in British politics for rather a long time. Given that there is every danger that the debate could get worse rather than better, what safeguards would my hon. Friend put in place to ensure that any referendum at least tries to reach a higher level of political debate than the last one?

**Susan Elan Jones**: It will have been going on for rather longer. Some people I had communications from seemed to think that, because I am leading this debate, I would have a role in the final Brexit negotiations. That is a nice idea, and I shared my thoughts with them in some cases. I think that multi-option is very important, because it would bring greater clarity. When I saw the discussion on multi-option, my first thought was, “Gosh, this all sounds painfully Lib Dem”—without meaning any disrespect to anyone—but the options are complicated and we should dignify the debate and a future referendum by making it multi-option.

**Tom Brake**: Does the hon. Lady agree that one way of ensuring that the referendum is different from the previous one might be to appoint an independent arbiter who would look at the claims being made by the different camps? If someone came forward with the ludicrous claim that there will be £350 million a week for the NHS, the arbiter would be able to say, “That is completely out of order. You cannot repeat that phrase.”

**Susan Elan Jones**: I do not think that it will be me making the decision, but that seems like a very sensible point.

Although I am far more sympathetic to the need for a referendum on the final deal than the archbishop was in his speech, he made his case powerfully. I have no doubt that in this House today and on other days, many different viewpoints will be expressed on Brexit issues. I am sure that will be the case in communities the length and breadth of the United Kingdom. One thing that I am far less confident about is that there will be a healing
of the divisions anytime soon on this divisive subject. All of us, wherever we stand on the Brexit spectrum, need to be mindful of that.

Several hon. Members rose—

Sir David Amess (in the Chair): Order. Members who were not present at the beginning of the debate are normally not called to speak. However, I recognise that an important and relevant statement was being made in the main Chamber, so I will waive that rule. All Members present who wish to speak will be called.

4.54 pm

Martin Vickers (Cleethorpes) (Con): As always, it is a pleasure to serve under your chairmanship, Sir David. We need to establish early in this debate that the majority of people who signed petitions for a second referendum want to change the decision of the first one. Let us not beat about the bush. All the talk of multi-options, this deal and that deal is irrelevant. That would be incredibly damaging to the whole democratic process. When Parliament agreed to stage a referendum, it was delegating that sovereignty to the ultimate sovereign—the British people.

The aim to reverse has been led by pro-remain Members of Parliament—that is perfectly legitimate and is their right—peers and, most notably, big business. They pay little regard to voters. In my constituency, 70% of voters were in favour of Brexit. Frankly, the criticism often made that they did not know what they were voting for is an insult to my constituents and many people up and down the country. I can assure you, Sir David, that the people of Cleethorpes, and the people of Southend I am sure, knew exactly what they wanted.

Caroline Lucas (Brighton, Pavilion) (Green): When we say that people did not know what they were voting for, that casts no aspersion on their intelligence. The fact is that people did not know what they were voting for in the 1975 referendum. Whatever colleagues might say now, the fact is that the vote triggered an irreversible process and was an acknowledgment of the original referendum decision.

Tom Brake: May I correct something that the hon. Lady has said? It is not an irreversible process. It is very clear that article 50 can be revoked. That is not in doubt.

Martin Vickers: The right hon. Gentleman might think that it is not in doubt but other opinions I have read and heard differ. Whatever the situation, Parliament would undermine the clear will of the British people if it attempted in any way to reverse that position.

Suppose the Prime Minister had stood up this afternoon and, instead of saying that there will be no second referendum, as she did at 4.21 pm, said, “Well yes, okay, let’s think about it. Maybe we’ll have a second referendum.” That would have undermined the British Government’s negotiating position. Clearly, the EU could then have said, “We’ll give them the worst possible deal and they will of course accept it.” Why would we want continued membership on worse terms than we have now? As I said, the Prime Minister has made that absolutely clear.

Another reason for not having a second referendum is that it would cause further political paralysis in this country and yet more time would be devoted to this matter. People have said to me repeatedly, “We’ve made our decision—just get on with it and let’s get over it.” The hon. Member for Clwyd South (Susan Elan Jones) spoke of multiple options. What could be worse than multiple options? Suppose 20% of people agreed with option A, 20% agreed with option B and 19% agreed with option C. That would be a recipe for complete and utter chaos.

Peter Grant: I certainly accept that, if the voting system is wrong, multi-option referendums can be worse than useless, but does the hon. Gentleman not accept that, with hindsight, it might have been handy for the
question on the ballot paper to refer to membership of the single market and the customs union. As things stand, we have no idea how many of the 17 million people who voted to leave wanted to remain in the single market and the customs union.

Martin Vickers: It was made very clear by speakers on both sides of the argument—there was a little package illustrating this on “The Andrew Marr Show” yesterday—that a decision to leave would mean us leaving the single market and the customs union.

I was in Brussels last month to take advantage of the opportunity to speak to MEPs, officials and so on to test the water. There is no doubt that there is some sadness among our European neighbours that we are leaving. There is sadness for different reasons. Those who, like us, are net contributors to the system—Germany, for example—in the sad because either they will have to pay more or the EU budget will be drastically reduced. If the budget is drastically reduced, countries that are net gainers—those that joined fairly recently, such as Romania and Bulgaria, which are very happy at the moment and benefit from the largesse of the EU—would quite rightly say, “Hang on, folks. We joined this little club knowing that we were going to get these benefits. Now you’re actually taking them away.” There is clear unhappiness over there.

There is no significant support in my constituency for another referendum. Indeed, I suggest that in Cleethorpes, as in most northern towns and perhaps even in Southend, Sir David, where it has to be said there are many Labour voters—I am talking in some cases about constituencies with significant Labour majorities—the Labour party does not represent the people it purports to represent. There is obviously a state of confusion. I recall that only a few months ago, the leader of the Labour party sacked Front Benchers for voting in favour of our remaining in the single market. Now we are told that that is on the table and we ought to be leaving. There is clear confusion.

As I said, the reality is that this issue has been a running sore through the body politic for half a century or more. All parties have been split on it, which is perhaps a true representation of the British people. That said, we have taken the decision and it is now the Government’s duty to deliver on it. I am confident that that will be to the benefit of the whole country.

5.4 pm

Geraint Davies (Swansea West) (Lab/Co-op): Thank you for calling me to speak, Sir David. It is a joy to speak about this issue at the same time as the Prime Minister, and to follow the hon. Member for Cleethorpes (Martin Vickers), on the day that I published my Terms of Withdrawal from EU (Referendum) Bill, which calls for the people to have the final say on the exit deal. In the event that they rejected it, we would stay in the EU, and the status quo and the rights and privileges we currently enjoy would be maintained.

Swansea overall voted narrowly to leave the EU. I believe that my constituency voted narrowly to remain. Since then, things have changed. At the 2017 election, I said, in essence: “Back me or sack me. If I am elected, I will do everything I can to ensure that we remain part of the single market and protect the 25,000 jobs in Swansea bay that depend on exports to the EU.” My share of the vote increased from 40% to 60%. I note that something like 186 people from Swansea West took the time and trouble to sign the petitions in favour of a final say referendum, and 16 signed the petition to say that they do not think we should have one.

The idea of an exit deal referendum came to me on the Sunday immediately after the vote on Thursday 23 June 2016. I conferred with a couple of constitutional lawyers and actually introduced the first version of my Bill a week later. But I need to make very clear my respect for people who voted to leave. They did so for a number of good, sound reasons. They voted for more money. They were told on the side of a red bus with a strange blond man standing in front of it that we would have £350 million a week more for the NHS, and they believed that. They were told in the 2015 Conservative manifesto that we would get market access. That document promised both a referendum and that we would stay part of the single market, so they felt that their jobs in exports—two thirds of exports from Wales go to the EU, compared with 43% of UK exports—were secure and that we would have market access. They were also told that we would take control and limit migration.

We have just been told that, instead of having £350 million a week for the NHS, the divorce bill being imposed on us will cost something like £1,000 for every family in the United Kingdom. It is approaching £39 billion, and its cost in pounds keeps rising as the value of the pound depreciates. We are told that we probably will not get market access. The deal has been made and we have to agree to pay that money irrespective of the trade deal, which will be made in the interests of the EU27. People see that the promises that were made were false and are not materialising, and they want a final say.

Julian Knight: Is the hon. Gentleman’s principled personal stance on the single market and the customs union shared by his party leader—yes or no?

Geraint Davies: The Labour party is a democratic party and the nuances of its position on Brexit have evolved over time, but my position has been clear and consistent throughout. Other people in the Chamber and beyond have their own views, and I respect those views. Obviously, I would change my view if the facts suggested that I should do so, but I have already anticipated the emerging facts of economic catastrophe and the loss of rights and protections, which I will come to. My position is clear: I have always felt that we should stay in the EU. However—

Julian Knight rose—

Geraint Davies: Let me say this before the hon. Gentleman comes back in. If the people, with the facts at their disposal, vote in principle to leave, as they did, that is fine. Having ordered a product, as it were, they now need to look at whether what they received reasonably represents what was described and what they were promised. If they still want to go ahead, I am happy that we leave. However, if the hon. Gentleman buys a mobile phone that claims to be able to take colour photos, for example, but when it arrives it only does black and white, he should have the right to either send it back or accept it. I know he likes to see the world in black and white, so he would probably accept it despite being promised colour, but a lot of people would not do so—they would reject it.
Let me use another analogy: if the hon. Gentleman goes into a restaurant thinking he is going to get a free steak but ends up with a chewed-up bit of bacon that costs £40, he should have the right to send it back. He, however, would choose to eat it. He would say, “I ordered food and even though I thought it would be free”—remember that it costs £40—“and it’s bacon, I’ll eat it, because that is what I said.”

Tom Brake: It is £40 billion.

Geraint Davies: I know; I am just talking about an individual case.

Julian Knight rose—

Geraint Davies: I will take the intervention of the bacon eater over there.

Julian Knight: I am certainly not looking forward to dinner now. There is no question whatsoever about the hon. Gentleman’s principled stand. He has said clearly, as he stated in his election leaflet, that he would stand in support of the customs union and the single market. I ask him again, however, whether he thinks that his leader also supports that. What does he think of colleagues in his own party who have said different things in different constituencies on this issue?

Geraint Davies: It is true that people have said different things at different times—things are evolving. It is not for me to comment on everything that everyone says. The hon. Gentleman will know that a couple of weeks ago his own Brexit Secretary claimed that he had enormously detailed impact assessments—so detailed, confusing and even boring that he could not reveal them. Then, the next moment, apparently he did not have any at all. Obviously there are inconsistent views on that.

I am a proud member of the European Scrutiny Committee, to which the current Chancellor gave evidence before Brexit, when he was the Foreign Secretary. I remember asking him what economic assessment had been made of swapping the generally older, retired people from Britain who live in Spain and consume its health service—among other products in Spain, which are of course very nice—in exchange for hard-working Polish people in Britain who contribute tax. We will be swapping people who take public expenditure for people who are giving tax. He said, “Well, the answer to that is that no assessment at all has been made of the economic impact of Brexit, because we don’t intend to leave.” In fact, I can reveal—I know this from secret sources—that before the EU referendum, all the top civil servants were sent an email by No. 10 saying, “Under no circumstances should you do an assessment, economic or otherwise, of the impact of Brexit, because the media would find out and think we were anticipating leaving.” That would encourage people to vote that way, because they would think that the Government thought we were going to leave, and we don’t want to give that idea credibility.”

There has been a long period during which the Brexit Secretary and the Treasury could have put together an impact assessment. Of course, the Treasury made an implicit assessment in the Budget. It is remarkable for the hon. Member for Solihull (Julian Knight) to talk about a shift in nuance in the Labour leadership—a gradual warming, if I can put it that way—towards the customs union and the single market, which I embrace, and to ask, “What about that inconsistency?” when we have a Brexit Secretary who one moment says that he has all these impact assessments, but then, when he opens the cupboard, the cupboard is bare.

Martin Vickers: The hon. Gentleman is speaking passionately. He made the interesting, supposed revelation that the Treasury did no assessment prior to the referendum. He will accept, then, that “Project Fear” was based, as we thought at the time, on absolutely nothing other than figures plucked out of the air.

Geraint Davies: What I said stands. Obviously, scenario plans were done in terms of the aggregate impact, and no forecast is perfect, but what we do know about the impact of Brexit was that, overnight, the hon. Gentleman’s salary and assets were devalued by something like 15%, because the financial markets took their own view that this was crazy. We are all worse off for it. People living in Britain have not really seen it, but gradually the impact of that devaluation is coming through in inflation, on top of low wages. People were told, and sadly it has happened: the poor have been made poorer. The leave campaigners said, “The reason you are poor is foreign people from the EU,” when in fact the average person from the EU contributes 35% more in tax than they consume in public services. The poor—and all of us—will become even poorer without them, and we have seen this awful devaluation.

The evaluations were not good enough, but there were dire predictions. Let us take as an example a Japanese car company. I know there have been lots of under the table, secret negotiations with car companies, but the reason they are here is that we are a stable democracy and economy, and provide an English-speaking platform to the biggest market in the world. Once we are not in that market, they and other investors will move. The economic impact on Britain, from an intuitive, a priori point of view, is wholly predictable.

Lee Rowley (North East Derbyshire) (Con): Will the hon. Gentleman explain what is dire, catastrophic and crazy about five consecutive quarters of economic growth?

Geraint Davies: The hon. Gentleman will know that we have got the lowest growth in the G7—it is absolutely appalling.

Tom Brake: From top to bottom.

Geraint Davies: From top to bottom, as the right hon. Gentleman says.

So now we have what can be characterised as the “Bad Friday agreement”. Our great Prime Minister was phoned up at 5 o’clock in the morning, dragged out of bed and required to fly to a meeting in Europe to be told, over breakfast, what she will receive for Brexit. She will have to pay between £35 billion and £39 billion, with no strings attached on trade. She will have to ensure that the single market and customs union operates within Northern Ireland, which is obviously a recipe for companies from Britain to move to Northern Ireland so
that they can be in both the UK and the single market. She was told that 3 million EU citizens will basically still enjoy all the rights and protections from the European Court of Justice while British citizens will not—we will be second-class citizens in our own country. She was told all that, and she said, “Oh, that sounds all right. I’ll go and talk to Parliament about that.” Sadly, we are not able to view that statement in its entirety.

We have seen the devaluation, the inflation and the lost trade, and we have had problems with market access. The people in Swansea and elsewhere who voted leave were told, “Don’t worry: we’ll have single market access,” but already we are seeing an exodus of jobs. I am not just talking about the European Banking Authority or the European Medicines Agency, but those basic strategic units of key importance are being dislocated from the British economy. Indeed, many multinational headquarters are in London so that they can be next to the City and have access to Europe. Companies are considering relocating for that reason as well.

If we exit and have to do our own thing with other countries, I fear for Britain. We would turn our back on the biggest market in the world and turn to the United States and the open arms of Donald Trump—I hope you have not eaten recently, Sir David—who has already placed tariffs on and shown aggression towards Bombardier. At his inauguration he said, “Foreign companies are taking our jobs, making our products and stealing our companies”, and that he would ensure that new trade deals would at least achieve parity or ensure a trade surplus for the United States. I am fearful of the sorts of trade deals we will get with regard to money and qualitatively speaking. They sell asbestos, chlorinated chicken and the like—that is something to look forward to from the United States.

People are suddenly realising that what was promised is not going to materialise, and that what is materialising is something awful. The Prime Minister has also agreed a two-year transition period—which is two years on death row, in my view. Companies now have two years to make an orderly transition out of Britain. They can relocate to somewhere they will not face massive tariffs or restrictions on skilled workers or product parts moving across borders so that they can make their products and sell them.

What is more, people were told that they would take back control. We have been debating the European Union (Withdrawal) Bill, which, in a nutshell, was meant to translate the rights and privileges of the EU constitution into British law, but which in fact is drafted so widely that it gives Ministers the right to change things as appropriate, so that those rights and privileges can be crossed out by future Governments. There is no guarantee for them. It is drafted so broadly that the courts are unable effectively to exercise judicial review over those rights. Finally, the enforcement agencies are not in place to deliver those rights. For example, in essence the European Court is enforcing air quality standards that we fail to meet in Britain; we would just be able to decide in future that we will not have air quality standards. Rights and privileges that we currently enjoy can be taken away by future Governments and the Government have concentrated power in Ministers, away from Parliament. Instead of taking back control, we are losing it.

Julia Lopez (Hornchurch and Upminster) (Con): Will the hon. Gentleman give way?

Geraint Davies: I will.

Sir David Amess (in the Chair): I call Julia Dockerill.

Julia Lopez: It is Lopez, actually. I changed my name when I got married.

Sir David Amess (in the Chair): I do apologise.

Julia Lopez: The hon. Gentleman talks about taking back control, but does he accept that the EU is not a static organisation but one whose key leaders recently stated a desire for much deeper political integration among member states in the years ahead? If we halted Brexit would he tell the people of Swansea that rather than taking back control he would be comfortable handing much more control to the EU, to carry out the vision of people such as President Macron, Martin Schulz and Mr Juncker?

Geraint Davies: I congratulate the hon. Lady on her marriage.

Strangely enough, just before the Brexit vote I turned to the present Foreign Secretary and said, “Boris”—this is what I say to taxi drivers, by the way—“can you name one law in the EU that you do not like?” I thought he would know because he was leading the campaign. He scratched his head and said, “There are three directives on bananas.” This is a true story. I said, “Well, the thing is, you can buy bananas in Tesco and the Co-op. There isn’t really a problem with bananas. Can you think of something else?” He scratched his head a bit longer and said, “REACH.” He was hoping I did not know anything about the regulation for registration, evaluation, authorisation and restriction of chemicals. I said, “Do you mean the regulation that ensures that manufacturers are required to prove that a chemical is safe before it is marketed, as opposed to the American system where they can sell what they like and the United States Environmental Protection Agency must prove that it is hazardous before banning it, which is why asbestos is still legally sold in America?” I said, “Given that, don’t you think the precautionary principle that we use, through REACH, is the right one?” He said, “Oh, I think John, over there, has got to talk to me,” and walked off.

Similarly, when I spoke to the present Environment Secretary I said, “Mr Gove—Govey—can you think of an EU law that you don’t agree with? You are leading this campaign with Boris,” and he scratched his head awhile and said, “I don’t know: the clinical trials directive.” Again, he thought he could throw these things in, hoping that I did not know anything about them. I said, “The clinical trials directive requires that pharmaceutical companies and drug companies publish their tests and trials before marketing a product, as opposed to what happens in America, where they could have a number of trials and choose to just publish the positive outcomes of those trials and not the negative ones. So if someone is making thalidomide or something similar they could say, ‘Look, we have had these five trials and there is nothing wrong with it.’ So what is wrong with that, Michael?” He said, “I have got to go and talk to Freda” —or whoever it was—and went off.

The question that was asked was whether I would be comfortable with more laws passed in Europe, and the answer is yes. Do I want deeper, closer and greater
political union? No. Obviously the people of France and Germany, where there have been elections recently, have shown that they want maximised devolution and sovereignty within a partnership that collectively works for the good of all. That is the essence of the EU, not some sort of monolithic, bureaucratic, centralised system that generates laws that people do not like—and some of the architects of the disaster that is going on cannot even think of any such laws.

Wera Hobhouse (Bath) (LD): I apologise for being late, Sir David. I was listening to the Prime Minister’s statement. Does the hon. Gentleman agree that it is tragic that discussions that bring out what the EU is like—how we trade, what our relationship is, what our consumer protections are, and the environmental protection—are happening now, 18 months after the referendum? Would not it have been much better to have them before the referendum? Given that we did not have a proper debate, is not now—or the next six months to a year—the time to have a proper referendum on the deal, because that is when we have all the information?

Geraint Davies: That is precisely the point. We all bear our own responsibility for not talking about Europe enough in the past. Everyone said, “We don’t want to talk about that; it is really boring.” The Labour party has some responsibility for that. In the approach to the 2014 European election the Labour party campaign was about the cost of living crisis—to send a message to the Conservatives that it was terrible. Next to that was a leaflet from the UK Independence party saying, in various ways, “Europe’s rubbish.” If you are a normal person—I appreciate you are not, Sir David. [Laughter.] You are super-normal. If people get literature saying, “Europe’s rubbish,” and then something saying, “Send a message to the Conservatives about the cost of living crisis,” will they be bothered to vote?

I put out some literature saying that 25,000 jobs in Swansea bay depend on being part of the European Union, that people should vote Labour for the European Union—to keep that going—and that they should remember that their four weeks of paid holiday and the quality of the air they breathe and the water they bathe in rely on protection and guarantees from the EU, which is therefore a good idea. My vote went up in that election, comparing like with like and contiguous seats, with a big turnout and a big Labour vote. I think that was simply because we respected the fact that the election was about Europe, and we talked positively about Europe, as opposed to anything else.

The point that I am trying to make is that although the arch-fundamentalist Euro-sceptic ideologues who seem to have hijacked the Conservative party, plus their UKIP bedfellows, keep going on in a monotonous, manic way about how awful Europe is, now that they are taking over, those of us who realise the benefits of European partnership will know that and exploit it, and we will therefore be subjected to a battering of our rights and privileges; and business will say that we face tariffs and therefore cannot afford four weeks of paid holiday and all the red tape and health and safety?”

Now that people realise that will happen, they are saying, “Hold on. I thought that what was happening was that there were all these foreign people over here taking our jobs and services. I didn’t know they were contributing, net, to the Exchequer and helping me. I was led to believe something quite different. I didn’t know I would lose my job and there would be inflation. Now that I see that what is under the headline of ‘Brexit breakfast’ is something appalling, rather than what was on the menu, I should have the right to send it back, because it does not represent what I was offered.” In a nutshell, people are telling me, “This isn’t what I voted for, and I want to have the final say.”

Regarding those comments about the political parties, there has not been much political leadership toward giving people the final say on the exit package, but people are asking for it of their own volition. The news is very biased; I am not talking about the BBC here, but some of the gutter press have an almost manic obsession with saying, “We’ve got to get out at any cost; it doesn’t matter.” They have an obsession with leaving Europe, perhaps because Europe has the collective will to bring in regulations that bring people’s taxation to account and ensure that we live in a civilised world that is not becoming increasingly polarised. The people, as the recent Survation poll shows, are now saying, “Yes, we want to have a final say on the exit package. We voted in good faith, but this is not what we voted for.”

I believe that this is a one-way road, not a flip-flopping of British opinion. Every day, people are saying, “This isn’t what we voted for.” They are suddenly coming to that realisation. The important thing is that nobody blames the people for voting in good faith for what they believed to be the case, because they were told that it was true, but it has emerged that it was not true. As Keynes famously said:

“When the facts change, I change my mind. What do you do?”

The answer, from a lot of Conservatives in particular, is, “Well, I just continue as if I didn’t know.” We can say, “Oh no. If you keep walking down this road you will go off a precipice.” They say, “Well, I’ve decided to walk down it anyway.” That is where we are headed.

Caroline Lucas: The hon. Gentleman is making an eloquent speech. The poll he just mentioned, showing that more people want to stay now, also showed that young people are disproportionately among those who want to keep a close relationship with, or stay inside, the EU. Is not one of the tragedies of Brexit that we are betraying the futures of those young people? They will live with the Brexit decision much longer than any of us will, and their voices should be heard much more loudly in this debate.

Geraint Davies: That is an absolutely critical point. As the hon. Lady will know, the fact is that only one third of 18 to 34-year-olds voted in a referendum that
will have such a massive impact over their lifetimes, and indeed their children’s lifetimes. Something like 80% of the over-65s voted. Of course, what follows is that, tragically, many of the people who voted to leave will have since passed away, and many of the people who were 17 at the time will now be 18. There is no doubt in my mind that, if there was another referendum, more younger people would vote. We saw that in the general election: a lot of the Labour vote, in my view, was from people who thought, “Hold on. I missed out on this Brexit thing. I’ve been sold down the river by all these older voters who participated, and that’s my future.”

One of my daughters said, “I’ve got a long time to live on this decision. Don’t you think that my vote should be weighted by the amount of life I’ve got left? There might be people who voted to leave who will sadly be gone from this world in 10 years, and I’ve got another 70 years.” I am not saying that she should have that weighting, but we should bear in mind that the future of all our young people is at a turning point. The idea that we should say, “It doesn’t matter if people have changed their minds. It doesn’t matter if the facts have changed. They said this then, based on a load of rubbish, so we’ve got to do it anyway,” about such a profound change is an indictment of the whole democratic and parliamentary system.

Our parliamentary system sends the people in this room, and in the larger Chamber here to represent the best interests of their constituents. It might be the case from time to time that, because we spend our time thinking about these things, we like to think we have some inside knowledge or information to make those decisions. To subcontract and say, “You make the decision on the basis of a pile of lies on a red bus,” is disgraceful. I believe—and it is constitutionally true—that the vote was advisory. That was confirmed by the Supreme Court, which is why the Government were forced to have the article 50 vote.

The situation is changing. In fact, public awareness seems to be growing faster than awareness here, because they suddenly want a vote and the people in here do not want one. Once it hits a certain threshold—I think it will hit 60% within the next few months—we will find MPs saying, “If that is what they want, then we will have that,” which I think is fair enough.

Catherine West (Hornsey and Wood Green) (Lab): My hon. Friend is making a convincing speech. The hon. Member for Hornchurch and Upminster (Julia Lopez) asked him about his constituents in Swansea. I wonder what assessment he has made of the impact on the Welsh economy, particularly given some of the grants the area might have received. Is he aware whether one of the secret papers that the Secretary of State for Exiting the European Union might have in his drawer—or wherever they are—has made any serious assessment of the impact of stopping those grants and how much our national Government will step in on that question?

Geraint Davies: I am pleased that question has been asked. The reality is that Wales has 70% of the gross value added of the UK average. In other words, wages overall are massively less. That is why my area of Swansea bay and west Wales is the poorest part of the whole EU. It therefore gets convergence funding to support it. We have had a doubling of our great Swansea University, with an extra bay campus, and so on. Those things would not have happened had we not been in the EU. The big question is why people in Wales did not vote to stay if they get all these benefits—and they do get them.

I have a personal admission to make. The Welsh Assembly elections were held in the May before June 2016, and the whole focus of the Labour party was on trying to maximise representation in the Welsh Government. The view was therefore, “If we talk about Europe all the time, we are very divided; some Labour voters are for and some are against. Let’s just talk about the Assembly and what it does on health, education and everything else.” We then had a month left to talk about Europe. During that whole period, because we have proportional representation, the UK Independence party used the opportunity to spread malicious claims, such as, “Europe’s terrible. Isn’t it awful? We pay all this money for Europe.” Of course that is a lie in Wales’ s case, since we are a net beneficiary, by billions of pounds. After the Assembly elections we had a month left, and people were already predisposed.

We have ended up with a farcical situation in which Wales will lose billions of pounds, and on top of that we will have the divorce bill thrust down our throats—£1,000 per family—and on top of that big infrastructure projects such as the Swansea bay tidal lagoon and electrification of the railways are being scrapped to pay for the Brexit bill. It is a great tragedy for Wales, and opinion in Wales is changing as people wake up to the reality—“Hold on; this wasn’t such a good idea after all.” They, like everyone in the UK, deserve a final say on the Brexit deal.

Sadly, we have had an interim agreement from the Prime Minister, but the worst is yet to come. If we have the new trade deals that people have talked about, “CETA-plus-plus” and the like, and we have buccaneer Britain on the high seas, hoping to carve up those trade deals, it is a great tragedy for Wales, and opinion in Wales is changing as people wake up to the reality—“Hold on; this wasn’t such a good idea after all.” They, like everyone in the UK, deserve a final say on the Brexit deal.

I had better bring my remarks to a halt. People do not want this massive bill, higher prices, lost rights, an exodus of jobs and devaluation of wages and capital; they want to take back control from a team of incompetent Ministers who do not even do an impact study before going into negotiations. They want to take back control from incompetent Ministers who would carve up shoddy deals under pressure and behind closed doors. They want to have the final say so that, instead of paying more money for less, we have the option of going back to the successful partnership we previously enjoyed.

We all know this reality to be true. The great majority of MPs know in their hearts that it is not in Britain’s interests to leave the EU. They know that, but they say that the people said they wanted it. They also know that the people were misled, and that the people know that they were misled. As things change, politicians will come to the unstoppable truth that the people will demand—and will have, in my view—the final say on the exit deal, and I hope very much that we will remain in the EU.

5.39 pm

Paul Masterton (East Renfrewshire) (Con): It is a pleasure to serve under your chairmanship, Sir David. I am pleased to speak in the debate—it will be for only a couple of minutes, I promise—which combines various petitions on the question of a second referendum regarding Britain’s exit from the European Union.
My constituency recorded one of the highest remain votes in the country—about 76%—so hon. Members might think the electorate there would be champing at the bit for a second go, or at least the opportunity to have a vote on a final deal. However, only 167 voters in East Renfrewshire could be bothered to sign the e-petition on holding a referendum on the final Brexit deal, although it far exceeded significantly better than the petition on the opposite position, on having no referendum on the final deal, which mustered a grand total of 12 signatures from my constituency. Compared with the numbers who signed one or the other of the e-petitions relating to Scottish independence, which we debated in this Chamber last month, that suggests that the question of membership of the European Union simply does not cause the same passion or strength of feeling as the question of Scotland’s place in the United Kingdom. However, it might also speak to the broader feeling that, to be honest, people are scunnered with referendums. Let us be frank: referendums are dreadful, divisive ways of settling major questions. My constituents’ lack of interest in this question points to an exhaustion with binary politics and constitutional wrangling. It would also explain why the only party explicitly offering a second referendum at the last general election—the Scottish Liberal Democrats—secured 2% of the vote in my constituency.

Are people dancing down the streets of Barrhead and Clarkston at the thought of Britain leaving the EU? No, but they are also not drawing the blinds and taking to their beds. They are disappointed, but they are accepting and they want us to get on with it, so it was no surprise that, when I was out and about this weekend, the overwhelming response from leavers, remainers and could-not-care-lessers to Friday’s news was, “Thank God for that.” It is a good, sensible, realistic and pragmatic deal to take us from phase 1 and into the matters of the future trading relationship.

I understand that many people feel really strongly that the UK should remain in the EU and wish to bring about a second referendum in the vain hope of achieving that aim. However, I am afraid that I do not support those calls. I voted remain in the EU referendum not out of any particular love for the European project but because I recognised its value to trade and business, and that, because we are so integrated with our European partners in so many fields, the process of untangling that would be extremely complex. I have not exactly been proven wrong.

However, I accept the result of the referendum, and I am committed to fighting for the best deal possible for East Renfrewshire as we leave the EU. To me, that will be a deal that is focused on and prioritises free trade and boosting strong, sustainable economic performance. I am particularly pleased, as I know my constituents are, that we now have agreement on the status of EU citizens in the UK and vice versa. As we move through to phase 2, I believe we should aim for the freest possible trade in services between the UK and EU member states, ensuring that businesses and citizens have certainty. That is particularly desirable in highly integrated sectors, such as financial services, in which many of my constituents are employed. It is vital that there is no cliff edge.

The Government have made it clear that they will seek a withdrawal agreement, and that the final agreed deal will be incorporated into a new statute. That is welcome. However, timings mean it is possible that that process will take place after we have already left the EU, as the Secretary of State for Exiting the European Union accepted. Parliament should have the same opportunity as the Parliaments of the EU27 to have a meaningful vote on the deal on the table before it is signed off. This week, we have an opportunity to ensure that that is the case.

Scrutinising every aspect of the deal extremely closely, challenging the Government on their negotiating stance where we think it is appropriate and ensuring that Parliament has the final say on the final deal is our role as parliamentarians—that is our job. It is what we were elected to do, and provided we are all actually prepared to do it, there is no reason or requirement for a second referendum. We were elected to make the big decisions on behalf of our constituents, and any Member who is incapable or unwilling to do that should not be here.

While I have sympathy with those who want to run through the whole shebang again in the hope of getting a different result, I cannot agree that it is a necessary or sensible way forward. Instead, I simply say: please, God—not more referendums.

5.44 pm

Rachael Maskell (York Central) (Lab/Co-op): I thank my hon. Friend the Member for Clwyd South (Susan Elan Jones) for the way in which she opened the debate and the tone that she set.

I obviously do not want to trawl through the trauma of the EU referendum, but we must note that 23 June 2016 was just a point in time. It was a date in the diary and it was a test of the people of our country on the facts that they had in their possession at that time; of course, we have already heard that many of those facts were, in fact, fiction. Indeed, that bus came to York and advertised that our NHS, which is in a real financial crisis at the moment, would receive £350 million a week. None of that has materialised, and our health service is being penalised.

Martin Vickers: Will the hon. Lady give way?

Rachael Maskell: I will just make a few opening remarks, if I may. The referendum asked only one question: “Do you want to leave the European Union?” It did not ask about the single market, the agencies or the customs union. In fact, I recall a time when the Prime Minister was not even clear about the status of the customs union after the referendum, so there was clearly not a comprehensive, in-depth understanding of what leaving the European Union actually meant; everybody interpreted it in a different way.

I think all of us in this room, if we are honest, have gone on a journey since the referendum. We have learned a lot more and we are gathering a lot more information about what is to come. When someone says, as the hon. Member for Cleethorpes (Martin Vickers) did, that the people voted to leave, I say, well, they did, but only by a very narrow margin—3.7%. My interpretation of the result is that the country was divided, and therefore that every time the people who voted to remain hear that this is the will of the people, their views are being
completely ignored. The reality is that it was the will of half the people who voted. We also know that only 72% of the people eligible to vote did so, and, as we have heard, with demographic changes, more people today would be able to vote, so it is not the will of the people, it is the will of some of the people, half the people, at a point in time.

To predicate the whole future of our country on that point in time, in the way the Government are, is really divisive. That is what we have seen: a really divided agenda moving forward. That is what I want to address. The most important thing now is pulling our country together. The rhetoric is being put out more and more; half of the people are hearing that their votes and their views do not matter any more, because we are going off this cliff edge come what may. We really need to respect everybody, and we need to find a way of pulling people together.

There was some hope in the statement on Friday morning, because it talked about things perhaps not changing so dramatically. We know that where there are polarised views, we have to find a mechanism to bring people together. The statement, in paragraph 49, said: “In the absence of agreed solutions, the United Kingdom will maintain full alignment with those rules of the Internal Market and the Customs Union.”

It is clear where we are heading: after 18 months of further division and pain, we are actually heading to a bit of a convergence of views. That is really important, and it is why Labour set out right from the beginning that we believe in staying in the customs union and single market throughout the transition, and then seeing where we end up after that.

The reality is that we will of course have to be close to the European Union because we will continue to trade; we will obviously have to trade within their rules, and that is the way it will continue. This nonsense that we have to go to a completely polarised position does not work. However, we have already had 18 months in which the pain of the process has been deeply divisive, as I have mentioned, but also deeply damaging to our economy.

For me, the headline in the Budget was the £65 billion loss as the economy has contracted. We heard about the additional £3 billion being put into this process and we have heard of the £36 billion or £39 billion bill to leave the European Union. How much will all these new agencies cost to set up? How much will these trade deals cost us? The real cost is not before us, and it is absolutely essential that we have a better understanding of the impact of leaving the European Union. To keep that information covert, as opposed to sharing it, means that Parliament cannot scrutinise it. Nor can the people of this country; it is about their hard-earned money, which they pay through taxes. It is vital that they have a real understanding of where we are heading.

Dr Rupa Huq (Ealing Central and Acton) (Lab): My hon. Friend makes a really good point. The reality is that it is not only the age demographic that is changing; opinion is also changing, as we heard through the Survation poll. We expect that to continue, because the myths about Europe are being dispelled as there is more debate and discussion, and people are facing the reality and the sheer cost of what is to come.

We need to make sense of the process. If, in trying to honour the majority of people who voted in the referendum, things are not working in the way that the Government first set out in their ambition, I have no issue with them saying, “Look, we’ve tried. We’ve gone through a negotiating process, but in the best interests of our country, our economy, jobs and the protections we have fought hard and worked for over the years, we are better having a stronger relationship with Europe than walking away altogether.” We need to be pragmatic, as opposed to just following a political narrative that is wearing really thin throughout the country. Otherwise, it is a complete insult to the people who put thought into their vote on 23 June.

In my own city of York, we had a 58% remain vote, but in York Central—the constituency I represent—two thirds of people voted to remain. They did that because of the impact analysis they did. I have gone round before and after the referendum talking to our major industries, to see what the impact is. Let us look at tourism. We were told that Britain would really benefit from tourism; more people would come into the UK because the pound was weaker and therefore we would see a real boom. When I talk to the industry, they say they cannot cope with Brexit. People who previously supported Brexit are saying that it is deeply damaging. We are losing all the labour in the tourism industry, and as a result, businesses are closing. York has a big tourism footprint. We cannot get enough chefs, and we cannot get cleaners for our hotels, and it is deeply damaging on that front.

The universities are a large part of our economy, too, and they are in a desperate state because they have no certainty over future funding, which is their lifeblood. Things are getting really tough. I meet with the vice-chancellors, and they are deeply concerned about where we are going. They are forming relationships for the future, but with the uncertainty about the future, they are not clear where they will take them.

I have not heard language colleges debated. On Friday I met with the language colleges in York—it is a major industry in the city—and they say that all the trade is moving over to the Republic of Ireland, and therefore they are not able to recruit the students they need. Businesses are divesting and moving their headquarters to Ireland and the EU. Of course, that is not just happening in York. It is happening across the UK.

I have had many discussions about the dependency of our NHS on EU labour. People have choices, and they are choosing not to come. I heard on Thursday night how the hospital, after much effort, was able to recruit more than 40 Spanish nurses. Only three now remain. It is not going to be able to repeat that. We know that
patient safety is being put at risk as a result of the numbers falling. This is a real challenge for our local economy. When I met with CBI members in the region, they said that 42% of business investments are now not in the UK, but have gone to elsewhere in the EU. That is why Labour has emphasised the importance of a jobs-first Brexit the whole way. We know that good-quality jobs are disappearing, and York has faced that challenge. As we have heard, we have lost the European Medicines Agency, and we are losing our influence and job opportunities as a result.

I want to come on to the issue of how we bring the country together. The reality is that we are still incredibly polarised and split. I have not heard anything from the Government about trying to bring the country together, as well as the people who have polarised views. Just to say, “You voted at a point in time and that’s it, we’re moving on,” is incredibly damaging, and we need to try to adjust that agenda. I did not hear anything from the hon. Member for Cleethorpes about a way forward for the 30% of people who voted remain in his constituency, and about how he would bring them back to the table.

We need a wider conversation with the people of the country. It is intense in Parliament, and it is more intense in Government, by all reports, but the people of the country voted on 23 June, and quite frankly their views have been ignored. There has not been national engagement and a capturing of people’s views as they have shifted. Polling has been done, and we are doing work in our constituencies, but there is not that inclusivity of people across the country. It is essential to look at how we can capture people’s views. Having a referendum that seeks to know the views of the people of our country and to ask much broader questions would help to formulate our future direction.

We have to recognise that we are at a unique point in our history, and we must dig deeper into what the real concerns are. I know that people voted leave for many different reasons. In the north of England, many people felt that for decades, they have been in economic recession, and people have been poor. Because Europe did not answer those questions, they thought, “Well, clearly it’s failing us,” so they voted to leave. They perhaps did not see the failure that is to come down the track, of being outside the EU.

At the time of the vote on article 50, I was serving in the shadow DEFRA team. Many people wanted to leave not the single market, but the common agricultural policy. People had different views on what they wanted to do. There was concern about the immigration issues that were being ramped up by the far right. It is absolutely right that we defeat those views, but we also have to look at a very failed immigration policy in our country. It has failed because Government took away the funding to support people who were placed in many of the poorest areas, and therefore there was a real challenge in those communities. The Government have completely failed when it comes to exploitative agency labour, which has removed jobs and opportunities from local people. All sorts of issues have to be addressed.

Because all the Government’s time is subsumed in Brexit, I have not seen them address the real concerns of people who voted to leave. We have huge inequality. We heard in the Joseph Rowntree Foundation report last week that 13.9 million people in our country are living in poverty. We heard about the rise of older people in poverty, but also children in poverty. We also had the Social Mobility Commission report, which shows a regression in social mobility in our country. Of course, many of the people who voted to leave are trapped in poverty, without opportunities in life. We are not seeing the Government really addressing the concerns that people voted about on 23 June. That is why it is really important that we go back, to understand formally what those are. I hear this debate in the House time and time again. People are being ignored, and our democracy is failing them.

One of the last points I want to make is about the end of the process. If we had confidence that there was going to be a meaningful vote in Parliament, we would be able to represent our constituents’ views well. My biggest concern is that the vote will just be whipped through and hon. Members will vote along party lines, and ultimately the people of this country will be ignored—because of the political narrative in the House and out in the media, as opposed to their status at the end of this process, no matter what economic situation we find ourselves in—because it is about saving the skin of the Government when we get to that point, rather than finding a different way forward.

On referendums, we have all had our experiences and I am sure that we would never want to repeat them, but we need to find a way to include the people of our country in this process. I suggest a general election.

6 pm

Lee Rowley (North East Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Sir David. Thank you for giving me the opportunity to contribute to the debate. We have a veritable smorgasbord of e-petitions before us, so all of us can probably choose at least one of them to support and push forward.

I have been listening to the debate since it started and I have to say that I find Brexit debates, both in this place and in the other place, relatively disappointing. Of course, I am not seeking to cast aspersions on colleagues here, but I find the debate disappointing. We start from the principle of trying to debate something, and I came here today thinking that we would have a wonderful theoretical debate on the value of representative versus participative or direct democracy, the utility of referendums versus parliamentary democracy, and how the inherent tension between those concepts has caused such theoretical and practical problems in the past 18 months or so. What immediately happens, however, is that we all go back into our tribes depending on whether we like or dislike Brexit. Many of the speeches that I have heard, which have been heartfelt and have clearly come from a place of real principle, have fallen back on to whether people support Brexit or do not support it.

We have to be more careful about these kinds of discussion. I have heard massive misuse of polling in just the past hour and a half. The right hon. Member for Carshalton and Wallington (Tom Brake) talked about how we should have some kind of independent arbiter to judge the correctness or otherwise of what politicians say. I think that that is a terrible idea, but if
we are going to do it, I gently say to the right hon. Gentleman that we might start by banning politicians from using one poll to prove that something is suddenly a comprehensive, complete and totally true statement. If we want to play that game, a poll carried out by Opinium says exactly the opposite. I understand that the Survation poll, which has been quoted so extensively in this place already, also gives the Labour party an eight-point lead. I know that Opposition Members are delighted about that, but I do not believe that 45% of the people in my country believe in neo-Marxism and I hope that it will not happen. I will not go down the party political route, other than to say that.

I have heard a number of different comments today and I want to take up a few of them. The hon. Member for Swansea West (Geraint Davies), who is no longer in his place, talked at one point about how, if we are honest as Members of Parliament, most of us know that ultimately Brexit is a bad idea. I think it was Elizabeth I who said, “Don’t seek windows into men’s souls.” I do not subscribe to that view. I genuinely understand why people in my constituency voted 63% to leave; I understand why I voted to leave. It was not because of a hatred of the European Union or because of the caricature of how we are that some people try to propose. It was not because of the lies that certain people have talked about in here, which I absolutely disagree with. It was actually because we happen fundamentally to believe that the future of our country can be better served in a different way from what has happened in the past 40 years. I ask those people on the opposite side of the debate just to think carefully about some of the comments that they make, because I do not believe in the depths of my soul that Brexit is a bad idea. I think it is a good idea, but I think carefully about some of the comments that they have made.

Lee Rowley: I am delighted about that, but I do not believe that 45% of the people in my country believe in neo-Marxism and I hope that it will not happen. I will not go down the party political route, other than to say that.

Wera Hobhouse: I can assure the hon. Gentleman that I believe, from the bottom of my heart, that we will be worse off if we leave the European Union. The more we talk about how we appreciate European workers and how they support our economy and local services, and the more we talk about regulatory alignment and the fact that we do not want new borders, the more we are describing what the EU actually is, so why are we leaving? I hope that Opposition Members—I am not suggesting that this applies to the hon. Lady—understand and recognise that we have deeply held views as well.

I also heard earlier that if we had a second referendum, it would be a different sort of referendum, as if the first one was invalid or incomprehensive or there was not sufficient discussion. Again, the conversation tended toward the emotional and the lies. Just from the emotion that I have heard expressed in this Chamber today, the conversations that have occurred and the use of terms such as catastrophe, exodus, dire, crisis, lies, death row and malicious, I do not believe that there would be anything less than the kind of emotional discussion that we had two years ago, so we should be very careful what we wish for.

I have heard conversations about multi-options. Even though I understand in principle the point made by the hon. Member for Clwyd South (Susan Elan Jones), and I know that one of the e-petitions under discussion suggests multi-options, I wonder whether, if we proposed a second referendum with multi-options, we would all be here in three or four years’ time talking about one option that got 42% of the vote and the other two options that got a smaller proportion of the vote, and then delegitimising the 42% of the vote option because it did not manage 50 plus one, which is the usual yardstick for success.

Then we get into the slightly more absurd discussions, which I know were not entirely serious on the part of some people who have commented, about vote weighting or the fact that some people are dying and therefore their vote is less valid. I just think we have to be much more careful. I agree with the hon. Member for York Central (Rachael Maskell) that we need to be much more careful about how we debate and discuss this matter, because my constituency is a constituency of honourable people who understand the challenges and have researched the issue and watched the television, but who still voted 63% leave. They and I voted to leave because we legitimately think that that decision means that our country will be better in the long term.

I want to talk briefly about the idea perpetuated by some that people did not know what they were voting for. We have to accept the principle that people vote for many different reasons. I would not like to suggest that that is not the case, but I know that the thing that was closest to what people understood was happening on the day was the leaflet the Government sent out to every household in this country. When I reread that this morning in preparation for this discussion, it was pretty clear to me what was happening. Nothing in the leaflet mentioned a second referendum. It stated:

“On Thursday, 23 June there will be a referendum”—singular. “It’s your opportunity”—there was no multitude of opportunities. “It’s a big decision”—singular. It is “One” decision, not decisions plural. The leaflet goes on to say that it is a “once in a generation decision”—not a twice in a generation—and:

“The government will implement what you decide.”

That leaflet came through my letterbox in north Derbyshire and the proposition was absolutely clear to me and to all of my residents in Dronfield, Cuthbert, Eckington and Killamarsh. It is incumbent on hon. Members that we recognise and honour that. I reject totally and completely the notion that people did not
Understand what they were voting for. They understood what they were voting for. They understood the propositions that were on the table. They understood, if I am honest, the things on both sides of the argument that went too far. I will not talk about them individually, but I was unhappy, as a leave voter, with some of the suggestions from the remain camp, which are also in the leaflet, about how there would be almost an economic collapse. We have to be very careful about how we discuss this matter where we are going with it and what we want the outcome to be.

Susan Elan Jones: I am reluctant to intervene, having made the opening speech, but I would like to ask the hon. Gentleman one question. I am talking not about my personal view on this issue, but about the points raised by Ross Clark in The Spectator. His view is that what is being implemented by the Government is not what he voted for, and that was the fear, because it was not as simple as a binary choice. He is a very traditional conservative with a certain view that is very much against further association with the European Union. What would the hon. Gentleman say to people such as him?

Lee Rowley: I have not read the article the hon. Lady is referring to, but I will address the principle. What she outlines explains beautifully why the sorts of intellectual contortions that we have heard in this debate over the past hour and a half, and elsewhere, will ultimately not work. We can make an assessment about why some people voted one way and others voted another way, but there are 30 million different reasons that people voted for it. We can make an assessment about whether the voting system was correct, or whether the right people voted, and we can make an assessment about whether the debate—before, during and after the vote—was appropriate, but ultimately those are our assessments, not facts. Assumptions have been bandied around far too much over the past year; the whole discussion has not been influenced by what people understood, if I am honest, what they were voting for. They understood the propositions that were on the table. They understood, if I am honest, the things on both sides of the argument that went too far. I will not talk about them individually, but I was unhappy, as a leave voter, with some of the suggestions from the remain camp, which are also in the leaflet, about how there would be almost an economic collapse. We have to be very careful about how we discuss this matter where we are going with it and what we want the outcome to be.

Paul Flynn (Newport West) (Lab): This has been an interesting debate. Today is an important day concerning Passchendaele. During a fascinating debate in the main Chamber a few months ago, a prominent Brexiteer described Passchendaele as a “wonderful battle.” My father was at Passchendaele and that was not his description. He went to Passchendaele because he wanted to kill Germans who were bayoneting Belgian babies. He took part in other battles, including the Somme and Messines Ridge, but came out of the war as someone who loved Germans, because they saved his life. They rescued him when he was bleeding to death in a foxhole.

As a child, I was taught to hate Germans. I was taught again and again that the only good German is a dead German. In the first half of the last century we built bridges. That is one of the major achievements of my lifetime, along with the health service and the national insurance scheme in the 1940s.

Having been to a Rohingya camp three weeks ago, I have seen the ultimate divisions between nations and how propaganda can divide people of different descent. It has divided people of Bengali descent from people of Burmese descent. I have seen the ultimate horror of the anti-humanity on that border. I believe—I mean this profoundly—that in this petty squabble about Europe we have seen a feeling that we should turn away from emphasising the oneness of the human family and rejoice in our nationalistic differences. That, by any standards, is a backward step.

Why do we need a new referendum? It was quite reasonable for the Labour party—I supported this at the time—to vote for article 50. That was our genuflection to the vote and democracy, but the only reason for voting for article 50 was to see what it meant. For every person who read the Government leaflet, I bet that 1,000 saw the bus with that promise of all the money that would come back to the health service. The Foreign Secretary is still promising that. He has talked about it twice in recent weeks. Sir David Norgrove, the chairman of the UK Statistics Authority, the man who calls out such errors, has said that those claims were untrue and that the £350 million was a gross figure. The maximum would have been £250 million, if every penny we spend in Europe was devoted to the health service, but that is not going to happen. The Foreign Secretary has already spent 150% of the money we can expect back, and The Secretary of State for Environment, Food and Rural Affairs has spent 40% of it, because he has guaranteed the money for farmers. If we take it according to the way people voted on 23 June, we have already spent 190% of the money that we will get back, but it was nonsense on both sides. It was a referendum based on fiction.

In the next couple of weeks we will have a debate on the influences. I believe that the referendum was not a fair vote. It was heavily influenced by propaganda machines that are outside the control of the Electoral Commission. Changes in the use of algorithms, botnets, money from abroad and very clever artificial intelligence influenced people in an invisible way. That is the best reason why we need a new referendum.

I sit on three Select Committees, as do many other hon. Members present, and at every session we hear about the possible advantages of Brexit. They are all speculative. Most of them will not happen. They are all hopeful. They are all based on a manic optimism that is compulsory for Tory party MPs these days, but the horrors are certain.

Chlorinated chicken has been mentioned, but we would allow even worse things into our market, such as irradiated meats. Something called pink slime beef would become lawful and it is coming our way from America. We have been told by Tim Martin that if we opt out, we will save threepence ha’penny on our meals in Wetherspoon and a ha’penny on our drinks. I think that saving four pence makes it a very expensive pint, if we are expected to down a pink slime beef burger.

We are going to turn against our principles. We need to look at every realistic part of this. As far as Wales is concerned, they said it was about bringing back control. Well, we have lost control. There is a power grab against the Welsh and Scottish Governments. They will not be able to pass laws that are beneficial, because the laws will be invested here in Westminster for a period. There is
a certain date for coming out, but there is no certain date for repatriating those laws, which were supported in Wales not by one referendum, but by three.

I believe that we are now in a position where the public have changed their mind. They have seen the full horrors of what is going to happen. We are going to lose jobs—1 million jobs, the CBI says. We are going to lose money—£100 billion, the CBI says. None of those things was in the leaflet or formed part of the debate on 23 June, 18 months ago. We have to give the people a second chance based on knowledge and on the truth of what Brexit will mean. I believe that the country would come around to saying that this will be a fall into a sinkhole of economic decline. And, on the second vote, second thoughts are always superior to first thoughts. We have a duty as Members of Parliament not to be imprisoned by a vote that was taken as a snapshot on a single day, on the basis of untruths, lies and exaggerations.

6.18 pm

Caroline Lucas (Brighton, Pavilion) (Green): It is a pleasure to serve under your chairship, Sir David. I am grateful for the opportunity to speak in support of the petition for a ratification referendum, which was signed by no fewer than 864 of my constituents. For the purposes of full disclosure, the other petition, which was again against a ratification referendum, was signed by 10.

The Green party fully respects the fact that voters made a decision and delivered a message to Parliament on 23 June last year, but we have also consistently said that the referendum was, and could only be, the start of the democratic process, not the end of it. The voters could not and did not express any opinion on the terms on which the UK should leave the EU, because those terms remained completely obfuscated. The leaders of the leave campaign did not ever want to set out what leave would look like, so it was hard for people to express a view on that.

For example, did the voters instruct the Government to ensure that when the UK leaves the EU it remains in the single market and the customs union, perhaps through membership of the European economic area? No one knows—not the Prime Minister, not the Secretary of State for Exiting the European Union, and not any Members of the House. Alternatively, did the voters instruct the Government to ensure that the UK leaves the EU, the single market and the customs union? Again, no one knows. Although, we do know that voters were repeatedly and confidently assured by prominent leavers, such as Daniel Hannan MEP, that there would be “full participation in EU markets” after withdrawal.

Did the voters instruct the Government and Parliament to ensure that the UK leaves Euratom, the REACH agreement or the European Medicines Agency’s regulatory regime? Again, no one knows, but it seems reasonable to conclude that most voters will not have given such questions any thought, because they did not feature in the referendum campaign, despite regulatory certainty being essential to British businesses.

Did the voters approve the terms of the future relationship agreement negotiated between the UK Government and the EU27? Of course they did not, because they were not told that there would be such an agreement, let alone what would be in it. Indeed, 17 months on, and with just 10 months left to conclude the negotiations, neither the voters nor Members of this House know whether there will be a future agreement before we drop out of the EU on 29 March 2019. However, we do know that voters were blithely assured, again by leavers such as Daniel Hannan, that the terms of the agreement would be “easily” agreed. That is very odd, because it does not look very easy right now.

Thanks to the chaotic and reckless nature of the UK Government’s negotiating strategy, and their stubborn refusal to lay out detailed proposals, we simply have no idea how the Prime Minister and her bumbling Secretary of State for Exiting the European Union plan to square their determination to leave the single market with the rather obvious fact that that implies having a hard border somewhere—either across the island of Ireland or in the middle of the Irish sea.

The Green party believes that a democracy worthy of the name must mean voters having a real say over the biggest decisions affecting their lives. Withdrawal from the EU is simply the most significant decision that Britain has taken since 1939, which is why we have consistently said that the terms of the withdrawal agreement, or departure from the EU without any such agreement, must be subject to a ratification referendum. That ratification referendum must give voters the option of approving the terms of withdrawal negotiated by the Government, or, if they do not like those terms, remaining in the EU—that has to be on the ballot paper as well. In other words, the ratification referendum—let us remember that this is the first referendum on the terms of withdrawal from the EU and the basis for our future relationship—must allow voters the democratic choice between accepting what is actually on offer or cancelling the article 50 notification and remaining a member of the EU.

I want to stress that we are not talking about a second referendum, although that term has been used many times this evening. This is not an attempt to overturn the decision that voters made on 23 June last year. The point is that the leave campaign, very deliberately, never set out what Brexit would look like, and people’s views naturally evolve as more information becomes available, so it is absolutely right that the British people who triggered this process should also sign it off, since once they know the outcome of the current negotiations they can see the terms of the deal and decide whether they like it. If they like what they see, they can go ahead and leave the EU; but if they do not, the option of remaining inside the EU must also be on the table and on the ballot paper.

Paul Masterton: Can the hon. Lady clarify whether her proposed—I will not say second referendum—new referendum would provide an option for saying, “No, we don’t like this. We want you to go back and push on these items,” or would it be a binary, all-or-nothing choice, where we either take what is on the table or cancel the whole process?

Caroline Lucas: I thank the hon. Gentleman for his intervention. Certainly, if there was enough time to ask our negotiators to go back to the table, I would have no problem with having that option. However, the real worry at the moment is this: we heard what the Secretary of State for Brexit said on the Sunday television programmes yesterday, and he is talking about having a whole year
for negotiations, so the idea that we would then be able to come back and have a serious discussion, if they have not properly negotiated a transition period, is yet another thing that is in doubt. It is clear that people should have the option, if they wish, to remain in the EU. The Prime Minister has pledged that MPs will have the final say on any deal, but I simply want to widen that franchise. The British people should have the final say. That is not denying democracy; it is enhancing it.

It is also important to stress that a ratification referendum is not a silver bullet. We owe it to ourselves to acknowledge that when people voted to leave, many of them did so because of very legitimate concerns. In my view, from the people I have spoken to, not many of those concerns actually relate to the EU per se, but those people were persuaded that their very legitimate concerns about housing, jobs and the NHS were somehow linked either to our membership of the EU or to the presence of immigrants in this country. What we also need to do, at the same time as campaigning for a ratification referendum, is campaign for changes in this country, as well as changes in the EU.

I am not talking about some kind of reversion to the status quo ante—the status quo before the referendum happened. We are not pretending that it did not happen or trying to go back to 22 June last year. It did happen, people are very angry and many of the reasons for their anger are legitimate. However, the irony is that by leaving the EU, the problems that they were most concerned about— their future prospects at work, their kids' future prospects, whether they could access the NHS and whether they could get affordable housing—are all going to get 100 times worse. Believe me, we have not yet even begun to imagine the anger of those people when they realise that.

It is absolutely crucial that, alongside campaigning for the ratification referendum, we look at the way in which the deep social divides in this country have been exploited by many of the leaders of the leave campaign. They have used them as a wedge to drive hom e their long-standing ideological hatred of the EU, even though those problems are likely to be made worse by leaving the EU.

Lee Rowley: The hon. Lady makes a powerful point, even though I do not agree with it, and powerfully expands her position on a second referendum. May I ask her how many referendums she proposes to accept in this discussion? Will we be going to 20, 40 or 135, until we get the right answer?

Caroline Lucas: I was about to thank the hon. Gentleman for his intervention, but that was such a ludicrous and frankly dishonourable one. It is very clear that I am talking about the idea that people should be able to look at the facts, which are not present right now, and were certainly not present on 23 June last year.

I am also making some serious points about the very real grievances that the referendum result laid bare. Frankly, it is cynical and shocking how those grievances are being manipulated by the leave campaign for its own political ends. I believe that one of the things that the referendum tells us is that we need to look at the way in which people are governed in this country. That involves looking at a voting system that systematically takes power away from people. It is such an irony that the party that is in the lead in calling for Brexit and bringing back control does not want people to have control when it comes to their own electoral system. That party does not want them to have a real say. At the last election 68% of the votes cast made no difference to the outcome, because they were piling up in constituencies where, because of first past the post, they were not necessary.

Let us look at the way the UK is governed. Let us look at issues such as more devolution to the regions and electoral reform for more widespread proportional representation. Where the case is to be made to the “left behind”— those people were left behind not in some kind of casual accident, but as a deliberate and predictable outcome of the process of neo-liberal globalisation, which systematically marginalises them—it will take a long time to turn around some of those impacts at the root of why so many people voted to leave the EU, but we have to start now by finding genuine solutions to people’s worries about jobs, pay, schools and housing. Ultimately, things will only shift once trust is built and people see with their own eyes that their lives are getting better and that being inside the EU was never the cause of their problems.

In conclusion, a ratification referendum would give the British people more democracy, not less. This time around, I hope, the necessarily short referendum campaign will be conducted in a more open, honest and transparent way.

6.29 pm

Tom Brake (Carshalton and Wallington) (LD): Thank you for chairing the debate, Sir David. I will make a few comments about some of the contributions that have been made. I start by thanking the hon. Member for Clwyd South (Susan Elan Jones) for introducing the debate and for setting out the range of views in the petitions. She drew attention to the fact that it is dangerous for the Prime Minister and the Government to seek to represent the views of only one section. When I specifically asked the Prime Minister when she will stand up and speak for the 48%, her answer was, “I am representing the 52%.” Other Members have asked, “Why has this debate been quite binary?” I think it is because our Prime Minister has adopted a binary position on whom she is representing, and that is very dangerous.

I was amused when the hon. Member for Cleethorpes (Martin Vickers) referred to the fact that the European Union has been a running sore through the body politic. To be more precise, it has been a running sore through his political party, and that is why we had the referendum.

Catherine West: Perhaps the case in point is the fact that we would not be having this discussion had a certain former Prime Minister not brought it on, due to the running sore within his own movement.

Tom Brake: Indeed; the measure was clearly designed to try to bring the Conservative party together for a general election campaign. The hon. Member for Cleethorpes also asked why we would want to settle for a worse deal than the one we have. That is exactly what we will do as a result of his Government’s actions.

I welcome the Bill introduced by the hon. Member for Swansea West (Geraint Davies), who is not in his place. A vote on the deal is Liberal Democrat policy. There will be an opportunity to test the House on day
eight of the European Union (Withdrawal) Bill, when amendment 120 will be voted on. On 20 December, I hope that many Members of Parliament from all parties who are in the Chamber today will support that and enable that further vote to happen.

The issue of young people and the fact that they voted heavily to remain has been rather set aside by Government Members. Although I would not support the idea of weighting for votes, disregarding those concerns and not accepting that there is a difference between the impact on young people and the impact on the older section of the population who voted to leave is a concern.

The issues that were raised about the impact on Wales are a concern, too. If farmers in Wales are expecting to get the same level of subsidy that they do now, they need to rethink things, because frankly, they will not. Farmers are certainly very worried by the prospect of no deal, so a positive thing about Friday was that the possibility of no deal has receded a bit. I met a farmer last week who potentially faced tariffs of 40% on lamb if we fall back on World Trade Organisation rules. If anyone thinks that a single hill farmer will continue to operate in Wales or Scotland with 40% tariffs on lamb, if we fall back on WTO rules, they need to think again.

The hon. Member for Swansea West said that there was no one who has experience of doing trade deals. When I asked the question, I got one name—Crawford Falconer—so at least the Government have one person. It is a pity, however, that Mr Falconer came from the Legatum Institute, which, frankly, has adopted a rather biased position on Brexit and is very much pushing a hard Brexit agenda.

The hon. Member for East Renfrewshire (Paul Masterton) referred to the value of trade. He said that he supported remain because he recognised the value to trade and business of being in the European Union and because we were so integrated. Yet he is now fully endorsing something that he knows will cause damage to trade and business. That is why I find it difficult to understand the position that Conservative remain-voting Members of Parliament are now adopting, with their wholesale endorsement of something that they know will cause damage. Yet they are willing to proceed with it; the will of the people dictatsted it, so we are going over the cliff edge, come what may. They know that it will cause damage but they are endorsing it.

The hon. Member for York Central (Rachael Maskell) was right to say that the referendum was at a point in time. She said that she found hope in the statement on Friday, as did I, but my little bit of hope was somewhat reduced within 24 hours, when the Secretary of State for Environment, Food and Rural Affairs said that if people do not like the deal, they can tear it up at the next general election and have another one. I am not sure what message it sends to the European Union about our negotiations with it, or indeed, to the Irish about the certainty they can have about what our Government agree, if a very senior Cabinet Member says, “Actually, if you don’t like it, we’ll give you another one. We’ll give you the real hard Brexit that I support, as Secretary of State for DEFRA”—or as the spokesman for foreign affairs. I do not have confidence that this will stick for very long. Members are waiting in the wings and keeping remarkably quiet at the moment, and I wonder how long, for instance, the hon. Member for Stone (Sir William Cash) and the right hon. Member for Wokingham (John Redwood) will do so.

I would like to comment on many other things, but I am aware that we need to move on to the Front Benchers’ contributions soon. The hon. Member for North East Derbyshire (Lee Rowley) should not be surprised that this has not been an academic debate on the benefits of referendums versus parliamentary democracy. He has strong views on this debate, as do I and many other Members of the House. We are on the Opposition side have strong views because we believe that this will be the single most damaging, dangerous thing that the UK has embarked on in the past 50 years. I am afraid that we are not going to have an academic debate about the merits of referendums; we are actually going to focus on what we think will cause major damage to the United Kingdom.

If people do not believe that, I recommend that they talk to foreign diplomats, from the European Union and outside it, about what their perception of the United Kingdom is now. That is not just down to who we have as our Foreign Secretary, but because they believe that we are isolating ourselves and taking a step backwards. We are far from being the global Britain that the Government talk about. Our friends believe the opposite. That is not me saying that; it is what I hear from my contact with diplomats, who are conveying that message to our Government. They do not understand.

We used to have a Government who were pragmatic and well organised in negotiations and who played a central role in the European Union; now we have a Government who are disorganised, do not know where we stand and have not even yet had significant Cabinet debates about what the future of our relationship with the European Union should look like.

Finally, I was wondering whether there was anyone who was perhaps more pessimistic about Brexit than me, but I have found in the hon. Member for Newport West (Paul Flynn) someone who feels as strongly—indeed more strongly than I do. I also support entirely the hon. Member for Brighton, Pavilion (Caroline Lucas), who I think is in the same place as me. She rightly highlighted the very legitimate concerns that the people who voted leave had during the course of that campaign. I challenge the Government to say what they have done about some of those most significant concerns.

On housing, we need 300,000 new homes. How many of those will the Government build? How many will they build when many of those construction workers who work in London do not return after Christmas because they prefer to stay in their countries in the European Union? So that is not going to happen. On the skills agenda, the number of people doing apprenticeships, which are about giving people the skills to take the jobs here so that we do not have to rely on people from the EU, has halved. The Government are simply not addressing those concerns.

On 20 December, I hope that people will support amendment 120. Other Members have referred to the Survation poll and I agree that we cannot claim that everything has changed on the basis of one poll. However, a number of polls—not just the Survation poll—point to a shift. Peter Kellner has pointed to the same thing: a shift, for instance, from working-class voters on this issue. Other Members quoted the figure of those responding to the Survation poll.
which is just under 50%, whereas 34% oppose such a referendum.

When I was quoting those figures, I saw the Minister shaking his head. I am not sure whether he disagrees with Survation’s methodology—perhaps he does and would like to set that out—but those are the figures that it provided, and I am sure its poll was decent and well researched. The main argument deployed against having a vote on the deal is that the will of the people was expressed on 23 June 2016, so job done; we proceed. Well, people around the world are considering with increasing concern whether there was, for instance, significant Russian interference in the US elections. Will they be happy and confident in future years simply to go along with the result, knowing that the Russians might have played a significant role in perverting the outcome of the election?

The hon. Member for Newport West referred to the debate that will take place next Wednesday, on 20 December, about Russian interference in UK politics and society. There is evidence of organised Twitter activity by the Russians, seeking to influence the outcome of the EU referendum. Why did they do that? Because it is in their interests to split up the European Union, and they know that the UK played a significant role in ensuring that sanctions were applied to Russia. There is evidence. I ask Conservative leave supporters what level of interference from abroad or lies peddled at home—I will not cover the ground about the £350 million a week for the NHS, as it has been mentioned frequently in this debate—would make them feel that maybe the result was not quite so convincing after all. It was only 52% to 48%.

I have before me a selection of leaflets—I will not go through them, because I know that we need to get to the Front-Bench speeches—containing what the leave campaign said during the EU referendum period. They say that we will get lots of money back after leaving the European Union, but they do not mention all the additional costs, including duplicating agencies and the settlement bill, which we now know is a down payment, not the final payment. We might have to pay for access to the single market and the customs union, when we know that we will have a smaller economy. Again, the Minister shook his head when the figure of £65 billion in shrinkage was mentioned; that was actually the Chancellor’s figure, so I am not sure what he was disagreeing with.

We know that the NHS is spending more money on visas for nurses, because nurses are not coming from Spain, Portugal and Italy anymore. In fact, I have been told that the recruitment fairs that the NHS used to hold have stopped, and nurses are coming instead from Thailand and India. The difference is that the Government—the hospital trust—must pay £1,000 per visa to secure those nurses, whereas when they came from Spain, Portugal and Italy, it cost NHS trusts nothing at all.

I do not have time to go through all the things that were said by the leave campaign in its leaflets, none of which, I argue, has been delivered. Another Member referred to the Citizens’ Assembly on Brexit, which I certainly recommend. It is an example of the will of the people being expressed through a deliberative and constructive process that takes people through the arguments. It is the debate that we should have had before the EU referendum, but did not. The outcome, hon. Members will be interested to know, was that on migration, people wanted to “retain free movement of labour, but with the UK Government exercising all available controls to prevent abuse” of the system. Incidentally, the UK Government could have done that, but chose not to.

**Catherine West:** I will be extremely brief, because I know that there are other speeches to be made. Does the right hon. Gentleman agree that instead, we have had a bitter debate that has been xenophobic in tone, has lacked a lot of facts, and has led to an increase in hate crime since the beginning in earnest of the referendum period?

**Tom Brake:** Yes, and I suspect that every Member who is a remain supporter will have experienced that on stalls. People have come up to me and accused me of being a traitor. When papers talk about people being saboteurs, it clearly feeds that section of the population who might respond aggressively. It has fed that, and I regret it.

I will finish on a point about the strongest reason why Conservative Members should support the idea of a vote on the deal. First, even the most hard-line Brexiter must recognise that this is bad news for the UK—for UK jobs and UK families. It is also bad news for the Conservative party, because this is Tory Brexit. The Conservative party is delivering Brexit, and if it turns out as badly as some economic analysts predict, I expect that it will hang around the neck of the Conservative party for the next 20 or 30 years; I hope so. The Conservatives have an opportunity to engage the public and give them their say. If the public endorse and want to proceed with a deal that causes us more and more damage as each day goes by, they can say so in a referendum, but if they do not, that will give the Government the let-out that they need to stop them embarking on a course that Members of Parliament overwhelmingly knew would cause us damage, as we have heard it from some here today, and still know will cause us damage—but that they intend to proceed with anyway.

6.45 pm

**Peter Grant** (Glenrothes) (SNP): Thank you for calling me, Sir David. I am grateful for the chance to begin the summing up. I am not yet persuaded, but I am certainly open to persuasion. I do not agree that we can look for a second referendum just because we do not like the result of the first, any more than I like the idea that every defendant should be allowed to appeal over and over just because they did not like the verdict; it must be demonstrated that there was something wrong with the process.

In this case, there was something badly wrong with the process. Some of the flaws in the referendum legislation and process have already been highlighted, although it must be said that if some of the people raising those concerns had voted against the referendum Bill on Second or Third Reading, or voted against triggering article 50 instead of following their Whips through the Lobby, it might have been a different story, although I now that some Members who were here earlier did in fact rebel on some of those votes.
Geraint Davies: Will the hon. Gentleman give way?

Peter Grant: I am just about to refer to the hon. Gentleman, so I might be about to cover his point. He commented on the clash of dates in Wales, Scotland and Northern Ireland, which had vital national elections just a few weeks before the EU referendum. It was not realistic to expect all in those elections not to campaign on issues for which the individual Parliaments were responsible and concentrate on the EU referendum.

The franchise has been mentioned; 16 and 17-year-olds, who statistically had more to gain or lose from the referendum result, were the one group excluded. EU nationals were not allowed to vote. Who anywhere in the UK has been more affected than EU nationals? The rules that usually control funding in elections in Great Britain did not properly apply, so a £500,000 donation was able to be channelled into the leave campaign—from who knows where—via the accounts of a political party in Northern Ireland, where, for understandable reasons, there have been more moves to retain the confidentiality of those who fund political parties.

As has been said on numerous occasions, there was no process whatsoever to hold anybody to account for telling the biggest pack of lies ever told during the referendum campaign. The £350 million on the side of a bus was certainly the biggest in terms of the size of the letters, but it was not the only or the biggest lie that was told.

Martin Vickers: Will the hon. Gentleman give way?

Peter Grant: I will give way first to the hon. Member for Swansea West (Geraint Davies) and then come back to the hon. Gentleman.

Geraint Davies: The hon. Gentleman likened the situation to a court making a decision, and mentioned the process. Surely the other issue is fresh evidence, and an abundance of evidence is emerging every day that people will pay more and more jobs will be lost. Now that people are realising what the evidence is, they are changing their minds.

Peter Grant: I will come back in due course to the wider question of whether the circumstances have changed significantly or whether people simply understand the circumstances better now.

Martin Vickers: Since the referendum, we have heard repeatedly about the myth of the £350 million. “Where is the money?” is the question repeatedly asked. Does the hon. Gentleman accept that the £350 million will become available only after we leave?

Peter Grant: Well, it might become available after we leave, but I have not seen any hint of it in the Chancellor’s forward spending projections, or any indication that the NHS will suddenly become adequately funded, after not having been for a long time. The simple fact is that that was a good example of taking one isolated piece of information about the European Union and interpreting it to say whatever was wanted. In a previous Westminster Hall debate, I remember a number of hon. Members on the leave side claiming that nobody paid any attention to that big red bus anyway, which makes me wonder why they spent so much money driving it the length and breadth of these islands.

On the change of circumstances, I would always say that if it cannot be demonstrated that there has been some change of circumstances, it is difficult to argue for a rerun of any kind of process, whether an election, a referendum or anything else. In this case, it is difficult to be sure whether the facts have changed or whether people are more in possession of the facts than before. Certainly, some people have switched from vote leave to vote remain because they simply did not understand how complicated and fundamental a change this could be—the hon. Member for Brighton, Pavilion (Caroline Lucas) gave some exceptional examples of that.

With permission, Sir David, I will quote at greater length than I would normally from a document that was published shortly before the referendum, to give an indication of how people’s interpretation of the facts can sometimes change. It says:

“Voting to leave the EU would create years of uncertainty and potential economic disruption. This would reduce investment and cost jobs...it could result in 10 years or more of uncertainty as the UK unpicks our relationship with the EU and renegotiates new arrangements with the EU and over 50 other countries... Some argue that we could strike a good deal quickly with the EU because they want to keep access to our market. But...it would be much harder than that... No other country has managed to secure significant access to the Single Market, without having to: follow EU rules over which they have no real say; pay into the EU; accept EU citizens living and working in their country”.

A number of hon. Members will be familiar with that information, which comes from the document about the referendum published by the UK Government in April 2016. The hon. Member for North East Derbyshire (Lee Rowley) spoke glowingly about what a good-quality publication it was.

We might look back to those Government announcements from April 2016 and say that they got it right, but unfortunately they are now telling us that they got it wrong. They are telling us that the negotiations will be very quick and there will be no loss of investment, no loss of jobs and all the rest of it. The Government have changed their mind; they have obviously decided that there has been a significant change of circumstances. The Prime Minister has gone from a remainer to a leaver; the Foreign Secretary had written an article for a newspaper saying why we should remain, and changed his mind; and of course, the Environment Secretary went from the best friend and strongest supporter of the Foreign Secretary’s leadership campaign to somebody who chose to stand against him. Even at the highest levels of government in these islands, Cabinet Ministers can change their minds very quickly. I understand the argument that if the people change their mind at some point in the future, they should be given the opportunity to express that at the ballot box.

Generally speaking, however, I take the view that the way for a party to change a referendum result is to get elected at the ballot box with an explicit manifesto commitment to a referendum. The Liberal Democrats had that manifesto commitment at the last election, but they did not come close to winning. I do not think we can say that everybody who voted Liberal Democrat wanted another referendum. We certainly cannot say that everybody who voted for another party did not want another referendum. If somebody wants to put the public through a process such as a referendum, they have to have some kind of clear public mandate for that. Only in exceptional circumstances could Parliament...
Peter Grant: The right hon. Gentleman may well say that; I could not possibly comment. I remind him, however, that like his colleague the hon. Member for Bath (Wera Hobhouse), I am a member of the Exiting the European Union Committee and we have had a lot of interesting discussions about why the Government might or might not want to disclose stuff, to decline to say whether it has been done, and then eventually to say that they cannot disclose it because it does not exist.

I understand why the result of the June 2016 referendum came as a massive shock for a lot of people—people who voted to leave, as well as some who voted to remain. It is correct that most people, however they voted, had no idea what a massive decision they were taking. I have been accused—in the Daily Express, no less—of saying that people were stupid. I do not think that they were stupid on 23 June; I think that they were badly informed—sometimes they were ill-informed—and certainly they were misinformed a lot of the time.

The social implications of leaving the European Union have still not been properly discussed. I travel to other parts of Europe on parliamentary business, and I went to Northern Ireland with the Exiting the European Union Committee just a few days ago. The social impact of a possible change in the relationship between Northern Ireland and its neighbour to the south is really frightening people. I do not use that word lightly; people are frightened about what will happen to their communities and to their social and family links.

In Donegal, if someone needs radiotherapy, they go to a foreign country—they cross the border into Northern Ireland and the Government of Ireland help to pay for that hospital. On both sides of the border, people are used to the fact that they go to hospital or to school or visit their granny in a different country. It is not just about whether people will be allowed to stay there and continue to make those journeys every day of their lives, but about the fact that a decision has been taken—not by the people of Northern Ireland, incidentally; as in Scotland, they voted to remain in the European Union—by somebody else that will fundamentally change the psychology of the relationship between Northern Ireland and the Republic of Ireland. The psychological and social impact of Brexit in Northern Ireland has not been touched on in most of our debates over here.

Comments have been made today about the size of the majority in the referendum. I am not convinced that that is a strong argument because we could wait a long time before we got any more than a 10% majority either way on the question of leaving the European Union. People have sincerely held views in opposite directions, so if we set a limit that there has to be a majority of more than so-and-so per cent., we could be going over it again and again. I do not think that would help.

If the Government want to continue to insist that Parliament simply has to vote for whatever deal they come back with at the end of this process—remembering that the only choice we have just now as far as they are concerned is to accept their deal or have no deal at all—it is important that they are a lot more inclusive about who contributes to those negotiations. They have to be prepared to listen much sooner in the process, not only to the Opposition, but to their own Back Benchers. If they had had the humility to do that during the first round of negotiations, we would have got to the stage we reached on Friday a lot sooner and with much less pain and grief.

The time may yet come when I will be prepared to say that there has to be a second referendum on EU membership. I do not rule that out; indeed, I suspect that I am coming closer to that view as each day passes. However, although I fully understand the grief that people are suffering as a result of the vote, I think that when we give people the right to take a decision, we must give them the responsibility to live by its results. I suspect that if we had a second referendum, either during this Parliament or at some other time, we would have a much more constructive and better informed debate than we did last time. I certainly know the result I would hope for if that happened, but—as always—I will accept any result that shows the will of the people.
Paul Blomfield: Many of us have described it as a step on the road to what our future relationship might look like, but it is only the first step; the big issues remain unresolved, and will continue to be unresolved by the date that the right hon. Gentleman suggests for another referendum.

Geraint Davies: Will my hon. Friend give way?

Paul Blomfield: I will not, actually, because my hon. Friend has had plenty of opportunity to contribute to the debate.

From day one, the Opposition have argued that Parliament should have the final say on our deal before March 2019, and that that should be a meaningful and real decision, with all the choices in front of us.

Wera Hobhouse: I have asked the Government to set out their estimated timetable for negotiations and agreements, but so far we have been denied that road map for the decision making. I believe we are in danger of leaving by coincidence, as it were, and it is important that the Government at least provide a timetable of how they think the decision-making process will go ahead.

Paul Blomfield: That might be helpful, but if the Government did provide such a timetable, they would discover that they are already two months behind their first target date.

I understand the frustration of those who call for another referendum. Judging from the comments of leading leave campaigners in the days before the 2016 referendum, we would be facing the same demands from the other side if the remain camp had won by the same margin.

Catherine West: Does my hon. Friend agree that the Government’s lack of preparation for the result was a dereliction of duty? If they had been more prepared the week after the referendum, that would have speeded things up; at least we would have had some sort of a road map by now. It is the feeling that the process is completely out of control that is so frustrating.

Paul Blomfield: My hon. Friend is absolutely right. The arrogance and confidence with which the Government approached the referendum campaign was probably what led to the result; it certainly meant that they were not prepared for the outcome.

I also understand the frustration that the promises made by leave campaigners were so quickly disowned after 23 June, whether that was the nonsense about £350 million a week for the NHS or the expectations about migration that were unleashed but that the Government have no intention of delivering in the way that the leave campaign led people to expect. Since Labour’s view was that our membership of the European Union was too complex and far-reaching an issue to be resolved by a simple binary vote, we did not support the call for a referendum at the time of the 2015 election. At least the enthusiasm of the right hon. Member for Carshalton and Wallington (Tom Brake) for a further referendum matches his enthusiasm for the last.

We have heard some interesting contributions to the debate. The hon. Member for East Renfrewshire (Paul Masterton) made some thoughtful comments. The hon.
Member for North East Derbyshire (Lee Rowley) was probably right to say that these debates slip too often into tribalism, although I thought he was edging towards itself at the end of his contribution. One of the problems with a simple binary vote was that it left the result open to the extreme interpretation, and those on the right of the Conservative party have tried to fill the void. They quickly seized upon the result, describing the decision as the biggest mandate in UK political history, which it was not. The number of people who voted to leave in 2016 was roughly the same as the number who voted yes in 1975—and that was a 67% vote in favour of joining the European Community. However, that did not stop some of the leave campaigners who remained consistent for more than 40 years in seeking to overturn that vote.

At the same time, some of those same people have interpreted the 2016 vote as a mandate for the deepest rupture possible, which it was not. As others have pointed out, it was not a mandate for driving over a cliff edge with no deal, or without a transitional deal on much the same terms that we have now. It was not a vote for leaving all the agencies and partnerships, from Euratom to the European Medicines Agency, and it was not a vote for turning our back on the single market or for walking away from the customs union, regardless of the consequences. It was simply a vote to leave the European Union. It was a close vote—a painfully close vote—but there was a clear decision, and we should be implementing that decision in a way that tries to unite the country and not divide it.

I turn to the contribution of my hon. Friend the Member for York Central (Rachael Maskell), because she addressed a central issue. I have been involved in all sorts of campaigns over the years, but one of the worst aspects of the 2016 referendum was just how unpleasant and divisive it was. I did dozens and dozens of meetings in my constituency, trying to make the case for us to remain within the European Union, and I was delighted that my constituents voted—by about 70%—to remain. However, the very last question at the very last meeting that I attended in a local church has stayed with me ever since. Somebody said, “How are you going to put together our broken country after this referendum?”

Another referendum will not tackle that challenge, but frankly nor will the approach of the Prime Minister in allowing the extreme Brexiteers in her party, who are a minority, to set the agenda. To be fair to the Prime Minister, she went to the country in June to seek a mandate for extreme Brexit, but she did not get it. That vote of the people deserves respect, too, but she is pushing on regardless and allowing the internal management of the Conservative party to come before the national interest.

The hon. Member for Cleethorpes (Martin Vickers) talked about this issue having been a running sore. Others have pointed out that it is not a running sore through the country; it has been a running sore through the Conservative party.

**Martin Vickers:** May I intervene on that point?

**Paul Blomfield:** Yes, I would love the hon. Gentleman to do that.
would respect the result, and that is what we are doing. The result of the referendum on 23 June 2016 saw a clear majority of people vote to leave the European Union. This Parliament overwhelmingly confirmed that result on 8 February this year, by voting with clear and convincing majorities in both Houses for the European Union (Notification of Withdrawal) Bill. The Bill was passed by Parliament on 13 March 2017 and it received Royal Assent from Her Majesty the Queen, becoming an Act of Parliament on 16 March 2017. The UK voted to leave the EU and it is the duty of the Government to deliver on that instruction.

Caroline Lucas: The Minister says that the people voted for Brexit, but the ballot paper had no clear option regarding the single market and the customs union. Will he not accept that the Government have no mandate at all for the kind of extreme Brexit they are pursuing, whereby we would be out of the single market and out of the customs union? That was not on the ballot paper and he cannot claim that it was.

Mr Walker: I say to the hon. Lady that we have been very clear that we respect the position of the European Union but the four freedoms are inseparable, and therefore the Prime Minister was clear in her balanced Florence speech that our approach will be to come outside the single market and the customs union, and to negotiate a new relationship with the European Union, which I will come to.

The 2016 referendum was one of the biggest democratic exercises in British history. Turnout was high, at 72%, and more than 33 million people had their say. As my hon. Friend the Member for North East Derbyshire made clear, at that time the Government made the implications regarding the decision that people were taking very clear.

Like my hon. Friend the Member for East Renfrewshire (Paul Masterton), I campaigned for a different outcome, but I also spoke out repeatedly in this House, both before and during the passage of legislation for a referendum, about trusting people on this matter. As I have emphasised to the House before, and as I think the hon. Member for Sheffield Central made very clear, this was not a decision made after just a few weeks of campaigning, but one that came after a debate that had exercised this House and our country for decades. Indeed, as the hon. Gentleman said, this debate should not be seen as a debate on a second referendum so much as a debate on a third referendum, but each of those previous referendums were billed as the decision for a generation and we should respect that.

Tom Brake: Will the Minister give way?

Mr Walker: In a moment; I will make a little progress first.

Two of the petitions under discussion suggest that we hold a new referendum on the final deal, with the option of revoking article 50. I stress to the House, as many Ministers have done previously, that the Government are committed to delivering the result of the June 2016 referendum. We have been clear that this is a firm matter of policy; article 50 notification will not be withdrawn.

E-petition 200004 suggests that a second referendum should give voters three options. I think that a number of Members have touched on the risks of that. Such a three-way referendum would almost certainly not deliver a majority for any of the scenarios and I strongly advise against any course of action that would end in considerable constitutional uncertainty. The people of the United Kingdom have already delivered a mandate with a majority, and the Government are committed to deliver on that.

Last September, when a similar petition was brought before this House for debate, it had more than 4 million signatures. Despite that, however, the motion failed to garner a single Member of this House to speak in favour of it during the debate. The hon. Member for Swansea West (Geraint Davies) subsequently said to me that he would have been at that debate to speak in favour of it, had not business kept him elsewhere; I think he more than made up for that in his long contribution today.

Tom Brake rose—

Geraint Davies rose—

Mr Walker: I will give way to the hon. Member for Swansea West, seeing as I mentioned him.

Geraint Davies: As I explained at the time—the Minister has probably forgotten—I was in Strasbourg, making a speech on how disastrous Brexit would be. If those people who voted in good faith for Brexit now find that, because of the €40 billion, they have less money, rising inflation, higher costs, lost jobs and lower prospects and therefore change their mind and say, “Look, I was wrong,” should not they have a right to a say on the Brexit deal? Why not?

Mr Walker: I should perhaps ask the hon. Gentleman to give way. He is in danger of making another speech. I do not share his pessimism. I believe we can achieve a successful outcome to the process. The premise of his question is, therefore, wrong.

The hon. Member for Glenrothes (Peter Grant) made an interesting speech. He talked about manifestos and elections. Indeed, it is worth noting that at the general election earlier this year more than 85% of people voted for parties that were committed to respecting the result of the referendum. Both the Labour and the Conservative party manifestos made such a commitment clear. The people have spoken and the Government have made it clear that we have listened. Rather than second-guess the British people’s decision to leave the European Union with a second or third referendum, the challenge now is to make a success of it, and that is how we are approaching the negotiations—anticipating success, not failure.

It is vital that we try to reach an agreement that builds a strong relationship between Britain and the EU, as neighbours, allies and partners. I respect the point that the hon. Member for York Central (Rachael Maskell) made—indeed, it is one I have made in previous debates, including the last time we had one on the referendum—but we need to bring people together through that process, and I believe that the Prime Minister’s speeches in Florence and at Lancaster House set out to do exactly that.

Tom Brake: Given that the Minister was a remain supporter, have his reasons for supporting remain, which presumably were about the economy, changed and does he now think that Brexit will be a bonanza for the UK?
Given that we will have to pay €40 billion as a down payment for the settlement bill, does he believe that the Government will be in a position to deliver on the genuine issues that were raised by leave supporters with regard to housing, infrastructure, skills, jobs and so on?

Mr Walker: I disagree with almost every part of the right hon. Gentleman’s intervention. I believe we will be in a position to deliver more housing. We have already delivered more jobs and we will, I believe, continue to do so. We can make a success of the process. Indeed, I was asked a similar question on local radio over the weekend, and was able to say that as a result of the progress made in recent weeks I am more confident than ever before about the outcome of the process.

I ask the House to consider, as my hon. Friend the Member for Cleethorpes (Martin Vickers) clearly pointed out, the message that would be sent to the electorate if we failed to respect the outcome of the referendum. It would risk public trust in this institution. As the Prime Minister said recently, this is about more than the decision to leave the EU; it is about whether the public can trust their politicians to put in place the decision they took. The British people can trust this Government to honour the referendum result and to get the best deal possible. We recognise that to do otherwise would be to undermine the decision of the British people, and that would have worrying implications for our democracy.

Wera Hobhouse rose—

Mr Walker: That does not mean, of course, that the process should be without scrutiny, a great deal of which has been provided by the hon. Lady, so I will give way to her.

Wera Hobhouse: The Minister has just said that he changed his mind: he campaigned to remain but he is now convinced that we can make a success of leave. Because he is an MP he can afford to change his mind, but what he is saying means that other people cannot change their minds and should not be given the opportunity to do so and have that reflected in a vote. If this is going to be such a wonderful success—I keep saying this—why not call for a confirmation of the decision? Then we could all be 100% sure, and all those remoaners and reversers will finally have to shut up because people will have confirmed that this is the best thing since sliced bread.

Mr Walker: Like a number of Members, I spent a lot of time talking to my constituents about the issues. I respect the decision they took in the referendum, and I want to see that through and deliver for them on this once-in-a-generation opportunity, which Parliament voted to give them, to decide on the matter. The Government are meeting their commitment to engage with Parliament and keep it informed, and to allow for proper scrutiny. The hon. Member for Clwyd South pointed out in her opening speech that the Prime Minister was making a statement in the main Chamber when this debate got under way. I think it is a good thing that that statement went on for two hours, with the Prime Minister directly answering the questions of Members of Parliament, and we will continue to do that in DExEU, through regular statements and Committee appearances, and by timetabling debates in Government time.

Susan Elan Jones: Will the Minister give way?

Mr Walker: I need to make a little progress. I will give way to the hon. Lady in a moment. As we have said, both House of Parliament will have the opportunity to vote on the final agreement reached with the EU as soon as possible after the deal is agreed, and it will be a vote on whether to accept the deal or move ahead without one. But we have gone further. The withdrawal agreement and implementation Bill will give Parliament further time to debate and scrutinise the final agreement we strike with the EU. Although parliamentary scrutiny is important, I remind the House that those will not be opportunities to reverse the instruction of the people of the United Kingdom. We will be leaving the EU.

Turning to negotiations, we have reached an extremely significant point.

Susan Elan Jones rose—

Rachael Maskell rose—

Mr Walker: I will give way to the hon. Member for Clwyd South, who moved the motion, but I am afraid that will probably have to be the last intervention.

Susan Elan Jones: I credit the Minister with seemingly being one of the few in government who really does not misread, and that is rather good. Earlier, he said that article 50 will not be withdrawn, but he did not say that it cannot be revoked. Am I correct in my hearing?

Mr Walker: The hon. Lady has, I think, correctly quoted me.

The UK and EU negotiating teams’ joint report published on Friday highlights the progress already made in negotiations in three areas. The first area is a fair deal on citizens’ rights, which allows for UK and EU citizens to get on with their lives broadly as now, in the country in which they live. The hon. Member for Swansea West spoke about swapping elderly Brits for young EU citizens. Quite apart from that playing to a stereotype, which I know many British people who live in EU countries and contribute to the economies of those countries resent, I say to him that it was never the intention of anyone in the process to force people to leave their homes. I am glad that an agreement has been reached to give reassurance to 4 million citizens—both EU citizens in the UK and UK citizens in the EU.

The second area is an agreement on the island of Ireland, and the situation in Northern Ireland, about which the hon. Member for Glenrothes spoke passionately. The agreement preserves the territorial integrity of the UK and the progress, peace and stability that has been brought about by the Belfast agreement. The solution will see no hard border, and no physical infrastructure at it. The third area is a financial settlement that honours the commitments we undertook as a member of the EU, as we said we would. It is a fair delivery of our obligations, in the light of the spirit of our future partnership.

On that last point, I would like to take the opportunity to respond specifically to e-petition 187570, which refers to penalty charges. Let me be clear: there is no suggestion that the UK will pay a penalty charge for leaving the EU. Both parties have now agreed a methodology for a
fair settlement of the UK’s rights and obligations as a departing member, in accordance with the law and in the spirit of the UK’s continuing partnership with the EU.

The joint report is, overall, an important step forward for both sides and demonstrates the interests we share in managing our exit smoothly, and in moving the negotiations on. Above all, it signals that we now have a common understanding, and it is clear that both sides want to move forward together towards a discussion of our future relationship. I commend my hon. Friend the Member for East Renfrewshire on engaging with that in his contribution and on showing the approach we can take to making a success of it.

As we approach the December European Council on Thursday, we look forward to progressing the negotiations in the mutual interest of the UK and the EU. Any commitment to a second referendum would actively undermine our negotiating position. As my hon. Friend the Member for Solihull (Julian Knight), who is no longer in his place, pointed out in an intervention, the Secretary of State for Exiting the European Union has noted:

“The consequence of putting a second referendum at the end of the negotiation is to invite every single member of the European Union who does not want us to leave to propose the worst possible deal, in the hope that we will change our mind”.—[Official Report, 24 January 2017; Vol. 620, c. 176.]

We are not going to do that. We will seek the best deal for the UK and we intend to negotiate under the best possible conditions. To do otherwise would be irresponsible in the extreme.

Our position is clear: there will be no second referendum. Our focus should now be on making a success of Brexit and attempting to get the best deal possible, an agreement that is in the interests of the United Kingdom and the European Union and one that takes in both economic and security co-operation. It is the Government’s duty to deliver for this country and reach a desirable final agreement, and we will do just that.

7.28 pm

Susan Elan Jones: We have had a comprehensive debate, but it will not be the last on the subject. I am sure that it will be raised many more times on the Floor of the House and, probably just as significantly, across our country.

Question put and agreed to.

Resolved,

That this House has considered e-petitions 200004, 187570, 193282 and 200311 relating to a referendum on the deal for the UK’s exit from the European Union.

7.29 pm

Sitting adjourned.
Domestic Violence Refuges: Funding

9.30 am

Mr Laurence Robertson (in the Chair): Before I call the mover of the motion, it might be helpful to hon. Members if I say that, given the level of interest in the debate, I will impose what looks like being a four-minute time limit on other Back-Bench speeches.

Jess Phillips (Birmingham, Yardley) (Lab): I beg to move,

That this House has considered funding for domestic violence refuges.

It is a pleasure to serve under your chairship, Mr Robertson. I believe that is the customary thing to say.

Refuge accommodation is not a bed space; it is a lifeline, a community, and an experienced and knowledgeable place for recovery. Refuge is a place where people are rebuilt, where families find each other. A bed is a place where we sleep; a refuge is far more remarkable, and we would not necessarily know it unless we had seen it.

I remember a woman coming into the refuge where I worked. She could not speak or eat, because she had been starved as part of her control. I will never forget watching a refugee worker sit with her for hours, gently feeding her some lukewarm baked beans, teaching her how to feed herself again.

I remember another family where the mother had been so belittled and so dehumanised by her abuser that she could not parent her kids any more. She had no power or influence over them at all, and her 11-year-old daughter had become the mother to a seven-year-old and a three-year-old. Refuge family support workers had to rebuild that family: teach mom what parenting was and, more importantly, teach her daughter to be a kid again. I will never forget that once-serious child twirling, dancing and giggling along with the other children living in the place, after weeks and weeks of structured activity to give her the freedom of any child. If I close my eyes and think of refuge, it is not sad; it is not the image so often seen in hard-hitting domestic violence posters of a battered woman covering in a corner. What I see is that child’s face; I see her spinning, carefree between the flats. She is a phoenix.

I start this debate by saying that I do not agree with the Government’s proposed new funding model. I do not agree that it is the right approach yet.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): The Hull Women’s Aid service manager told me that that service, the only one of its kind in Hull, has faced year-on-year cuts of up to 15% since 2013. Loss of support for survivors would have a massive long-term impact on their mental and emotional health. Does the Minister honestly think that if a ring-fenced funding pot now went to that local council, which has to make tens of millions of pounds-worth of cuts this year, it would not just use the money to cover the contract fees of its commissioned service? Councils would rightly use that money to ensure that their refuge contracts can be maintained in a time of cuts. At my old organisation, that would close the extra 10 beds—which, by the way, were nowhere near enough.

To use the example of the specialist refuge accommodation provider in Slough, an organisation called Dash, we can see how precarious council-commissioned services can be. Dash was always the refuge provider in the old days of Supporting People. When its council set up a commissioning process for the local refuge service, Dash did not win. Instead, the contract went to a generic housing association service. Dash, however, maintained its 14-bed refuge with housing benefit and its own charitable fundraising. Years later, when the council decommissioned its refuge offer—again because of council cuts—the generic provider did not carry on because it was no longer financially viable for it. Its 18 beds closed. Unlike the specialist service, the generic provider’s commitment went with the contract, not with the needs of the women and children. Slough used to have 32 beds servicing the local area; now it has 14. Again, does the Minister think for a second that when the Government give the proposed money to the council, Slough will go back to 32 beds? Or will it just backfill and fund the 14? Historically, refuge support costs in Devon were funded through the Supporting People programme, administered by Devon County Council. Mirroring national trends after the demise of that funding, in 2014 Devon County Council ended grant funding and began to tender for domestic abuse services—but refuges were not included in the tender at all. That decision forced one of the two operating refuges in the county to close, cutting 12 rooms for women and children.

How will the Government decide which local area gets what? Will it be decided on the basis of what exists now, which will leave many local areas without anything?
Incidentally, the Prime Minister's own council, the Royal Borough of Windsor and Maidenhead, stated in a letter that I had yesterday:

“We do not commission places directly but we spot purchase accommodation for eligible clients through our housing options service”.

How will we give money to those local authorities that currently do not bother to take responsibility themselves, but rely on the housing benefit system to send women to other boroughs? I find it quite remarkable that the council area of the Prime Minister's seat, a place that looks after her constituents, does not commission a single bed space. Instead it relies on no doubt a poorer neighbouring council and the well meaning specialist agencies to do the heavy lifting so that it can send its women there. How on earth, in the Government's proposed system, will they get a fund that has to react to need rather than to guessed figures at the beginning of the year?

Local grant funding for short-term supported housing will be based on current projections of future need and informed by local authorities, according to the Minister's Department. That will be a fixed pot of money, and it is not clear how that will flex or respond to actual levels of demand for refuge. Refuge demand far outstrips supply, and there is no clear model for predicting future need. For example, demand for refuge is likely to increase if the Government's ambitions in the domestic violence and abuse Bill are achieved, and more victims come forward to seek help. It will be extremely challenging, if not impossible, accurately to project future need for refuge by consulting with local authorities alone. What happens if all the money is spent by November? Will we turn women away? The housing benefit system responded to demand, not guesswork based on already under-supply.

So to quality, and I return to the families I talked about at the beginning of my remarks. What are the Government going to do to make sure that local councils use that fund to provide more than just a bed? As the Royal Borough of Windsor and Maidenhead council said in its letter to me,

"the housing option service is confident in securing emergency accommodation for its customers"—

I would say “citizens”, but whatever—

"through either refuge space or its temporary accommodation providers".

It goes on to say the council ensures that people are housed in “appropriate” temporary accommodation.

What does “appropriate” mean? I have been to appropriate accommodation. I have seen the bed-and-breakfast accommodation where vulnerable people get stuck. I have seen five beds all in one dirty room, a bathroom with used condoms left in the shower by the previous tenant. I have seen how appropriate temporary accommodation means placing young, 18-year-old girls who have been sexually abused and exploited in the next room to men released from prison that same week. How very appropriate. I have seen families left in rooms with no cooking facilities at motorway service stations around Birmingham—left for months to eat packets of sandwiches and travel two hours a day to get their kids to school.

Why, on a dark Sunday night, did I receive a phone call from a group of women in a refuge commissioned by Kensington and Chelsea council, whose ceiling had fallen in? My very first question was, “Where is your on-call manager for this service?” Why was there no one there? I have been an on-call manager and I have spent my nights putting on boots over my pyjamas and going to deal with a problem in a refuge: a baby being born or the fire alarm constantly going off. The bare minimum is that someone should be no more than a phone call away. These people are at risk; they are in danger. How will the Government check that councils spend the money and what they spend it on? What audit function will they put in place to make sure that quality refuge services are commissioned and actually help people? Local need, which is what has been outlined, means very different things. I want to see little girls given back their childhood. I want to see caring, well paid support workers sitting over their clients who are so traumatised that they cannot eat. I want lives to be rebuilt. I do not want a bed for the night.

One of the domestic homicide reviews I was involved with, where a young mother with three children was brutally murdered, told the story of a woman housed in “appropriate accommodation”. Left lonely in a Birmingham hotel, without any of the safety measures or supports that the proper refuge, which was full, would have provided, she went back. She is dead now.

Who will check that taxpayers' hard-earned money is paying for care, safety and love, rather than lining the pockets of hoteliers and money-driven contractors? It is money down the drain. If Ministers care about taxpayers—I believe they do—quality and value for money matter.

Currently, much of our taxes go on nothing at all. I have heard the Government talk about the thousands of new bed spaces and the experts on the ground. My own experience of trying to house victims tells me a very different story.

I asked the Department, in a parliamentary question, to tell me exactly where the bed spaces are. The Minister handed me a document just before the debate, and I received the response to that question at 8.51 this morning. I understand that there was an issue and I will give the Minister the benefit of the doubt. As I looked at the data this morning, I simply could not see a reality: the data says that there are 34 new bed spaces in Solihull, my neighbouring borough, which has joint refuge services with Birmingham and Solihull Women's Aid. I texted the manager of Birmingham and Solihull Women's Aid this morning: so far, she is not sure what that is on about. We shall wait and see.

Stella Creasy (Walthamstow) (Lab/Co-op): My hon. Friend is making an incredibly powerful case. Is she as worried as I am to read that only a third of women who need a place in a refuge get one? The changes she talks about could make that situation even worse. Does she agree that that is an untenable situation?

Jess Phillips: It is a totally untenable situation. I understand that we all have to get our own clothes to meet our needs; however, I never hear Ministers just say, “We can’t afford this.” If that is the reality, they should come out and say it. We cannot say that we will do something about the problem, when the reality is laid so bare across the country.

I would stake £100 million on the fact that the first page of the Minister’s speech is about the £100 million that the Government are investing to prove their commitment to the problem of domestic violence. He
has time to amend that now; otherwise I will owe him £100 million. Where the hell is the money going? By all accounts it is stuck in a local authority commissioning problem in most cases, which should be a warning for the future. I am not seeing any extra money. What I am seeing is 90 women and 94 children turned away from refuges every day. I am seeing Birmingham City Council removing 2 million quid from their supported accommodation budget in 2020, including refuge accommodation. The local drop-in services for victims across the city have already gone and the housing and homelessness advice provided in local neighbourhood offices has also gone—but then so have the neighbourhood offices.

Where is the £100 million? Has the Minister’s Department done an assessment of how much local councils have taken out of domestic and sexual violence services in the last seven years? The £100 million cannot be a number that people say at the Dispatch Box: it needs to mean something. Although I am not normally a betting woman, I will go double or quits with the Minister that, in fact, much more than £100 million has been taken out of local services.

I pay tribute to the 118,000 people who signed Women’s Aid’s petition to stop those changes. The specialist women’s sector have all come out to say that the proposed refuge funding changes will potentially cut a third of all refuge beds. We must listen to the sector and think again. In total, Women’s Aid estimates that 588 bed spaces will be lost—places that would have supported 2,058 women and 2,202 children during this year. When added to those who were already turned away, as my hon. Friend the Member for Walthamstow (Stella Creasy) said, the result is 4,000 women and children being turned away from life-saving services that they desperately need.

I will add my two pennies’ worth—or my £10 million; I seem to be in over my head financially—and say that is not that complicated. We must make refuge accommodation a statutory requirement of local authorities and give local councils exactly what that costs, along with guidance and standards. We have written those before and it is not rocket science; we used to have them when I first started. We used to require councils to provide one bed space for every 10,000 of the population. I remember filling in the very dull monitoring forms myself. Let us look at what is actually needed and fund that.

We cannot just let some councils opt out. I have been a local councillor; in fact, I oversaw much of the vulnerable adults commissioning. Local councils care, but if there is a homelessness problem and a pot of money that will pay to solve that regardless of the actual needs of those who need housing, councils will take the path of least resistance. Local commissioning practices, which often lack domestic violence expertise, have severely damaged specialist refuge provision. In the context of major demand for refuge and other short-term services, budget constraints and pressures on local authorities to improve homelessness provision, there will be little incentive to commission a range of specialist services that meet differing needs. Instead, this one-size-fits-all model will further encourage generic, short-term housing that can be provided at lower cost but does not deliver the specialist support of a refuge. I will not bore hon. Members with details of what a murder costs the taxpayer, or how much money we spend on victims of violent crime in our A&E services. I am bored of saying how much money would be saved if we got this right. I have been saying that for years and I will say it for years to come.

I ask the Minister to do the following, and I am sure he will recognise that I will keep on pushing until he agrees, so he could save us both a lot of time and effort: he must halt the proposal to include refuges in the new funding model for short-term supported housing services, at least until the Government’s comprehensive review of refuge funding has been completed in 2018. I ask him to work with me, Women’s Aid and specialist refuge providers to design a new model that will provide a long-term and sustainable funding solution for refuges.

Chris Elmore (Ogmore) (Lab): My hon. Friend is making a hugely important and passionate speech on this subject, which I know she cares so much about. She has mentioned lots of services in England, but could I take her to Wales for a moment? The Welsh Government have devolved responsibility for many of the areas that she is discussing. We have the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, which brings consistency, quality of service and joined-up service provision for women and children who are seeking refuge, and I am sure that there is a similar situation in Scotland. Does she agree that the Government need to learn from devolved Administrations about this work? Also, the Welsh Government have allocated an extra £500,000 to tackle some of the cuts coming from consequentials in relation to refuge and housing benefit changes linked to domestic violence cases. Does she share my view?

Jess Phillips: As somebody who moans about how everything is so London-centric, I recognise that I am a bit England-centric. I apologise for that. When I worked in a refuge, we always rolled our eyes a little at the standards in Wales and Scotland. We used to say, “We wish it was a bit more like that here.” One particular area of Wales seemed to get all the innovative projects. Scotland absolutely leads the way in promoting the message that domestic abuse and sexual violence are completely intolerable. Compared with England, Scotland has always had the run on the cultural debate. The Governments of all the devolved nations and the Westminster Government need to work together to ensure that we do not have a postcode lottery, which is exactly what we have now.

The final thing I wish the Minister to commit to is a big one. I want him to make a clear commitment that no refuges will close or have to turn any women or children away as a result of the new funding model. The domestic violence and abuse Bill will, I hope, be a great thing, and I will support the Government in making that so. It would be a shame if we had to seek to amend it to include mandatory funding for refuge accommodation. If the Government get this wrong, it will be a stain on their record. They have always committed morally to this problem, although they have perhaps found committing resources a little more difficult.

I want the Minister to focus on the dancing, laughing 11-year-old. I want him to imagine her and her family support worker working through her trauma. I want him to see her mom slowly but surely take over the reins, so that that little girl can be free from her responsibility...
as the protector. I do not want to see her living in any old bed in any old service, away from her things, her school and her friends, with nothing but a bed. I do not want her to be the protector anymore—I want it to be us. She was magical. Her name was Aliyah and I will never forget her.

Several hon. Members rose—

Mr Laurence Robertson (in the Chair): Order. I am going to have to apply a four-minute limit to Back-Bench speeches. I call Paul Scully.

9.52 am

Paul Scully (Sutton and Cheam) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. It is also a pleasure and a privilege to follow the hon. Member for Birmingham, Yardley (Jess Phillips), who made a typically passionate speech about something that she really cares about and has real expertise in.

Many of us will have heard from Women's Aid about its concerns. It does a wonderful job and should be congratulated on bringing this issue to the fore. Only recently, many of us were in the Speaker's apartments listening to the tragic tale of Claire Throssell, whose children died at the hands of her partner. I have spoken before about a personal family situation and about the fact that this can happen to anybody. A domestic abuse cycle does not have to be started by drugs or by any other thing. It really can happen to anyone at any time, so it is important that we all speak out about it.

Women's Aid is absolutely right, as the hon. Lady said, that this is not just about giving people a bed for the night. We need specialist services to break the cycle and give people sanctuary from their abusive partners. I welcome the fact that Women's Aid has expressed concern and sparked debate about the closure of refuges and people being turned away, but the Government are investing £20 million to enable local authorities to increase bed space and build on the 9% increase in provision since 2010. I know that the Government take the view that local government is best placed to provide a local response, but more than two thirds of women flee to refuges outside their local area and there is concern among local commissioners about capacity. I suppose there will always be a gap when we talk about the postcode lottery that already exists, and refuge provision is no exception. It does a wonderful job and should be best placed to understand local needs for refuge provision, ultimately local authorities, not national Government, are best placed to understand local needs for refuge provision. I hope that the Government will heed those warnings, rethink their reckless proposals and seek instead to implement a sustainable funding solution that protects refuges and the life-saving services they provide.

I very much welcome the domestic violence and abuse Bill, which we will debate in the new year. I hope we can work this out. I am glad to hear that the Minister has not dismissed the idea of a nationally funded service, but I hope we can come together to find a situation that works for every victim of domestic abuse and to break the cycle.

9.56 am

Colleen Fletcher (Coventry North East) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I commend my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on securing and so ably leading this important debate about funding for domestic violence refuges.

In the days leading up to the debate, I spoke to refuge providers, especially in Coventry, and to people who work with victims and survivors of domestic abuse and sexual violence about their concerns about the proposed reforms to refuge funding. I want to use the words of one of those individuals, who knows at first hand the devastating impact those reforms will have. She told me:

“I’m very worried about the proposed ‘supported housing’ funding reforms. The thought that 52 percent of refuges will either close or reduce the space available for such vulnerable women and children is unthinkable. Put this against a backdrop of massive increases in the numbers of victims of domestic and sexual violence coming forward to report to the police and access specialist support services such as refuges, and this proposed reform can be seen for what it is—a huge backwards step for combating violence against women and girls.

As a sexual violence agency we rely on being able to refer to the specialist support and critical safety net that our refuges provide to some of our most vulnerable clients. Without them we know women and children will be put into far greater danger as some will inevitably feel they have no choice but to go back to the vicinity and control of the perpetrator. This will undoubtedly contribute to an increase in violence and deaths as a result of domestic abuse.”

She concluded:

“The government has given commitments time and time again that they will protect domestic abuse refuges. These proposals appear to fly in the face of this commitment.”

I hope that the Government will heed those warnings, rethink their reckless proposals and seek instead to implement a sustainable funding solution that protects refuges and the life-saving services they provide.

9.58 am

Chris Green (Bolton West) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. I am grateful to the hon. Member for Birmingham, Yardley (Jess Phillips) for securing this debate about such an important matter.

In Bolton, Fortalice provides a domestic abuse service with 22 flats. It provides a safe and secure environment and specialist support to women and children trying to rebuild their lives. I have seen at first hand the incredibly important service and guidance it provides to those seeking help at an extremely difficult time in their lives. I also recognise and praise the work that Bolton Council has done with Fortalice to deliver its domestic abuse service over the past 40 years.

While I am broadly supportive of the Government, ultimately local authorities, not national Government, are best placed to understand local needs for refuge provision. I am concerned that, to some extent, without statutory pressure, there could be an increase in the postcode lottery that already exists, and refuge provision could become lost among other council priorities.
There is a particular risk that the possible move to generic supported housing may not provide the secure environment and specialist support that is needed. Additionally, my local refuge has informed me that not all neighbouring local authorities have their own domestic abuse service equivalent to Fortalice. I can only expect that the variation in provision puts additional pressure on its service, and that ought not to be the case.

I am also concerned that the reforms take into account that domestic abuse refugees operate as a national network. As Fortalice raised with me on a recent visit, victims of domestic violence sometimes need to move to new areas to get away from the perpetrator. On occasion, Fortalice supports women and children not from Bolton, and as part of the network it will assist in helping those from Bolton to move elsewhere. Its service operates beyond local authority boundaries, and a wider and perhaps national model for refuge provision may suit the sector far more, as will statutory requirements to ensure universal standards.

In the Minister’s response, will he say how long the Government plan to facilitate co-ordination among local councils after they have distributed the ring-fenced budget? Although Bolton has domestic abuse services, there are not universal and comparable services in all neighbouring authorities. If local authorities are to be given their own funding, there must be cohesion in provision.

The announcement of a domestic violence and abuse Bill in the Queen’s Speech shows commitment from the Government to tackle domestic abuse and that supporting the most vulnerable in society is the Government’s aim. While it is encouraging that more than £33.5 million has been spent since 2014, we should also consider the recommendations of the Work and Pensions Committee and the Communities and Local Government Committee and examine the benefits of a new funding structure for domestic abuse refuges, separate from the supported housing sector. Enabling councils to have a stronger role in domestic abuse services can be beneficial, but if devolving funding to local authorities the Government remove a woman’s individual entitlement to support with her housing costs, that will not improve the service and is not consistent with our desire to give the needed support. While our aims are in the right place, we have to ensure that that is still true in the delivery of the reforms.

We all recognise that reform is required. We must ensure that the postcode lottery of services is ended. The Government need to listen to these concerns.

10.2 am

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on securing this debate, and I commend her on her long commitment and experience. I am pleased to speak in the debate as co-chair of the joint inquiry of the Communities and Local Government Committee and Work and Pensions Committee on the future of supported housing. I am pleased that the Government accepted some of the recommendations in our report, but sadly that is not the case concerning refuges.

The inquiry heard evidence from across the supported housing sector, including from Women’s Aid, and I am glad that we heard oral evidence from a survivor of domestic abuse, Merida Taylor, who had spent time in a refuge when she fled from her abuser. She spoke extremely eloquently and powerfully about how desperate she was at the time she entered the refuge and how the refuge helped her to rebuild her life.

We heard evidence about the life-saving necessity of refuges, in a context where two women a week are killed by a partner or former partner in England and Wales, and the particular and specialist role that refuges play in supporting traumatised women and children. We also received evidence on the intense funding pressures that refuges have come under since 2010 and the extent of closures: 17% fewer refuge services were run by specialist refuge providers in 2014 than in 2010, and there are parts of the country where there is now no refuge provision at all. The last refuge in Cumbria closed in 2016, for example, creating a postcode lottery and resulting in a situation where 60% of referrals to a refuge in 2016-17 were refused. The current network of refuges is able to address less than half of the need for women and children fleeing abuse.

Refuge provision is unique within the supported housing sector in that it is not a local service. Two thirds of women entering a refuge do so outside their own local authority area. Refuge provision needs to be able to accommodate women away from their home for their own safety. The risk of being killed by a former partner is highest in the year after the relationship has broken down, so women need to access refuges away from the perpetrator they have fled in order to be safe. The current system relies on local authorities recognising the need for refuge provision and choosing to fund it on the basis that women from their area will be able to access refuge provision in another local authority area when they need it, but that is in a context where the overwhelming majority of funding for refuges comes through the local housing allowance, which is itself not fit for purpose because of the Government’s cap, which is resulting in real-terms cuts year on year. Nevertheless, it is a national funding source, meaning that the level of local authority grant is currently proportionately low, which limits the extent to which refuge provision competes with other demands on increasingly limited local authority resources and enables services to be responsive to demand.

Our inquiry report recommended that the Government work with Women’s Aid to establish a national network of refuges to ensure that reciprocity among local authorities is not left to chance; and that there is an even and adequate level of provision to meet the need for refuge places, to keep every woman and child who needs a refuge safe. It is therefore completely unacceptable that they chose to reject that recommendation and instead announced that refuges, along with all other types of short-term supported housing, will be funded entirely by local authorities. They have explicitly ignored the main conclusion the inquiry drew: refuges have a distinct set of characteristics that make them unique within the supported housing sector, which demands a bespoke approach.

To reference a different but relevant example, levels of homelessness in the UK are a national scandal. In response to the public outcry and the highly visible increase in rough sleepers, the Government have announced...
[Helen Hayes]

a national approach to rough sleeping. Domestic abuse is an almost entirely invisible problem, but it is nevertheless a deadly presence in every community across the country. It is just as much of a national scandal as rough sleeping, and it demands the same level of commitment from Government to ensure that every woman and child who is fleeing an abusive home can find a place in a refuge where they can be safe and from which their lives can be rebuilt. I ask the Minister to reconsider the inquiry’s recommendation and to establish a national network of refuge provision across the country for every woman and child who needs it.

10.7 am

Luke Graham (Ochil and South Perthshire) (Con): It is a pleasure to serve under your chairmanship, Mr Robertson. I thank the hon. Member for Birmingham, Yardley (Jess Phillips) for bringing this important debate. Domestic violence is an awful crime that disproportionately impacts women. For every three victims of domestic abuse, two will be female and one will be male. In 2015-16, 4.4% of men and 7.7% of women were victims of domestic abuse. That is 716,000 men, and 1.27 million female victims: roughly equivalent to the population of all 12 of the constituencies of my Scottish Conservative colleagues and I.

The issues raised this morning have revolved around gender, but it is important to highlight that it is not just gender that defines domestic abuse. Younger people are more likely to fall victim to domestic abuse. Men and women who are separated or divorced are more likely to suffer from partner abuse. Those in workless or long-term unemployed households are more likely to suffer from domestic abuse, as are lesbian, gay and bisexual men and women, who are often doubly likely to suffer.

David Simpson (Upper Bann) (DUP): The hon. Gentleman mentioned young people. Does he agree that we have a difficulty with young people in their teens suffering domestic abuse within families? It has a psychological impact on them and they believe it is the norm to carry it on into their relationships.

Luke Graham: I thank the hon. Gentleman for his contribution. Evidence does support that. That is why it is so important that refuges and other Government services are properly funded to ensure that interventions can be made and the direction and trajectory of young people’s lives altered.

Several members of my family have been the direct victims of quite extreme domestic abuse and, through luck and their own strength, energy and determination, they have been able to change that trajectory and ensure it was not repeated in future generations. I think it is down to their character and luck that they have been able to do that. That is not afforded to everyone, and that is where Government must intervene.

Jess Phillips: It is a well-trodden theory that people who live in domestic violence situations go on to perpetrate that violence, but actually they are much more likely to become victims of domestic violence than they are to perpetrate it. I do not want the message to go out from this debate that someone who has a terrible time in their childhood home will also end up being a wrong ‘un—that is simply not the case.

Luke Graham: I hope that the hon. Lady has not misinterpreted anything I have said, and I do not think the hon. Member for Upper Bann (David Simpson) was saying that either. People in such situations are more likely to become victims, but a whole cycle of abuse is created that involves both victim and perpetrator. If the hon. Lady listens to the content of my speech, that is exactly what I am saying. That is why we must tackle this issue, and why there should be more funding for refuges and other support mechanisms.

Funding for refuges is devolved throughout the UK to local authorities across England, Wales and Scotland, and the UK Government are proposing some of the ring-fenced grants that hon. Members have already outlined. The Scottish Government equality unit has funded individual organisations that have been combating abuse on an individual basis, especially for women and girls. Although that budget has dropped, it has been supplemented by funding from other justice budgets. I applaud much of the work done by the Scottish Government, local authorities, and those SNP Members who have done so much to champion this important issue.

In this case, however, perhaps devolution is not the answer, and I take some of the points made by hon. Members and the Women’s Aid network that devolving this matter to local authorities might mean a difference in standards across the United Kingdom. That is something that I, and my constituents, would not want. We need more joined-up thinking on this issue so that refuges are linked with physical, social and mental health services, and so that when people are victims of these terrible crimes, they can get the support that is needed, connect to a network that will help them, and alter the course of their lives. If someone has had an unfortunate start, they should have the opportunity to have that corrected and see a better way forward.

As I said, some members of my family have been victims of domestic abuse, and I know that they would not care which level of Government was providing the service; it is about knowing that there is a proper standard wherever people live in the United Kingdom. It is important that as a country we make a clear statement that the United Kingdom does not accept domestic violence. We must ensure a standard level of provision throughout our country that supports victims and ensures that the course of people’s lives can be changed, if not through family and friends then through Government intervention.

10.12 am

Julie Cooper (Burnley) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson, and I pay tribute to my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) for making a powerful speech on a subject that she knows a great deal about. She has already raised many important points, but I want to add something about the current state of affairs.

In the north-west last year there were 140,000 reported incidents of domestic violence, and some of those women are most at risk when they take a step to leave—that is
when they need us; that is when they need a refuge. Last year in my constituency 359 women benefited from the refuge service, as did 761 children. Sadly, however, 373 women were unable to access a refuge because it was full, and 593 children were also unable to be admitted. It is no good us putting signs on the backs of toilet doors, reaching out to women and saying, “Come and get help”, if there is not enough capacity in the system. As my hon. Friend said, refuges are more than just a bed, and the support that women receive there is special. The physical effects of abuse can heal, but the emotional and mental effects can last a lifetime. A planned environment of therapeutic support, counselling, and help to access services such as housing, benefits and legal advice is needed for a victim to become a survivor.

Refuges are unique and the Government must recognise that. I implore them not to view refuges as part and parcel of general housing need. Universal credit does not work for women in refuges because it is paid in arrears and claim times are protracted. Refuges need funding that is timely, reliable and flexible. Above all they need long-term sustainable funding. For too long refuges have struggled on, living hand to mouth, and never able to plan provision from one year to the next.

A couple of weeks ago I hosted a reception in Parliament to mark the opening of Jane’s Place in Burnley. Jane’s Place is a specialist refuge named in memory of Jane Clough who was brutally murdered by her ex-partner. It is a refuge for women who are victims of domestic violence and who have additional complex needs such as alcohol or drug abuse issues. I know that some Members present came to that reception, and I thank them for giving up their time. This issue is important and it meant a lot, not least to Jane’s parents who were in attendance. I pay tribute to the amazing staff at Jane’s Place. The refuge is a fantastic place that has at its heart a team of highly trained specialist staff who make it their business to rebuild lives. I hope that the Minister is as shocked as I am that funding for those well-qualified, dedicated staff is secured only until March 2018. How on earth can the board and the management team plan to deliver services with such funding uncertainty hanging over their heads? We need more centres like Jane’s Place.

The EU victims directive includes an obligation for the authorities to establish and ensure access to specialist support services. I know that we are leaving the EU, but let us take this opportunity to up our game. Current provision is woefully inadequate and, quite frankly, shames us all. When demand is increasing and refuges are closing, only 40% of demand is being met. We must do more and we must do it now, because this really is a matter of life and death.

10.16 am

Alex Norris (Nottingham North) (Lab/Co-op): This is the first time I have served under your chairmanship, Mr Robertson, and I am grateful for the chance to raise an issue that I care deeply about. I congratulate my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on securing this important debate. She has long fought for survivors of domestic violence and abuse, and I am glad that I can join her in that fight today.

For six years before coming to this place I held a number of special responsibilities on Nottingham City Council, one of which was commissioning Nottingham’s excellent, well-run domestic violence services. Whether Equation and its nation-leading prevention services, Women’s Aid with its advocacy and survivor support, our sexual violence support service, which is only ever one call away for survivors whatever the time, day or year, or the women’s centre, which acts as a fulcrum for those critical services, there is an excellent range of things happening in Nottingham. I rise today to speak up for those services, and for the thousands of survivors of domestic abuse who we believe live in my constituency.

I learned a lot during those six years, but one thing that particularly stuck in my mind is that this is a complex and fragile ecosystem of services, and that change in one part of the system can have an unintended consequence in another. There is also a complex interrelationship with other communities, which we mess with at our peril. Often a well-meant, slightly tangential piece of public policy can have a catastrophic impact, and the issue under discussion today is a clear example.

We understand why Ministers want to consider short-term housing in line with wider work on universal credit, and we understand that that is a wide-ranging piece of work. We also understand that refuge provision is just 1% of that sector, but for survivors who take that difficult step and need those services, it is about 100% of their lives on that night.

There are two unintended flaws in the current plans that I hope Ministers will reflect on. First, it has been proposed to group refuge provision with other short-term housing services, but refuges fulfil a completely different function from other services such as those for people with substance abuse issues or care leavers. I fear that aggregating refuges will lead to generic commissioning and risk losing the value of refuge provision.

My second point concerns local devolution of the funding for services. I am a big fan of devolution and I believe that decisions should be taken at the lowest appropriate level. I do not believe, however, that the lowest appropriate level for refuge provision is local authority level. Domestic violence services are a complex local ecosystem, but they have a significant impact across local boundaries. The safest place for a woman in Nottingham who is fleeing a violent relationship may well be Birmingham—again that is completely different from the rest of the services in that local devolution plan.

Such measures run counter to the strategy for ending violence against women and girls that was outlined by the then Home Secretary, now Prime Minister. On page 29, that strategy references the need for services to “collaborate across local authority and service boundaries” and page 32 states:

“We will strongly encourage local areas to collaborate with one another through the fund so that partnerships join up across borders to meet the needs of women who may flee to seek support.”

I cannot see how the proposals that we are being consulted on support that aim.

I hope the Minister will shine some light on the ongoing funding from the Department for Communities and Local Government that was mentioned by my hon. Friend the Member for Burnley (Julie Cooper). Support has been given in the past and has been greatly appreciated, but those running Nottingham central Women’s Aid refuge do not yet know whether the funding will continue from 1 April for the next two years. I know Ministers
are evaluating the success of the previous two years, but they need answers because we will soon get to the cliff edge of 90-day redundancy notices. It is a question of good planning for 1 April, so I hope something can be done, perhaps even today.

I recently completed my first six months in this place. Progress can be slow and frustrating, but things can be done immediately about this issue. This week refuges could be told about DCLG funding, so that they can plan properly, and by 23 January the well-meant but bad idea that we have been debating could be shelved.

Several hon. Members rose—

Mr Laurence Robertson (in the Chair): Order. After the next speaker we shall have to drop the time for Back-Bench speeches to three minutes.

10.20 am

Mohammad Yasin (Bedford) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I thank and commend my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) for her tireless work on this important issue.

The Government’s planned funding changes for supported housing could see wholesale closures of domestic violence refuges. This latest threat comes after years of sustained cuts to domestic abuse support services. Since 2010, a staggering one in six refuges has closed its doors, and under the proposals that number will only rise. At the same time, recorded rates of domestic abuse have sky-rocketed. It is staggering that on average two women are killed by their partner or ex-partner every week in England and Wales. The refuges in Bedford are not just a housing solution. They are a place of safety where those who have suffered domestic violence can learn to be independent and empowered, and where they regain confidence and the sense of self so brutally taken from them. Removing women’s refuges from financial support via the welfare system and replacing that support with ring-fenced funding is making helping those women—and, increasingly, some men who suffer domestic abuse—more and more difficult. Although Women’s Aid staff do a phenomenal job in providing support, and go far beyond the call of duty, they cannot house someone in need or take someone out of a dangerous situation if there is nowhere for them to go. If there is no dedicated funding we leave people feeling that they are alone and stuck in their circumstances. That must be addressed.

There is no reliable prevalence data on domestic violence refuges, but according to figures from the crime survey for England and Wales, 1.3 million women experienced domestic abuse in the past year and 4.3 million women have experienced domestic abuse at some point since the age of 16. That suggests the magnitude of the issue. There are many issues to take on board.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Birmingham, Yardley (Jess Phillips) on bringing the issue forward. Her passion about the subject is obvious, and I thank her.

The issue is one that we are all too familiar with in my constituency office, and I expect that is true for all those taking part in the debate. A woman, often with young children, comes in asking for help with housing, yet the marks on her face and the flinches of the children when someone goes to ruffle their hair say more than a two-hour interview ever could. I used to be able to secure a place in the local women’s refuge on the border of my constituency for someone in short-term need, but the cut in funding is making helping those women—and, increasingly, some men who suffer domestic abuse—more and more difficult. Although Women’s Aid staff do a phenomenal job in providing support, and go far beyond the call of duty, they cannot house someone in need or take someone out of a dangerous situation if there is nowhere for them to go. If there is no dedicated funding we leave people feeling that they are alone and stuck in their circumstances. That must be addressed.

There is no reliable prevalence data on domestic violence, but according to figures from the crime survey for England and Wales, 1.3 million women experienced domestic abuse in the past year and 4.3 million women have experienced domestic abuse at some point since the age of 16. That suggests the magnitude of the issue. It is important to note that that data does not take into account important information about context and impact, such as whether the violence caused fear, who the repeat victims were and who experienced violence in a context of power and control. There are many issues to take on board.

Jim Shannon: I thank my hon. Friend and colleague, and will come on to some of the Northern Ireland figures, which are important.

On average two women are killed by their partner or ex-partner every week in England and Wales. Domestic abuse-related crime is now 10% of total crime, and I point out to the Minister the impact and the anomaly in financing. The figure is an increase of 2% since the previous year. On average the police receive some 100 calls an hour relating to domestic abuse. During a census period one in five women resident in a refuge and one in six of those using community-based services had seen criminal proceedings being taken against the
perpetrator. We need the perpetrators of the violence to be held accountable, and it is clear that that they are not.

The prevalence of domestic abuse is not decreasing in the way that we would hope would happen, when new generations of people are being raised and schooled in dealing effectively with their emotions. The Police Service of Northern Ireland released an updated statistical bulletin for Northern Ireland in September 2017, showing a continual increase in the number of people reporting domestic violence and needing support to deal with it. Domestic abuse incidents have increased year on year since 2004-05, and the Northern Ireland figures are enormous, with almost 30,000 incidents in the past 12 months. That is a continuation of the increase and represents the highest level recorded since 2004-05. Domestic abuse crime rates have tended to fluctuate but have increased in the most recent 12 months to about 15,000. Again, that is the highest level recorded since 2004-05.

We need to ensure that there is funding available to help to deal with the after-effects of domestic violence. There is an increasing need that must be met, otherwise we shall consign more generations to a vicious circle of abuse. I said last year in a similar debate that action must be taken in the House, and I reaffirm that. We must take affirmative steps and we look to the Minister for the necessary leadership and support—for ring-fencing of funding to enable people to come out of domestic abuse to a safe place. We must secure that funding today through the debate.

10.28 am

Bambos Charalambous (Enfield, Southgate) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on securing this important debate.

Women who need to escape their fate at the hands of an abuser need somewhere safe to go, but the effect of the Government’s new funding model would be to block off those escape routes. Since 2012, a third of all local authority funding to domestic and sexual violence services has been cut. Many refuges have already closed and many women seeking refuge are turned away. Now the Government plan to remove vital funding for refuges, with changes to housing benefit. Those changes will go without doubt see the closure of more and more refuges.

How can the Government seriously claim that they are supporting victims when their policies will force refuges to close? One woman murdered is one too many and one refuge closing is one too many. The Conservative manifesto claimed that the party would introduce a “landmark” domestic violence Bill and claimed that it would take action to support victims of domestic violence. Why, then, fiddle with the funding that provides that very support? There seems to have been no joined-up thinking about the possibility that housing benefit rules would have an adverse impact on the provision of refuges for survivors of domestic violence.

Just three days ago at my surgery I had a visit from a woman—I shall call her Nora—who is a survivor of domestic violence and is also going through the additional trauma of the legal system in the matters of access and divorce, with no representation. She has been at the local refuge for almost a year. After 52 weeks, her housing benefit will cease because she is no longer occupying her former home, and that is classified as a temporary absence under housing benefit rules. Nora is petrified that she and her two daughters, both under the age of eight, could potentially be street homeless in the run-up to Christmas. What sort of system have we created that allows that to happen?

The Bill will be toothless unless it gives funding for services, benefits and social housing. Labour, in its manifesto, pledged direct and stable central funding for women’s refuges and rape crisis centres, in stark contrast to the Government’s current plans to take refuges out of the welfare system and give a ring-fenced grant to councils that is not exclusively for refuges. The grant would also be for other short-term housing needs, and it sets up yet another barrier for women, who again have to prove their worthiness along with many other vulnerable people in society. This Government’s actions are creating a hostile environment for abused women, one laden with scrutiny, judgment, stigma and barriers to support. The Government are about to block off the last escape route for women in life or death situations. They should listen to Women’s Aid, revisit their funding proposals and secure the long-term future of refuges, the services of which we so desperately need.

10.30 am

Mr George Howarth (Knowsley) (Lab): I also congratulate my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on giving us the opportunity to debate this important issue and on the way she presented the argument. I must also mention my debt of gratitude to Angela Cholet, the chief executive of Ross House in Knowsley, who has provided me with some important briefing for the debate.

In Knowsley, Ross House received 168 inquiries for refuge space for women. That is a 61% increase on the previous year. They were only able to accommodate 50 women, which resulted in 118 women and their children being turned away. Those 50 women represent a 28% increase on the previous year, and they were accompanied by 69 children, a 92% increase on the previous year.

I have a few questions for the Minister on the new system. As he is aware, housing benefit is currently the only consistent form of refuge funding that contributes nationally to enable a network of refuges to operate, even if that is often on a shoestring. The new grant for funding covers all supported accommodation. I ask the Minister, “Who chooses?” Will the local authority have to choose who gets what? If I am right in that assumption, will it be aligned to current agreed housing benefit rates for refuges? Will they provide the grant based on each woman living in a refuge, or as one lump sum no matter how many women are in the refuge? That could have enormous potential for refuges to turn women away because they simply cannot afford to fund them.

I will briefly touch on one more issue, which is how the costs of children are covered. Those children, who have often gone through traumatic circumstances, need particular support; I think my hon. Friend the Member for Burnley (Julie Cooper) referred to therapeutic and counselling support. I ask the Minister to address how he expects children’s needs to be met through the new funding arrangement.
Julia Lopez (Hornchurch and Upminster) (Con): I thank the hon. Member for Birmingham, Yardley (Jess Phillips) for leading a very important debate. I know it is an issue for which she has immense passion. I hope she would also acknowledge the personal work the Prime Minister has done in taking a more comprehensive approach to domestic violence and in acknowledging that it is not always simply a physical thing; I think particularly of the new crime of coercive control and the draft domestic violence and abuse bill. I hope they will build on the progress made since 2010: an increased conviction rate in domestic abuse-related prosecutions and a 22% fall in the number of women killed by their partner or ex.

My local borough, Havering, funds its domestic violence services through external grants from bodies such as the Mayor’s Office for Policing And Crime. I would like to see one minute for the mover of the motion at the end.

The council and police in our borough have been working hand in hand. Last month, in a crackdown on domestic violence, more than 35 people were arrested as part of the Met-wide campaign, Operation Dauntless. Police use local authority knowledge in identifying those perpetrators, and that kind of knowledge can be vital. I know that my local schools also play an important role in flagging households in which there is violence. The new funding model ring-fences funding for short-term services, but it excludes knowledge and support to extricate themselves from toxic relationships in basing services on that knowledge.

We also need to help to give victims the confidence and support to extricate themselves from toxic relationships and try to instil faith in their own strength to live without a violent or abusive partner. Refuges can play a crucial role in that. The Government’s proposal does not change the entitlement to those services. None the less, I am glad that the Government are taking a pragmatic approach by committing to a review of the new funding model in the new year to ensure that it is working as it should.

Mr Laurence Robertson (in the Chair): I would like to leave one minute for the mover of the motion at the end.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to see you in the Chair, Mr Robertson. I apologise to you and hon. Members present that we have been involved in an accident on the way here. I appreciate your forbearance.

I start by congratulating the hon. Member for Birmingham, Yardley (Jess Phillips) on securing today’s debate, and the Backbench Business Committee—of which she is a member; I am sure that is just a coincidence—on granting it. Since we were both elected to this place in 2015, she and I have both spoken in a number of these debates. I hasten to add that we have always spoken on the same side; I would not dare do otherwise. The hon. Lady always speaks with passion, knowledge and wisdom on the subject that are unrivalled in this place. I am told that she is a barrister today, particularly in making the point that it is not just about ensuring enough accommodation is available, but about ensuring there is enough suitable accommodation that meets the needs of the women and children who will be housed there.

To be honest, I find it shameful that we have to debate this issue yet again. Wherever possible, I try not to be overly partisan when discussing domestic violence. Indeed, I have credited the Prime Minister and her Government when they have done the right thing in tackling abuse. However, no amount of warm words can hide the fact that this Government have presided over refuges being forced to close, and have allowed the uncertainty over funding security for existing refuges to continue for far too long. Quite simply, that is not good enough. As we have heard, the Government’s proposed funding mechanism for supported housing fails to recognise the distinct nature of refuges in comparison to other forms of supported housing. Women’s Aid have said that if those proposals are left unchanged and the UK Government push ahead regardless, the impact on provision of refuges would be catastrophic.

The issue should not come as a surprise to the Government. Domestic violence support groups such as Women’s Aid and Refuges, along with several others, and many of us in this place have regularly highlighted the dangers of the proposed funding model for short-term supported housing, particularly refuges. In addition, both the Work and Pensions Committee and the Communities and Local Government Committee have warned the Government that a failure to recognise the distinct challenge will cause serious problems, and that the Government should work with Women’s Aid and others to devise a specific funding solution to help to support refuges.

I raised this issue with the Prime Minister at Prime Minister’s questions, calling on her to put a stop to the plans and to introduce a fair, sustainable and specific funding model to support those services. Regular viewers of PMQs will not be shocked that I did not receive an answer to my question. I had hoped that it would wake the Prime Minister to action, given her previous track record on domestic violence. Unfortunately, as we now know, that did not happen. I sincerely hope the Government are not banking on the hon. Member for Birmingham, Yardley, or indeed the rest of us, giving up and accepting the status quo.

I suggest to the Minister that even one refuge being forced to close because of the funding model should force a rethink. The fact that as many as half of them could close, leaving up to 4,000 women and their children with nowhere to go at the most vulnerable point in their lives, suggests that an alternate solution must be found. Anything else is indefensible.

I have brought up the Istanbul convention many times in this House. The UK Government have rather optimistically oft stated that the only aspect of the Istanbul convention that they fail to meet relates to extraterritorial offences. I disagree. I do not think the Government meet elements of articles 7 and 14 in relation to comprehensive and co-ordinated approaches to prevention and education.
Article 23 of the convention clearly states that Governments should provide

“appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.”

That clearly is not the case. I welcome the fact that the UK Government are committed to ratifying the convention, but only if they will take their responsibilities within the convention seriously, and not treat it as some tick-box exercise while giving themselves a pat on the back.

I have said time and again that the continuous improvement in legislation over the last few years is welcome, and I look forward to the Government bringing forward the domestic violence and abuse bill in the new year. However, that progress will be seriously undermined if the Government refuse to properly fund DV support services, and in particular refuges.

The true mark of any progressive or promising legislation is that it is still progressive and promising when it reaches the point of need. It is worth highlighting that in Scotland, we have some of the strongest rights for homeless people in the world, which creates a legal safety net for women fleeing domestic violence. I thank the hon. Member for Ochil and South Perthshire (Luke Graham) for his uncharacteristically kind words about the Scottish Government.

The Scottish Government state that

“Domestic abuse and violence against women is a fundamental violation of human rights”

and that Scotland will not tolerate it. We have introduced the Domestic Abuse (Scotland) Bill, which has had its First Reading and will, if passed, provide for a specific legal definition and offence of domestic abuse. We are also investing £30 million through the equality budget in projects supporting a range of frontline specialist services working with women and children who have experienced domestic abuse, and £20 million from the justice budget supports initiatives to tackle violence against women and improve the justice response.

Will the Minister commit to meeting the Government’s international obligations and particularly our commitments to the Istanbul convention? Can he update us on the Government’s progress on ratifying the Istanbul convention? The recent report suggests that zero progress has been made since the passing of Eilidh Whiteford’s private Member’s Bill. Will he commit to working with Members of Parliament, Women’s Aid, IC Change and others to conduct a full audit on how the UK is equipped to meet the requirements that allow ratification of the convention?

Today’s debate is of the utmost seriousness. If the proposals are left unchanged, the Government will remove the safety net for people fleeing domestic violence. We simply cannot allow that to happen. There is no excuse for the Government to continue to ignore this danger. They must take action and provide protection for those who need our help the most. I will give the last word to Women’s Aid CEO Katie Ghose, who said:

“The Government’s proposed reforms to supported housing will dismantle our national network of lifesaving refuges and put the lives of women and children trying to escape domestic abuse at risk. This is a matter of life or death.”

I could not agree more.

Melanie Onn (Great Grimsby) (Lab): It is a pleasure to serve under your chairmanship, Mr Robertson. I join other Members in congratulating my hon. Friend the Member for Birmingham, Yardley (Jess Phillips) on securing the debate.

We are talking today about funding for women in the most frightening and desperate of circumstances. I feel that there is a double injustice: not only are these women subjected to abuse and violence, but it is they, and not the perpetrator, who have to leave their home with their children, uprooting them from friends, family and schools.

Providing shelter for anyone able to flee an abusive relationship must be a basic requirement of Government in a country where two women each week are killed by their current or former partners. The security that a refuge provides is the minimum we should be able to guarantee for survivors. Unfortunately, we are not currently fulfilling that guarantee, with 60% of referrals to refuges being declined. On any given day this year, around 90 women and their children were turned away from a refuge because there was not capacity to take them in. We heard from my hon. Friend the Member for Burnley (Julie Cooper) and my right hon. Friend the Member for Knowsley (Mr Howarth) about that exact situation. How heartbreaking for a victim who has made the incredibly brave step of seeking safety to then be told that there is nowhere for them to go.

As previous speakers have noted, this is not a niche issue. There were more than 1 million recorded cases of domestic violence and abuse last year. Although their record is far from perfect, the Government have recognised the terror that victims of domestic abuse face. They promised new legislation to provide greater protection to victims in this year’s Queen’s Speech, including welcome measures to prevent victims from having to face their former partners in court. That is something I have called for, and I joined others in delivering a petition to Downing Street on that subject. In her previous role as Home Secretary, the Prime Minister introduced Clare’s law and made coercive behaviour an offence; both those measures were extremely welcome. All of this prompts a question: at a time when domestic violence is so prevalent and when domestic abuse-related offences now account for one in three of all violent crimes, why are the Government holding back the provision of refuge for victims?

Frankly, the Government appear to have stumbled into their current position on refuges. Changes to funding were initially announced two years ago in the 2015 autumn statement, capping housing benefit at local housing allowance rates and ignoring the significantly higher costs that supported housing incurs compared with general housing. My hon. Friend the Member for Dulwich and West Norwood (Helen Hayes) talked eloquently about the inadequacies of that decision. The effects of the policy had obviously not been thought through. After the likely effects were made clear, implementation of the policy was delayed, and a review was then set up. Just ahead of this year’s Budget, it was finally dropped. Thankfully, a better solution has been found for the majority of supported housing, but the proposed model for very short-term supported housing—meaning shelters for people in the most extreme and desperate of crises—is a different matter.
The Women's Aid survey of refuge providers tells us that the new funding model could force over half to close or reduce their provision, equivalent to 4,000 extra women and children being refused the services they need because of a shortage of spaces and resources. In the light of the points made by my hon. Friends for Coventry North East (Colleen Fletcher), for Nottingham North (Alex Norris), for Bedford (Mohammad Yasin) and for Enfield, Southgate (Bambos Charalambous), we really cannot allow that to happen. The prospect should send shivers down the spine of anyone who wishes to tackle the burning injustices present in Britain today.

Following the coalition Government’s decision to transfer the support element of funding for refuges into overall local authority budgets while making huge cuts to councils’ funding, 17% of specialist refuges had closed by 2014. It is little wonder that putting the entirety of state funding for refuges into the hands of local authorities, which are already under pressure, has caused so much concern for my hon. Friend the Member for Birmingham, Yardley and others working in the sector.

We have seen the consequences of the past two years of uncertainty about the future of funding for supported housing, with 85% of new schemes put on hold, denying vulnerable people the homes they need. These proposals could see that same damaging uncertainty locked into the short-term supported housing sector if the funding is liable to change from one year to the next. Some local authorities currently provide no refuge support at all—I accept that—but I am absolutely committed to doing everything I can to help these incredibly vulnerable families. I know how important refuges are for their safety and for giving them the opportunity to start to rebuild their lives.

The hon. Lady asked a number of questions, and I hope to be able to respond to most of those in my speech. I apologise if I do not have time to respond to all the questions asked by hon. Members. I undertake to write to them if I do not cover the points raised or in order to deal with them in more detail.

The Government remain committed to funding vital refuge services. Since 2014, we have dedicated £33.5 million in direct grant funding to local authorities for refuges, safe accommodation and other services. In February, we announced that 76 projects across the country, covering 258 local authorities, would receive a share of the £20 million domestic abuse fund, creating more than 2,200 bed spaces and supporting more than 19,000 victims. Last month, we confirmed that we would support a further four projects. We also part-funded the Women’s Aid Routes to Support secure database. That provides information on refuge vacancies across England, enabling staff on the national domestic violence helpline to direct callers to the appropriate refuge. In 2015, we commissioned and funded the Women’s Aid No Woman Turned Away project to provide extra caseworker support to victims unable to access a refuge space. Last year, more than 400 women were supported.

The hon. Member for Birmingham, Yardley and others raised a number of concerns about the proposals to reform funding for supported housing. Let me be absolutely clear: the amount of funding that we are putting into supporting victims is not changing. Under the new funding model, all housing costs—core rent and eligible service charges—will be funded by a ring-fenced grant to be distributed by local authorities, and we intend that ring fence to remain in the long term. We also intend to use grant conditions to ensure that the funding is spent where it is intended to be spent. Everyone who is currently eligible for housing benefit will continue to have their housing costs met through our funding model for short-term accommodation. Vitaly, our new model removes the need for vulnerable people to have the additional responsibility of paying their rent at a very difficult time in their lives.
We are consulting organisations, such as Women's Aid, that support victims of domestic abuse, which have been mentioned by many hon. Members today. Indeed, my hon. Friend the Under-Secretary of State for the Home Department, who is with us in the Chamber, and I have met Women's Aid very recently. We will continue to discuss those organisations' concerns and we remain open to the ideas that they are putting forward. I invite the hon. Lady to meet my hon. Friend and me to discuss some of these issues in more depth, particularly appropriate accommodation, some of the examples that she mentioned and the wider issues that she raised. As hon. Members pointed out, there is a consultation on the funding model. It closes on 23 January, so there is still time for organisations to have their say, and I encourage them to do that.

It is worth noting that the proposed grant funding model for short-term accommodation will not kick in until April 2020. A number of other strands of work are ongoing to ensure that we have the refuge provision we need. The key thing that I want to mention is our review of domestic abuse services. We are reviewing how we provide funding for care and support to make it work even harder. Our priority for the review is ensuring that victims are getting the support that they desperately need, and seeing how we can improve that support. To that end, we will, by November 2018, review funding of refuge provision in England, with a particular focus on the funding of care and support for victims. As with the funding model for short-term accommodation, we are exploring all options, including a national model for refuge provision. I can say to right hon. and hon. Members that nothing is off the table. I hope that that reassures the hon. Member for Dulwich and West Norwood (Helen Hayes) and my hon. Friend the Member for Bolton West (Chris Green), who raised that point. We are certainly not ignoring what the Select Committees have said.

To inform our review, we are tendering for an audit of local authority commissioning of domestic abuse services, including refuges. That audit, together with the Women's Aid Routes to Support data and Imkaan's reports on black and minority ethnic specialist service provision, will for the first time give us a complete picture of provision across England, enabling us to assess what impact services are having and to identify any gaps in provision. Refuges are a critical part of our provision, as are the outreach services, dispersed housing and sanctuary schemes that some local authorities provide. That vital support helps victims to remain safely in their own homes, and I would like to see more councils commissioning a range of provision to meet the needs of all victims. We know that victims' needs are very diverse.

I want to mention several other things that we are doing in this context. We are consulting on new guidance with regard to improved access to social housing for victims of domestic abuse. It is really important that in our work on social tenancies we ensure that we are on the side of victims, not on the side of perpetrators. We gave a commitment in our manifesto that we would ensure that domestic abuse victims who had to flee their area would automatically be offered a lifetime tenancy in another area. There are a number of other strands of work, including the domestic abuse Bill, on which a national consultation in the widest sense is being conducted by the Home Office. We are very keen across Government that that consultation should create a national conversation about domestic abuse.

I conclude by thanking hon. Members for their contributions today. There is certainly more work to do, particularly in relation to the funding for supported housing, and we are very keen to work not just with the various charities in this space and organisations that support victims, but with Members across the House.

10.58 am

Jess Phillips: I thank everyone who has spoken in the debate. It is a pain only to have two minutes to wind up the debate, but that shows me that lots of people cared, which always makes me feel very pleased. I know that lots of people outside this building will also be very pleased about how many hon. Members from across the House cared.

I welcome the Minister's statements, but I will say that the reality on the ground never feels quite like what is presented to me at whichever Dispatch Box. I will never, ever stop pointing that out until what is said to me feels exactly like what it feels like to try to get someone a refuge bed at 10 to 5 when the office is shutting on a Friday. At the moment, that feels impossible. Until we crack that problem, we certainly have not got things right. However, I welcome the commitment of the Government. As I said at the start, I think that naivety, not malice, has led to the changes, and I look forward to working with the Government to improve the situation.

Question put and agreed to.

Resolved,

That this House has considered funding for domestic violence refuges.
Animal Welfare

11 am

Zac Goldsmith (Richmond Park) (Con): I beg to move.

That this House has considered the Government policy on animal welfare.

It is a pleasure to speak under your chairmanship, Mr Robertson. It is often said that we are a nation of animal lovers and in many respects we are a world leader in animal welfare. That is something we can be proud of.

In the months since the general election we have seen a blizzard of activity from the Government that will build on that proud record. They have committed to putting CCTV into all abattoirs to prevent abuse; they have committed to increasing the maximum sentence for animal cruelty from six months to five years; they have committed to closing down the ivory trade in the UK, to remove loopholes allowing new ivory to be sold as if it is old ivory; they are banning neonicotinoids, pesticides that are wiping out bees and many other pollinators; they are bringing in measures to tackle plastic waste that is clogging up our oceans, as we have all seen on the extraordinary “Blue Planet” series; and they are banning microbeads, those tiny particles of plastic that are causing mayhem to marine life.

On a bigger scale, we have seen over the past few years the creation of a network of giant marine protected areas. Our 14 overseas territories represent the fifth-largest marine estate in the world and include some of the most important biodiversity hotspots in the world. This Government have committed nearly 4 million square kilometres to protection by 2020—an area way bigger than India. That represents the single biggest conservation measure by any Government ever.

Despite that, there remains much to be done if we want to bring our animal welfare and environmental policy laws up to date, as we should. In this debate, I want to centre on animal welfare. It is timely that the Government have announced today that they will bring forward a new animal welfare Bill to deliver some of the commitments that have already been made.

As hon. Members know, we are putting EU environmental and animal welfare laws into UK law, but there has been some controversy over one issue in particular: animal sentience.

Sir Hugo Swire (East Devon) (Con): Does my hon. Friend share my sense that there are some who have been mischievous and misleading on that subject, because they refuse to believe that the Government take animal welfare seriously and are legislating more than any previous Government have done?

Zac Goldsmith: My right hon. Friend makes the point well and I agree with him. It was reported two weeks ago, as hon. Members will remember, that MPs had voted as if they felt that animals do not have feelings. That story took on a life of its own. It became a forest fire on social media. In fact, it became the top political story of the year. I have to say, notwithstanding what he has just said, it is a wonderful reflection on the British people that they made it the top story of the year, but it was, as he has said, fake news.

There has never been any disputing the fact that animals have feelings or that animal sentience needed to be enshrined in UK law. The Secretary of State for Environment, Food and Rural Affairs made clear at that time that he intended to find the best legislative vehicle for translating sentience into law, and today, as expected and as promised, he has, in a new animal welfare Bill. Also as expected and as promised, the new rules will go further, because our sentience principle will apply to all policy decisions and relate to all animals. It will not be narrowly restricted to those policy areas under EU control, as it is today. That point was made earlier today by the Royal Society for the Prevention of Cruelty to Animals.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I pay tribute to my hon. Friend for raising this important cause. As a farmer’s son, I know all too well the importance of protecting animal welfare. Does he agree that Brexit gives us an opportunity to strengthen our animal welfare rules and laws, so that we are putting animal welfare at the heart of our programme going forward?

Zac Goldsmith: I could not agree more with my hon. Friend and I will be making that point in more detail shortly.

The new Bill that was announced at midnight last night will also increase the maximum jail terms for animal abusers from six months to five years. Both of those commitments are enormously welcome. It is great news and I can hardly exaggerate my thanks to the Secretary of State for the breathtaking leadership he has shown since being appointed to his role, but I believe it would be a mistake not to use the opportunity of a new animal welfare Bill to create something truly comprehensive, so I want to make the case for some key areas that I believe should be included and I want to start with farming.

John Howell (Henley) (Con): Does my hon. Friend agree that preventing people who abuse animals from owning animals is a very good thing to include in the Bill?

Zac Goldsmith: I could not agree more with my hon. Friend and I thank him for making that point.

The Secretary of State has said:

“As we leave the European Union there are opportunities for us to go further and to improve… animal welfare”.

Of course, he is right. For example—one goes to the point my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont) was making—as we leave the EU, we will be able to end the live export of animals for slaughter and fattening, which is a grim process for tens of thousands of animals every year. Last year, 3,000 calves were transported from Scotland via Ireland to Spain and over 45,000 sheep were taken from the UK through continental Europe. Under EU single market rules, the UK has not been able to stop that—we have tried, but we have not succeeded. I am thrilled that Ministers have indicated that they are minded to act as soon as we are allowed. If we do, we will be the first European country to do so and will be setting what I hope will become a trend.
Procurement is another area where we can make a relatively easy and significant impact. The Government spend around £2 billion a year on food for schools, hospitals, prisons and military barracks. Currently, that food is required to meet only a very basic standard of animal welfare—basic standards that still leave chickens in tiny cages, pigs in cramped and stressful conditions, cows in sheds all year long and so on.

Neil Parish: My hon. Friend makes an extremely important point. I am reassured by a number of statements that have been made by the Secretary of State in relation to that. Putting sentience into UK law across the entire range of Government policies will also help us ensure that we do not lower our standards in return for trade deals.

Kevin Foster: I congratulate my hon. Friend on securing this debate. The five-year sentencing for animal cruelty is excellent. We need to procure food that is of a very high standard and British. We also need to ensure that, as we do our Brexit deals in future, we do not allow in food with much lower welfare standards, so that our farmers who have high-quality and high-welfare standards also have a real chance to maintain a competitive edge.

Zac Goldsmith: That is a very good point. The sentience principle in EU law has been held up by some as a gold standard, but it is a gold standard that has allowed foie gras, veal production, fur farming, in some cases donkey torture, bull fighting and much more besides. It is not a gold standard. We are setting a gold standard. We are going to go so much further, which we should be proud of.

Returning to procurement, we have £2 billion at our disposal, which we currently spend each year on food of a pretty low standard. In my view, that is a wasted opportunity. There are hundreds of schools and hospitals in this country already, including in my own constituency, that are choosing to use their buying power to support suppliers who guarantee higher standards. The Government need to take that best practice and make it into the norm.

Sir Hugo Swire: My hon. Friend is making some extremely good points. Does he agree that one thing that has hitherto prevented our schools and particularly our armed forces from buying British products is EU procurement legislation? When we leave the EU, we will not have to do that, so we will be able to sell our own British-made products to British institutions.

Zac Goldsmith: That is exactly right. That has been a barrier all the way along from the Government’s point of view. However, they can now begin to take that best practice and make it the norm. I would like to see them commit to using their vast buying power to boost the most sustainable and highest animal welfare standards.

When I first raised this point in Parliament as a new MP seven years or so ago, I was told all the time by Ministers: “You cannot do it. It will be too expensive. It is a luxury.” I helped to set up a group called School Food Matters, originally in Richmond, to try it out in my own area. We persuaded Richmond Council and then Kingston Council to rewrite their contracts. Today, every single primary school in Richmond serves Food for Life gold standard food—the very best people can get. They prepare all their food in house and take-up by parents has trebled, and we are doing nearly as well in Kingston, where it started slightly later. Here is the thing: the cost per meal went down by 38p—it did not go up; it went down. In my view, that removes the only argument against pursuing this policy.

There is no reason not to use that simple but powerful lever to support the highest standards, but the Government can do more than that: they can raise the standards as well. There are two important ways in which the Government should do so. The first, simply, is to update the rules around cages. Millions of animals are currently trapped in appalling conditions on our farms. Pregnant sows are stuffed, unable to move, into farrowing crates, typically from a week before giving birth until the piglets are weaned. Those have been banned in Sweden and Norway, and we should do the same. Chickens are no luckier. We banned battery cages in 2012, but the so-called enriched cages that replaced them are more or less the same. They are hideously restrictive, and there is virtually no additional room at all. The life of a factory chicken just does not bear thinking about. Luxembourg and Germany have banned the cages, so why cannot we?

The second way in which we can easily raise standards is by tackling the overuse and abuse of antibiotics on farms. This is an animal welfare issue because antibiotics have been used in farming to keep animals alive in conditions where they would otherwise die, but it is also a major human health issue. The abuse of antibiotics has allowed the growth of resistant bacteria, which can spread to the human population and reduce medicines’ effectiveness in treating our own infections. The brilliant chief medical officer Dame Sally Davies has warned: “If we don’t take action, deaths will go up and up and modern medicine as we know it will be lost.” It is worth thinking about that pretty profound statement from the chief medical officer. She has talked about a “catastrophic threat”: the risk of millions of people dying each year from common infections.

The good news is that, after a lot of campaigning, the issue has risen up the political agenda and the Government have taken action. Sales of antibiotics to treat animals in the UK fell by 27% from 2014 to 2016. That is clearly good news, but the threat remains acute and the Government need to get a stronger grip. There should be absolutely no mass medication of animals simply to prevent illness. It should be outlawed. There should be no use of antibiotics, such as Cllistin, that are classified as critically important to human health. They should have no place on a farm. If we stop this madness, we stand a chance of preventing a human health disaster and, as it happens, we will also force a kinder, more civilised form of farming.

Finally, on agriculture, an issue that merits, and has indeed had, many debates all of its own is the badger cull. The Government have always said that their policy of culling badgers to stop the spread of bovine TB is...
based on science, but that position is becoming harder to justify. The only full Government study into bovine TB transmission between cattle and badgers, which ran from 1998 to 2006, concluded that “badger culling can make no meaningful contribution to cattle TB control in Britain.”

More recently, the independent expert panel appointed by the Department for Environment, Food and Rural Affairs to advise on the current pilot cull stated that it was ineffective and inhumane. Nobody doubts the importance of dealing with TB or the devastating impact that it can have on livelihoods—

Neil Parish: I could not disagree with my hon. Friend. Friend more on this particular point. If there is a pool of the disease bovine TB within badgers, and someone tests their herds of cattle, ensures they are clean and then puts them out in fields where there are badgers carrying bovine TB, the badgers will then re-infect the cattle. We have to deal with both. I am sorry, but on this occasion I could not disagree with him more.

Zac Goldsmith: Well, we normally agree, and I thank my hon. Friend for his intervention. I do not believe that there is anything like enough evidence to justify culling tens of thousands of native wild animals, the vast majority of which are disease-free. This year is likely to see a trebling in the number of badgers culled, and yet in Wales, where no general culls are taking place, TB has halved. In the absence of robust science, the very least the Government should—

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): Does my hon. Friend recognise that the decline in bovine TB in Wales is no more distinct in the areas where vaccination takes place than it is in areas where vaccination does not take place? Indeed, the Welsh Government are now considering whether they need to bring in a limited cull because the existing methods are not working. I hope he takes that into account.

Zac Goldsmith: I am going to move on, but the chief veterinary officer in Wales takes a different view.

Neil Parish: She is in favour of culling.

Zac Goldsmith: She wants selective, as opposed to general, preventive culls, and that is different to our approach here in England.

Neil Parish: Ours is selective.

Zac Goldsmith: Our approach is not selective. There are huge numbers of animals involved. The approach in England is a preventive cull, as opposed to a selective cull. My view is that at the very least the Government should suspend the cull and commission a proper study into the alternatives, so that we can be sure that the policy we adopt is based on science, and not assumption.

I shall hold off on taking interventions for a few moments, as in the time I have remaining I want to briefly look at how we treat exotic wild animals. In so many areas we are world leaders, but in others we lag behind. For example, at least 23 countries worldwide have banned the use of wild animals in circuses; but despite British Government promises going back five years, it is still legal to use lions, tigers, zebras and other wild animals in travelling circuses in the UK. It is time for Ministers to make good on a promise that has been made and repeated over the past five years.

The keeping of monkeys as pets is a similar issue. Primates are highly intelligent wild animals; they are not suitable pets. Like us, they enjoy complex social lives and form deep and lasting relationships, but despite that thousands upon thousands of squirrel monkeys, capuchins and marmosets languish alone in cages across the country. Because they become very tricky as they grow old, they are often simply abandoned and then have to be picked up by wonderful, but overstretched, organisations such as Monkey World in Dorset. The emotional and physical damage that they endure takes years and years to undo. Fifteen European countries have banned the trade, and more than 100,000 British people signed a petition demanding that we do the same. Again, we need to get a grip on this issue.

It is not just individual private ownership that needs looking at. There are 250 licensed zoos in the UK. Some, such as Howletts in Kent, really do represent the gold standard. The welfare of the animals is their principal concern, and the conservation of the species that they harbour is at the forefront of their campaign. They release animals back into the wild in a way that no other zoo in the country does. However, recent incidents, such as the exposé of the grotesque conditions at South Lakes Safari Zoo, show that there is a gulf between best and worst practice, and a need for better standards and a more rigorous inspection process. I believe that we need to establish a new, independent zoo inspectorate and give it the job of drawing up fresh standards for animal welfare in UK zoos and then enforcing them.

I want to join in the applause that the Government rightly earned last month when the Secretary of State announced that we would ban the trade in ivory here in the UK. Globally, the trade takes the lives of 20,000 elephants a year—one every 26 minutes—and they are hurting towards extinction. In this country—I do not think that many people are aware of this—are the largest exporter of legal ivory in the world, stimulating demand for ivory and giving the traffickers a means to launder new ivory as if it were old.

The Government’s promise is not merely symbolic—it is much more than that—but I hope they will go further. Evidence is mounting of an increase in the trade in hippo ivory. There are only 100,000 or so hippos in the world, so the slightest shift in demand could be devastating for that species. I hope that the Government will expand their consultation, or the policy when it eventually emerges, to include other ivory-bearing species such as hippos, the walrus and the narwhal.

Finally on the international dimension, hon. Members will remember the outrage that followed the killing of Cecil the lion in 2015 and, too, the announcement a few weeks ago that the United States President was thinking of reversing the decision of his predecessor to ban the import of elephant and lion parts from trophy hunting. At the time it went largely unreported that this country also allows the import of wild animal trophies, including from species threatened with extinction. We need to change that. It should simply be illegal to import body parts of any animal listed as endangered by the convention on international trade in endangered species.
The last point that I want to make moves into a different field. It relates not to farmed or exotic animals, or to our role overseas; it relates to puppies.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The hon. Gentleman is making an excellent speech. He is a great advocate for animal welfare. Will he join me in supporting Lucy’s law, which was launched in Parliament last week and looks for a ban on third-party puppy sales? Basically, it would ensure that the scourge of puppy farming no longer exists in this country. Also, will he support the early-day motion on Lucy’s law launched today?

Zac Goldsmith: I thank the hon. Lady very much for her intervention, and I could not agree with her more strongly. I pay tribute to Marc Abraham who led the campaign for Lucy’s law. It is probably inappropriate to mention that I can see him in the Public Gallery, but he has been an absolute champion for the cause. I believe that we will see some results in the next few months and will perhaps hear from the Minister on that shortly.

I will cut my speech down, because I have taken far too many interventions and am running out of time. I have provided a long but not exhaustive list of measures that I think we should take. It is an important list, however, and taking those measures is the right thing to do and would put the Government on the right side of public opinion. If there is any doubt about that, we need only to look at the public reaction to the albeit false stories about MPs believing that animals do not have feelings, or at the reaction from voters to the 2017 Conservative manifesto proposal on holding a vote to abolish the Hunting Act 2004—something that I hope the Government will now rule out.

I want to give the Minister enough time to respond. I know she will be unable to respond to every point I have made, but I hope that she will do her best in the 10 minutes we have left.

11.20 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is a pleasure to serve under your chairmanship, Mr Robertson. I congratulate my hon. Friend the Member for Richmond Park (Zac Goldsmith) on securing the debate. He covered a wide range of issues in the first 20 minutes, and as a consequence I am afraid I will not be able to take any interventions.

I reiterate that the Government share my hon. Friend’s and the public’s high regard for the welfare of animals. We extend that regard to animals whether they are companion animals, farm animals or wild animals. I reaffirm the principles on which the Government’s policies on animal welfare are based: our recognition that animals are sentient beings, capable of feeling pain and pleasure, but enshrine animal sentience in law.

The draft Bill will embed the principle that animals are sentient beings, capable of feeling pain and pleasure, more clearly than ever before in domestic law. There was never any doubt or question that our policies on animal welfare are driven by the fact that animals are sentient beings. The Government are committed to raising animal welfare standards and to ensuring that animals will not lose any recognitions or protections when we leave the EU. The draft Bill makes our recognition of animal sentience clear. It contains an obligation, directed towards Government, to pay regard to the welfare needs of animals when formulating and implementing government policy. That provision does not apply to Ministers in the devolved Governments of Wales, Scotland and Northern Ireland, but we will work closely with the devolved Administrations on that important matter.

That will build on the long list of legislation that Parliament has passed to protect animals. The first significant general legislation was the Protection of Animals Act 1911, which introduced the offence of causing unnecessary suffering to an animal. That Act stood the test of time and was used every year by the RSPCA to successfully prosecute about 1,000 people a year for animal cruelty. It was eventually replaced by the Animal Welfare Act 2006, which introduced the added offence of failing to provide for the welfare needs of an animal. That offence had been present in on-farm legislation, but its inclusion in that Act meant that it applied to all kept animals.

I could read out a very long list of Acts of Parliament, but it would take too long; however, it is an indication of how much animal welfare means to Parliament and the public, and I will mention one or two in particular. The Performing Animals (Regulation) Act 1925 regulates circuses and other acts involving animals; it is still in force, although the Government are in the process of replacing it. The Cockfighting Act 1952, as the name suggests, made it an offence to organise a cockfight.

The Wildlife and Countryside Act 1981 stepped up provision for wildlife, including banning methods of killing certain animals—for example, wild birds—to avoid bodily injury in a particular way. The Zoo Licensing Act 1981 imposed strict welfare and conservation standards on our zoos.

We have also introduced regulations through EU law, and we will bring into UK law any that are not already in place through powers granted by the European Union (Withdrawal) Bill. Those include the Welfare of Farmed Animals (England) Regulations 2007, which implemented EU legislation on minimum standards of welfare for different species of farmed animals, and the Welfare of Animals (Transport) (England) Order 2006, which implemented EU legislation on the welfare standards for animals in transit. As I indicated, the Government intend to go further on improving the welfare of all animals, be they wild, companion or farmed.

The UK has been at the forefront of driving global efforts to safeguard the world’s most vulnerable species and we remain absolutely committed to protecting global wildlife for generations to come. As my hon. Friend the Member for Richmond Park pointed out, that is why
we are taking action to preserve elephants and are now consulting on our proposed ban of the sale of ivory in the UK that contributes directly or indirectly to the poaching of elephants. The proposals, on which we are consulting, are designed to put the UK front and centre of global efforts to end the insidious trade in elephant ivory.

Historically, the United Kingdom has been ahead of international trends on trap humaneness, outlawing leg-hold traps and establishing an approval system for spring traps in the 1950s. We propose to consult next month on UK-wide implementation of the agreement on international humane trapping standards. That agreement between the EU, Canada and the Russian Federation puts in place humaneness standards to improve the welfare of wild animals commonly caught in traps for their pelts. Under the agreement, we are required to prohibit traps and trapping methods that do not meet the standards for a list of species, five of which are currently present in the wild in the UK: stoat, badger, pine marten, otter and the European beaver. I know that my hon. Friend takes a great interest in them. When the UK legislation comes into force, only traps and trapping methods that meet the standards for species covered by the agreement will be permitted under licence.

Alex Chalk (Cheltenham) (Con): Will the Minister give way?

Dr Coffey: I am afraid I cannot at the moment, but if I have time at the end, I will.

We will tighten the rules regarding dog breeding, pet shops, animal boarding, performing animals and riding stables. Irresponsible dog breeders and dealers are a stain on our national conscience and such people who exploit that trade must be stopped. We will introduce new regulations on the welfare of dogs in dog breeding establishments. We will ensure that more breeders need to be licensed. Statutory minimum welfare standards will be applied to licensed breeders and will be enforced by local authority inspectors. Detailed guidance will be provided to inspectors to assist them with the new regulations.

All pet vendors will also have to provide information to new owners to educate them about their new pet. It will be made clear that any business selling pet animals online will also need to be licensed. We continue to work closely with the Pet Advertising Advisory Group on minimum standards for such sellers. We are enormously grateful for the input from local authorities and other organisations on drafting the new regulations. I hope that they will be in place by the end of next year.

As my hon. Friend the Member for Richmond Park highlighted regarding farm animals, to improve welfare of animals at slaughter and to deliver our manifesto commitment, we recently carried out a public consultation on our proposals to require CCTV in every slaughterhouse in England. The consultation closed in September. There was strong support: of the nearly 4,000 responses, more than 99% were in favour, which is an overwhelming endorsement of the policy. We published the Government’s response to the consultation last month and will follow that up by laying secondary legislation before Parliament early in 2018.

In particular, my hon. Friend raised the issue of the live export of animals, which is of significant concern to hon. Members. Compared with 20 years ago, there has been a dramatic fall in the trade in live animals going directly for slaughter. Nearly 2 million animals were exported every year, but in 2016, 50,000 sheep were exported, with 5,000 going directly for slaughter from Great Britain. Sheep are the main livestock species to be exported for those purposes, and I know the issue still causes considerable concern.

My hon. Friend will be aware of the restrictions we have now within the EU, but we have always been clear that the Government would prefer to see animals slaughtered as near as possible to their point of production. We believe that a trade in meat is preferable to a trade based on the transport of live animals, particularly when journeys may result in livestock travelling long distances across Europe. As we move towards a new relationship with the EU and the rest of the world, we have a unique opportunity to shape future animal welfare policy to ensure the highest standards in every area. Our manifesto commitment made it clear that we would take early steps to control the export of live farm animals for slaughter once we leave the EU. We are currently considering options, but the issue is rather complex and any future proposals would have to consider trade between the UK and Ireland, whether that is with Northern Ireland or across the Republic of Ireland.

On farm codes, as well as laying new statutory welfare codes for cats, dogs and horses before Parliament shortly, we are also raising standards on farms by modernising the farm animal codes, a move that has been welcomed by industry. A new code for meat chickens will be laid before Parliament shortly and we will consult on new codes for laying hens and pigs in the new year. The updated codes of practice for England will provide clear guidance to producers on how to comply. We continue to work closely with DEFRA’s delivery bodies, including the Animal and Plant Health Agency, on the enforcement of animal welfare standards.

My hon. Friend raised a wide variety of issues. The Government and the farm sectors, such as the meat chicken industry, have taken significant strides on reducing the amount of antibiotics used, although I recognise that that may still not be enough for him. He also mentioned trophy hunting, and I think he would find it worthwhile to read Professor Macdonald’s report, which DEFRA commissioned, about the balance of conservation and hunting for commercial purposes in that way. The restriction that he referred to, which President Trump was considering removing, has put a pause to that—it was specifically from Zimbabwe. I believe that the US does allow other elements still to be imported, but that is done on a conservation basis.

The measures that I have set out clearly demonstrate the Government’s intention to avoid animal suffering and show we are taking steps to strengthen standards. In future, when we are outside the EU, we intend to take full account of the scope for the UK to set the very highest standards in animal welfare and to encourage action on a global level.

I have 30 seconds left, so I will take a brief intervention from my hon. Friend the Member for Cheltenham (Alex Chalk).
Alex Chalk: In considering the welfare of wild animals, does the Minister welcome the plans approved by the Government to release beavers into the Forest of Dean for the first time in 400 years? Does she agree that that should be the beginning of a longer process of reintroducing, when practical, species that were previously wiped out by human activity?

Dr Coffey: Beavers have not really been present for 400 years on this island, although my hon. Friend will be aware of the releases that have happened in Scotland. I am aware of the River Otter trial, and further trials are to come. It matters that our approach is based on science and rigour, which is what this Government will ensure.

Question put and agreed to.

11.30 am

Sitting suspended.

Lotteries: Limits on Prize Values

[SIR EDWARD LEIGH in the Chair]

2.30 pm

Sir Henry Bellingham (North West Norfolk) (Con): I beg to move,

That this House has considered the future of society lotteries, the Health Lottery and limits on prize values.

It is a great pleasure to serve under your chairmanship, Sir Edward, in this important debate. You will remember that the launch of a national lottery back in the days of the Major Government was one of that Government’s great successes. When history is written, I think that it will be seen as a far-reaching and incredibly innovative measure. More than £38 billion has been raised for good causes around the country, and all colleagues will have examples of outstanding projects that have helped transform communities in their constituencies.

I have a great deal of respect for Camelot. I do not want to dwell too much on the national lottery or Camelot during this debate, because I want to talk specifically about society lotteries. Unfortunately, in recent years, Camelot has lost its way somewhat. Many of my constituents were incensed by the decision to double the price of tickets and add 10 extra numbers to the card. The impact on small family syndicates was significant, and I know a lot of constituents who pulled out of supporting the national lottery as a consequence.

I want to focus on society lotteries. There are now more than 490 organisations running society lotteries. In 2011, they raised roughly £100 million for good causes. The figure is now more than £250 million. Society lotteries are different from the national lottery, as we know. They are regulated under the Gambling Act 2005, unlike the national lottery, which is regulated under the National Lottery Act 1993; they have an annual turnover limit, a draw limit and a prize cap; and
they cannot operate in Northern Ireland or the Isle of Man. In contrast to the national lottery, they are highly regulated and controlled.

Justin Tomlinson (North Swindon) (Con): My hon. Friend is giving a characteristically powerful and well thought-out speech on this important subject. It is clear that we have allowed the national lottery to establish its market position, but as he highlighted, a huge number of different companies and societies offer products. It is an opportunity for the market to choose between different prizes, stakes and innovative games, and for customers to choose from a variety of good causes. We should welcome any effort to support the new organisations.

Sir Henry Bellingham: My hon. Friend makes a good point, which I will come to in a moment. One key aspect of the argument is that society lotteries complement the national lottery and do not compete directly with it. There is room for them both to operate.

The big difference, obviously, is the prize cap. As I pointed out, society lotteries are limited to 10% of the value of any one draw, with a theoretical maximum of £400,000. In practice, most of the top prizes are about £25,000. That is, frankly, scratchcard territory. I will return to that later in my short speech.

The impact on our constituents of society lotteries is significant. Most high street charities now run such lotteries: cancer research; military charities; disability support charities such as the Royal National Institute of Blind People; and environmental protection and animal welfare charities. Many contract an external lottery provider to service their lotteries. The two best known external providers are the Health lottery and the People’s Postcode lottery, which most colleagues will have heard of.

I have been doing some research in my constituency. Society lotteries’ contribution to good causes has been impressive. For example, a few years ago, the Benjamin Foundation, which runs a hub in Norfolk to help homeless 16 and 17-year-olds to get their lives back on track through short-term supported housing, received £10,000 from the Postcode lottery, having applied to the lottery and not succeeded for a variety of reasons. The strength of society lotteries is that they can be much more flexible and fleet of foot in considering need.

Elsewhere in Norfolk, the People’s Health Trust, supported by the Health lottery, has given numerous small grants. The East Anglian Air Ambulance lottery has done a great deal of fundraising. The organisation HealthSuccess in Norfolk has put money into a number of good causes around Norfolk: for example, supporting local branches of Scope, Dementia UK and the Royal Voluntary Service. It has put nearly £40,000 into creative training sessions with the Wayland Partnership Development Trust, and nearly £50,000 into the Great Yarmouth and Gorleston Young Carers project. Those are examples of particular successes in Norfolk, which I welcome 100%.

The Health lottery has supported two key charities in my constituency, Trading Links and the Hanseatic Union. Across Norfolk as a whole, it has granted more than £1.6 million to 45 local projects since 2011, as part of nearly £10 million in grants supporting 2,600 projects and nearly 450,000 people across the entire country. I pay special tribute to the founders of the Health lottery, particularly Richard Desmond, one of our mostly highly regarded and respected philanthropists. They can be proud of what they have done.

There are arguments for reform, and they are becoming ever stronger—I mention above all the point about the prize limit, to which I will come in a moment. The proliferation of society lotteries is a good example of the big society at work, helping out at grassroots level. It is a movement that has grown organically and gathered momentum.

The key point, as my right hon. Friend the Member for Sevenoaks (Sir Michael Fallon) and my hon. Friend the Member for North Swindon (Justin Tomlinson) mentioned a moment ago, is that society lotteries are not in competition with the national lottery; what they do complements it. I believe strongly that people play the national lottery because they want to win a life-changing prize. They console themselves with the thought that although the odds against them are completely ridiculous, there is nevertheless a remote chance that they might win the prize, and they will also do some good work for charity. However, they have no idea which charities their small share of ticket income will support. That is quite unlike society lotteries, which are often locally based on people’s doorsteps. People can relate to them and understand what is done by the local charity that they are supporting and what impact it will have in the community in question.

I feel strongly that there is room for both. As the Secretary of State for Digital, Culture, Media and Sport, my right hon. Friend the Member for Staffordshire Moorlands (Karen Bradley) said in a recent reply to a question:

“As Government, we of course want to ensure that we have one strong national lottery, but that does not mean that we cannot also have strong society lotteries.”—[Official Report, 16 November 2017; Vol. 631, c. 565.]

I agree 100%.

We also need to bear in mind that, from the way Camelot has been carrying on, one would think that society lotteries were right there biting at its heels, with ticket sales in the billions. The truth of the matter is that total ticket sales by society lotteries last year were £586.66 million, compared with national lottery ticket sales of £6.92 billion—it is under 10% of the national lottery’s total sales. Frankly, the society lotteries deserve to have the chance to move up a gear, to increase their ticket sales and to do even more good for those causes in our constituencies.

Very simply, I am asking for some deregulation. I would like the draw limit to be raised from £4 million to at least £10 million; the annual turnover limit to increase from £10 million to £100 million; and the prize limit to be raised to £1 million—the Lotteries Council takes the view that it should be 50% of any one draw, but that could be too complicated. The key thing is that if the turnover limit is raised to £100 million, the administration costs would come down quite significantly. That is not the kind of prize that would change people’s lives in the way that the national lottery does, but there is no question that it would be much more attractive. I would also like arrangements to be made for new society lotteries, which have significant start-up costs in their
early years. There must be an argument for the aggregation of the 20% minimum charity contribution over a number of years.

As those of us who were in Parliament at the time remember well, when the national lottery was launched, there was an argument for it being a monopoly. Since, we have seen this revolution in society lotteries. The scenario has changed dramatically. When conditions change, the overarching regulation has to change as well. There is overwhelming support for these changes from every one of the third-sector charity that has been in contact with me. I quoted the Lotteries Council, which is very supportive, as was the Digital, Culture, Media and Sport Committee’s last report.

Since I requested this debate from Mr Speaker and had it granted, I have had a significant number of emails from non-governmental and other such organisations. To pluck one out from a charity that I know well, ActionAid’s senior advocacy manager told me that he is incredibly supportive of the proposals that we are putting forward because:

“Such changes would mean more funds can be raised for important causes like ours and the many other UK charities benefiting from this funding source.”

He says that

“it would be useful...to mention ActionAid’s support for these proposals”.

If they go ahead, he says, ActionAid will be able

“to help tackle violence against women and girls in Kenya, Ghana, Ethiopia, and Rwanda”
as part of its outreach in Africa. That is quite powerful.

I understand that the Minister is waiting for advice from the Gambling Commission. Is there any news on that? As I understand it, these changes could be brought about by a simple statutory instrument. Perhaps she could comment on that, because that is within her power and a lot of pressure is building up.

Arguments have been put forward against these changes. I will not go into huge detail because that would take all afternoon and I do not want to get bogged down in arguments that are not particularly strong. The key argument that has been made is that a further proliferation of society lotteries would somehow take money out of the pool that is available for buying these tickets and that eventually goes to help good causes. I do not accept that argument at all, because the public are incredibly generous these days. If the ask is right, the public will continue. One very good example of that is national lottery sales, which did not dip in the slightest after the all-time record Red Nose Day.

When the Health lottery was launched in 2011, Camelot kept saying that there would be a huge diminution in the amount of support for the national lottery and in ticket sales, but if widened public support and the public view of lotteries, so the competition benefited everyone, including the national lottery. The public spent more on the society lotteries—through the Health lottery in this case—and on the national lottery.

I have also looked at independent reports. Most notably, in 2012, NERA Economic Consulting published an in-depth report on the impact of society lotteries on ticket sales and on the national lottery that found that they made absolutely no difference whatsoever. The Centre for Economics and Business Research published a report in 2014 which was quite interesting and pertinent in saying that

there is little evidence to support the notion that society lotteries undermine the National Lottery...If regulations were to be relaxed, the potential increase in society lottery-donated funds to good causes would, in all likelihood, complement rather than detract from those provided by the National Lottery”.

That is very telling.

On the fall in national lottery income last year—it was not very significant, but it was a fall—the Financial Times reported Camelot as saying that “the main reason for the fall in sales last year was the disappointing performance of The National Lottery’s core draw-based games—especially Lotto, with player confidence in the game still fragile following the recent game changes”.

Camelot is being incredibly candid and honest.

In conclusion, the Minister and the Secretary of State have both said that they believe in the big society, deregulation and a flowering of these different smaller organisations. They believe in communities taking control of their own destiny, and in charities in all our constituencies up and down the country working together to help those good causes. We are now at a stage in the development of lotteries in this country where we can take this important decision. The timing is absolutely spot on. There are many other competing issues in the Minister’s Department and she has many things on her plate, but I urge that this problem could be solved by a simple statutory instrument, which would have massive support from the public and from the organisations I have mentioned. I submit that now is the time to act and for the Minister, who is incredibly talented, to enhance her reputation still further by taking this action.

2.47 pm

Ben Lake (Ceredigion) (PC): It is a pleasure to serve under your chairmanship, Sir Edward. I thank the hon. Member for North West Norfolk (Sir Henry Bellingham) for securing this important debate. I intend to keep my contribution quite brief, which I am sure hon. Members will be glad to hear, but I will emphasise the important work that funding from society lotteries has been able to support, and reiterate the point that raising the turnover and prize draw limits could enable them to do even more.

Players of society lotteries raise over £250 million a year for thousands of charities and good causes across the United Kingdom. The Gambling Commission’s latest round of statistics highlighted that the money that society lotteries gave to good causes rose to 43.6% from 43% last year. In the constituency I serve, Ceredigion, the People’s Postcode lottery, one of the biggest charity lotteries, has supported several diverse local projects and charities that have been of great benefit to communities across the county. Last year, £9,750 of funding from People’s Postcode lottery players supported Age Cymru Ceredigion’s “Silver Steps” project—a great initiative that supports the building of safe walking trails to promote activity among older people. At the other end of the spectrum, a further £1,429 grant from the People’s Postcode lottery funded improvements to Rhyldevis village hall. Many of those smaller projects do not, or often cannot, access the grants available via the national lottery, and therein lies the real value of society lotteries: they are uniquely positioned to offer funding opportunities
to those smaller projects. They can support the causes that the national lottery cannot help. The hon. Gentleman stated, far more eloquently than I can, a point that is worth reiterating: there need not be any competition between the national lottery and society lotteries—in fact, they complement each other's good work.

How society lotteries should be regulated is a question that has been exercising Parliament, the Gambling Commission, Government and others for nearly five years, which I am sure hon. Members from all parties agree is far too long. The charities supported by society lotteries would like the issue to be resolved as swiftly as possible. On behalf of Plaid Cymru, I urge the United Kingdom Government to take the necessary action to enable society lotteries to raise more money for good causes as soon as possible.

The Minister may well be aware of my party's support for the Lotteries Council's proposals, which the hon. Gentleman also mentioned: to increase the annual turnover limit from £10 million to £100 million and the draw limit from £4 million to £10 million. The existing turnover and draw limits are resulting in increased administration costs. Effectively, they are capping the funds that can go to the good causes that each charity lottery supports; indeed, for some charity lotteries, the limits are having the unintended effect of reducing the amount that they can provide to good causes to begin with.

In the light of the numerous studies and reports that have considered the issue, not least the Culture, Media and Sport Committee's 2014-15 inquiry, I am confident that changes to the limits would preserve the distinctiveness of the national lottery. I conclude by asking the Minister whether she recognises the crucial role that society lotteries play, and when we can expect a response to the call for evidence on lotteries that was launched by the Department for Culture, Media and Sport in December 2014.

I want to see more charities and good causes benefiting from funding from society lotteries. Having looked at this matter, I urge the Government, as other hon. Members have done, to support that goal by reforming the regulatory regime under which society lotteries work. In fact, one of the representations I received before the debate was from the R and British Legion across Essex to remarkable charities such as Brainwave, which fundraises for itself, with no Government funding or support, but is changing the lives of children who suffer brain injuries and cerebral palsy and is also transforming the lives of their parents and families. From Farleigh Hospice to the Witham Boys Brigade, people are working hard every week to support vulnerable people and enhance our local communities. The Health lottery, which my hon. Friend mentioned, has invested more than £45,000 in just one charity in my constituency, 2nd Witham Boys Brigade. The Health lottery is an astonishing vehicle for bringing direct support to the grassroots—the communities and charities that achieve a transformative effect. In the case of the Witham Boys Brigade, the money has gone to its stadium, a street project and a neighbourhood living project that is transforming the community and bringing employability skills and empowerment to a whole generation of young people. Enhancing outcomes for young people is something that we should all support, while also encouraging greater volunteerism within the community.

Funding from the Health lottery not only enables young people to take part in activities, but helps to build skills for life and give them the confidence to become good citizens.

One of the benefits of local society lotteries is that the people who pay to play will see and know the good causes that they are supporting, because they will be surrounded by them in their local community. That is an enormous contrast with the national lottery, in which there is no direct link between someone's stake and the various causes that it may go towards in some way. The national lottery's funds go into a central pot and are redistributed from the centre—not a principle of redistribution that I support—whereas local society lotteries serve a genuine grassroots need. Their promoters are themselves active citizens within their communities, so they have that community connection.

I want to see more charities and good causes benefiting from funding society lotteries. Having looked at this matter, I urge the Government, as other hon. Members have done, to support that goal by reforming the regulatory regime under which society lotteries work. In fact, one of the representations I received before the debate was from Essex and Herts Air Ambulance. Our air ambulances are amazing. Naturally, they believe in raising the cap on society lotteries to ensure that more money goes into communities—something that we all support.

In my former role in the Government, I saw for myself how society lotteries benefit international causes and charities—a point that my hon. Friend also mentioned. Causes such as Water Aid and Mary's Meals which, because that my former Department supported, are being held back by outdated legislation. By law, non-commercial fundraising lotteries must donate at least 20% of proceeds to charity. Outdated regulations...
designed to protect the national lottery from competition are preventing them from growing. That is simply not right.

The case has already been made for raising the maximum prize to £1 million—a proposition that is rightly supported by the sector. A higher prize fund will attract more players, which in turn—believe it or not—will generate more revenues for good causes. A £1 million prize is also a clear and memorable figure that is easy to market when promoting these very good society lotteries and charities with a strong local connection. I believe that society lotteries that are able to do so responsibly should be free to adapt their model, increase their maximum prize to attract more players and bring that money to our communities.

The real question for the Government is why society lotteries should be held back. We should give them the freedom to succeed and the trust and confidence to go out there and deliver the big society. We should empower more communities and charities. As a Conservative, I am naturally a great supporter of the freedom to succeed, choice, innovation and the role of the market. When playing lotteries, consumers should have a choice of causes to support, including causes that they themselves may be associated with or have an affinity with. That is really important, but it is being restricted by the existing regulatory framework. We should trust consumers to make informed choices about which lottery products they want to support. They should know how, and towards which causes, each £1 that they pay and play will be divided up, and what the ultimate benefit will be.

As we have heard already today, the national lottery has changed its product range, although that has not necessarily worked, and has put its prices up. We all want to support the next generation of Olympians and win more medals as a country, but some consumers quite frankly do not want to bankroll the fat-cat salaries of Camelot. Likewise, many people who give to charities do not want to bankroll large charities’ fat-cat salaries. As someone who has been a great advocate and supporter of local charities, and of moving money away from big charities and big causes, I think we should make absolutely sure that we empower smaller charities, so that they get out there and provide the support that is required.

The other point I will make—I say this with some personal experience, as my parents were shopkeepers—is that the national lottery’s monopoly completely restricts the opportunity for smaller lotteries to have a staging post in many retail outlets. The national lottery is very restrictive in terms of the regulations and the restrictions around it, and it places burdens on small shopkeepers, such as my parents once were, even though they run the types of shops that we should be supporting on high streets and in our villages, as well. They provide a great local service to our local communities, too.

Camelot has a monopoly and as there is only one national lottery that restriction obviously has ramifications and wider implications. The Government are supporting choice and competition in many other sectors—energy, banking, education or higher education—so there is an enormous opportunity for the Government now to grasp the nettle and to be incredibly proactive in this area.

This is an argument to support choice and competition, but fundamentally it is an argument to support our local communities and our local charities. Naturally, there will be benefits from increased competition, which is something I support. So, like my colleagues here today and like my hon. Friend the Member for North West Norfolk, who secured this valuable debate, I feel that this is a wonderful opportunity to live and demonstrate the values of choice and competition, as well as to promote the role of our small charities, to show that the big society can exist and operate through the hard work of smaller charities and their lotteries, and through other society lotteries.

3.1 pm

**Jim Shannon** (Strangford) (DUP): Sir Edward, it is always a pleasure to speak in Westminster Hall and I thank the hon. Member for North West Norfolk (Sir Henry Bellingham) for bringing this issue here for consideration.

A firm train of thought seems to be emerging today—that good cause lotteries can do a lot of good work. None the less, the topic is a very emotive one and at the outset I will say that I firmly believe that gambling can and does destroy lives throughout the United Kingdom. At the same time, I am also a firm believer that although adults have the right to make their own choices, regulation must be in place, so I am very keen on that. It is important that regulation protects individuals and families as much as possible, while at the same time allowing people the freedom to do what they want to do. That is why I support the case that the hon. Gentleman made. It is important that we consider what good cause lotteries can do across the United Kingdom of Great Britain and Northern Ireland.

At the same time, I advocate the lowering of stakes for the fixed-odds betting terminals and will continue to push for that. However, that is not a debate for today. I understand that, but it is an issue that many of us feel very strongly about, and while not many Labour Members are here today, there are those who subscribe to the same point of view that I do—and many in the Conservative party have the same opinion.

I support the central theme and thrust of the hon. Gentleman’s argument—more money for good causes. How can we make that happen? Many of us across the United Kingdom, including in my constituency of Strangford, are well aware of the national lottery, for instance, and the good work that it does, as well as the many organisations that it has benefited. Community groups and their projects have benefited from the national lottery, as have churches. There are many churches in my constituency that have benefited from the national lottery, as have hospices. There are many churches in my constituency that have benefited from the national lottery, as have churches. There are many churches in my constituency that have benefited from the national lottery, as have churches. There are many churches in my constituency that have benefited from the national lottery, as have churches. There are many churches in my constituency that have benefited from the national lottery, as have churches. There are many churches in my constituency that have benefited from the national lottery, as have churches.

**Stephen Lloyd** (Eastbourne) (LD): Does the hon. Gentleman agree that because of the challenging financial envelope that a lot of hospices have had to deal with over the last few years, lotteries have played an ever more important role in those hospices being on top of their cash flow? Under the proposed changes—moving beyond the limit of £10 million—lotteries could become even more important to those hospices, to ensure that they can serve more and more terminally ill people in the community.
Jim Shannon: I thank the hon. Gentleman for his intervention and that would be the thrust of my argument, as well; indeed, it is possible that many of us in this Chamber share his opinion. But how can we support such causes throughout the whole of the United Kingdom of Great Britain and Northern Ireland?

In my opinion, today the debate should focus on how we can better regulate these society lotteries to ensure that as much as possible of the profit that they make goes to charities and is not swallowed up in administration. The right hon. Member for Witham (Priti Patel) referred to the administrative aspect of charities, and we have to be very cognizant of that issue; we cannot ignore it.

I remember seeing an investigative report on TV about how some charities were run so that only 5% of the money they raised actually went to the cause, and the rest was lost. We are aware of difficulties in the past, and it is important that we ensure that that does not happen again. I remember being horrified by that report and from then on I checked with charities to ensure that the bulk of the money that I donated would go to the actual charity. I am sure there are many parts of the United Kingdom where charitable giving is excellent—I do not doubt that and I will not say anything different—but I know that in Northern Ireland we have some of the highest levels of charitable giving in the whole of the United Kingdom of Great Britain and Northern Ireland; my hon. Friend the Member for Belfast East (Gavin Robinson) can confirm that. We are that sort of people, we are that sort of a nation and we are that sort of a region, and I want to ensure that the bulk of the money that is donated goes to the actual charities.

Nobody expects volunteers in a charity shop to go without heating to keep costs down, but there is something to be said for ensuring good stewardship of money that people have donated. It is up to us to provide legislative protection to ensure that that is the case. There is also a need for charities’ staff to be paid, and they should always be paid a decent wage; that is not what we are trying to change when we talk about cutting administrative costs.

Colin Clark (Gordon) (Con): I am equally concerned about charities’ costs; administrative and advertising costs can be as high as 49% in some of these society lotteries. Obviously Camelot, because of scale, has much lower costs. However, does the hon. Gentleman agree that by increasing turnover, smaller charities would probably decrease their administrative cost per pound, which would increase the percentage of the money that goes to deserving causes?

Jim Shannon: There is certainly an argument for that, and I think we are all committed to ensuring that the vast majority of the money that people give goes to the good causes that we wish to see receiving the money. If we can achieve that, I believe we will be on our way.

Gavin Robinson (Belfast East) (DUP): My hon. Friend knows that the legislative framework in Northern Ireland for societal lotteries is different to that for the rest of Great Britain. We have prescribed limits to expenses: 20% where the revenue is over £10,000; and 15% where the revenue is lower than £10,000. Perhaps those prescriptive percentages of 20% and 15% respectively should be considered for the rest of the United Kingdom.

Gavin Robinson: Perhaps this will be helpful for the Minister as well. Legislation prescribes that somebody from Northern Ireland cannot purchase in person a ticket in the society lotteries in GB, and similarly somebody in GB cannot purchase in person. There is no prescription in law that stops somebody from Northern Ireland participating by post, by telephone or online.

Jim Shannon: There we are. We just have to spend extra money. I thank my hon. Friend for his helpful comment. Many would wish to contribute to the Health lottery and similar charitable causes through the lottery societies if they were given the opportunity. I put on the record that we are keen to be a part of that process. Perhaps we could do it in the same way as everybody else, using the methods that they use across the whole of the United Kingdom of Great Britain and Northern Ireland.

I read an article recently that thankfully said that society lotteries generated more money for good causes in the year to March 2017 than ever before. That is good news, and it possible we would like to see that figure increase again as the process becomes more streamlined and more can go to the cause itself, as the hon. Member for North West Norfolk said in his introduction. Figures published by the Gambling Commission revealed that...
Britain’s 491 society lotteries raised £255 million, up from £212 million in 2016 and £190.6 million in 2015. It has been said that one of the reasons for the increase was that the percentage of sales income going to good causes had risen from 43% to 43.6%. The increase is exactly what the committee was looking for, and even more if possible.

The article went on to say that the funds generated by the Health lottery—again, we come back to that one—which consists of 51 local lotteries across Britain operating under one brand, have significantly increased the amounts raised by society lotteries since it was launched in September 2011. That is a supreme example of those who want to give charitably through a lottery and who do so for the benefit of all of the people—all bar one region—of the United Kingdom of Great Britain and Northern Ireland. We look to the Minister to give us some idea of how we can be a part of that process.

There is an argument that says the limits are increasingly out of date and should be raised to allow more money to be raised. The argument must be carefully considered, and I am sure the Government are doing so. That was the thrust of the contribution from the hon. Member for North West Norfolk, and I think it is the wish of the rest of us to see how we can do better. I urge the Minister to ensure that enough time is taken to safeguard individuals and families when considering any alteration of regulations with regard to any type of gambling, no matter how good the cause is.

3.12 pm

Amanda Milling (Cannock Chase) (Con): It is a real pleasure to serve under your chairmanship this afternoon, Sir Edward. I congratulate my hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) on securing this debate. I am particularly pleased because I have raised several questions in the House on this topic and have spent weeks applying for a debate myself. Between us we have managed to get there in the end. I am delighted to have the opportunity to talk about the reforms that have been discussed by hon. Friends and hon. Members this afternoon, and the opportunities that we could create for local charities and good causes.

To touch on some of the points that other Members have made, why is reform needed? What is the purpose of society lotteries? Put simply, society lotteries are one of several ways in which charities can raise all-important funds for good causes. As Members we go to many different events and support charities in many different ways. Society lotteries engage support in a slightly different way from other forms of fundraising. In fact, they are a way of recruiting supporters. They can find themselves getting new donors and also volunteers. Some charities that have society lotteries say that people buy lottery tickets and go on to take out direct debits and leave legacies. Society lotteries have become an increasingly successful way for charities and good causes to raise all-important funds at a time when we know that demands on their services are on the increase.

The numbers speak for themselves, as my hon. Friend the Member for North West Norfolk mentioned in his speech. In 2011, society lotteries raised around £100 million for good causes. They now raise more than £250 million. They have become a vital way in which well-known national charities can raise funds. My right hon. Friend the Member for Witham (Priti Patel) mentioned the British Legion, which runs the poppy lottery. There are also the more regional and local charities such as St Giles Hospice and the Midlands Air Ambulance in my area.

External lottery managers provide services to operate lotteries. The best known are the Health lottery and the People’s Postcode lottery. We can see the ways in which they help. The People’s Postcode lottery operates to help raise funds for local, national and international good causes, supporting 70 larger charities and 3,000 smaller charities and local community organisations. The Health lottery has raised around £100 million, helping 400,000 people and supporting 2,500 charities, including providing just over £25,000 to Media Climate CIC in my constituency to support a project called Get Active with Music, a two-year project that is looking to deliver a weekly media creation and learning project for a group of 30 adults with learning difficulties.

As both my hon. Friend the Member for North West Norfolk and my right hon. Friend the Member for Witham mentioned, such action is a good example of the big society. Before the general election in 2010, long before I entered this House, I conducted some market research to look at the concept of localism and the big society to try to understand how people understood it. The project is a really good example of exactly what the big society is and what it looks like on the ground in our individual constituencies.

In short, society lotteries provide invaluable funding for charities and good causes, particularly for small and local charities and good causes. Charitable need outstrips supply. Data from the People’s Postcode lottery shows an increasing gap between the funding applications received and the funds available to the three grant-giving lottery managers managed by them.

For some time there have been calls for changes and reform in the law. Society lotteries have been incredibly successful, but there is scope for them to do even more. My hon. Friend the Member for North West Norfolk outlined the limits on society lotteries, so I will not go into those in detail again. Needless to say, there is scope and a need to increase the limits and caps in order for society lotteries to fulfil their full potential. The reforms being sought, as he mentioned and which I fully support, are modest. The sector is calling not for caps to be removed completely, but simply for the draw and turnover limits to be increased and jackpot prizes increased to £1 million. In the case of the minimum charity contribution, there are calls for the rules to be changed so that it is aggregated over an extended period for newly created lotteries, recognising the additional start-up costs in the early years.

Reforming in such a way, as hon. Members have mentioned, it would enable a strong national lottery as well as a strong society lottery sector. They can both work together, maintaining their unique positions and their very different characteristics. My hon. Friend made the point, which I fully support, that they are different. There are different motivations for engaging with the national lottery and with a society lottery. The national lottery is about winning big, life-changing sums of money. Society lotteries are about contributing to good causes, with a small benefit of perhaps winning some money along the way.
As other hon. Members have mentioned, reform has been discussed for some time. Indeed, it was in 2012 that the Department for Culture, Media and Sport first announced that it intended to review society lotteries. Five years on, following a Select Committee inquiry, a review by the Gambling Commission and two general elections, we are still having the same discussion about when reform is likely. I raised the matter in departmental questions in the House last month, and I urge the Minister to come forward with plans to reform the law as hon. Members have outlined. I should specifically like to know what plans her Department has to reform society lottery law, and what timetable is being considered for implementation of reforms.

3.21 pm

Wendy Morton (Aldridge-Brownhills) (Con): It is a pleasure to serve under your chairmanship this afternoon, Sir Edward. I, too, congratulate my hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) on securing the debate.

Many hon. Members will have spent a lot of time in their constituencies in recent weeks—as they will in forthcoming weeks—at charitable events. That brings home to us what an impact charities and local organisations make at the heart of our communities. They are local people supporting local causes that benefit the community. I thank my hon. Friend the Member for North West Norfolk for reminding us how much money lotteries have raised for good causes. Today we have an opportunity to recognise the work of such organisations, as well as looking to the future. When we think about lotteries, often we think of the national lottery or the Heritage Lottery Fund, but if we dig under the surface of our communities, we find many much smaller, often local, society lotteries—the ones we are talking about. The amounts of money involved may be much smaller, but the work being done is none the less vital. The financial contribution may not be great, but it can make a big difference in the community.

Society lotteries give people choice. A person who wants to support a specific cause can choose a lottery accordingly. My hon. Friend the Member for Cannock Chase (Amanda Milling) has mentioned a couple in the west midlands—St Giles Hospice and the Midlands Air Ambulance. They are two among many. Over the years I have been fortunate enough to see in this country and internationally many tremendous examples of charity work, but today I want to highlight an organisation in my constituency that has benefited from the People’s Postcode lottery. Manor Farm community association in Rushall does incredibly valuable work with local people at the heart of the community, often helping more vulnerable individuals who need a little extra support. Thanks to the People’s Postcode lottery, it received support in 2012 for its project called “It’s Just the Job!”. This year lottery funding supported its “silver connections” programme as well. I have looked at the sums, which may not be vast compared with the sums given out by other big lotteries—sums of £9,000 or £18,000—but they are big enough to make a big difference to such organisations’ work.

Smaller charities often find it more difficult to find sources of funding, and that is why society lotteries are so important. We have heard today of many organisations that benefit, including the Canal & River Trust, Royal Voluntary Service, Magic Breakfast, Whizz-Kidz and Volunteering Matters. It will come as no surprise to the Minister that demands for charity funding are often greater than the available funding, and she will be aware that there are calls, as my hon. Friend the Member for North West Norfolk clearly explained, for reform of the society lottery sector. That would include raising the limits on charity lottery funding, to help to reduce admin costs and increase the funds going to the charities. That would mean more local charities and organisations like Manor Farm having the opportunity to bid for funds, which I would welcome.

Perhaps the Minister can clarify a specific point about operational costs. The hon. Member for Strangford (Jim Shannon) spoke of a minimum amount from the ticket price going to charity. I understand that there is a requirement that a minimum of 20% of the ticket price should go to charity, but often it can be much more. I have seen one instance of a minimum of 31% going to charity. That is an example of a society lottery putting much more back into good causes.

The Minister will no doubt want to continue with careful consideration of the matter, including the role of society lotteries, but I believe there must be a place for a strong national lottery and strong society lotteries. I hope it will not be too long before we hear from her following the consultation. Hon. Members will all know from constituency examples that charities and community voluntary organisations often provide extra little support services that Government cannot and perhaps should not provide but which make a difference to our constituents’ lives. Those organisations often work quietly as the unsung heroes at the heart of communities, supporting older and vulnerable people, the environment and other good causes. We have heard a lot about the big society—perhaps we do not talk about it as much as we once did, but I still think there is a big society out there, and that it is worthy of our continued support.

3.27 pm

Brendan O’Hara (Argyll and Bute) (SNP): It is as always a pleasure to serve under your chairmanship this afternoon, Sir Edward. I congratulate the hon. Member for North West Norfolk (Sir Henry Bellingham) on securing this important debate, and pay tribute to all those who contributed. The SNP in this place and the Scottish Government agree that the current law covering society lotteries is past its sell-by date and is in need of an overhaul. The restrictions placed on charity lotteries make that kind of fundraising increasingly difficult and complicated, and limit charity lotteries’ ability to support those working at the front line at a time when demands have never been greater and budgets have never been tighter.

Increasing the annual turnover limit and the draw limit will ensure that the moneys raised by society lotteries can be used to fund charities across the UK and the wider world, making a significant difference to the lives of individuals and communities. Like many hon. Members, while preparing for this debate I was contacted by numerous organisations seeking a change in the law. Among them was ActionAid which explained that like many other UK charities it uses the income from its lottery to provide a level of service and support it would otherwise not be able to provide. The money...
that ActionAid receives goes on life-saving work here and around the world, including programmes aimed at tackling violence against women and girls in Kenya, Ghana, Ethiopia and Rwanda. As a result, ActionAid and many other charities are strongly petitioning the Government to change the legislation to allow the annual turnover on a single society lottery to rise from the current £10 million to £100 million, and to raise the individual draw limit on a single society lottery from the current £4 million to £10 million.

I take on board what the hon. Member for Strangford (Jim Shannon) said, when he made his usual sensible contribution and highlighted the danger of encouraging further gambling, but I feel that there is a growing consensus that a change in the law is required. We have heard the Digital, Culture, Media and Sport Committee, the Lotteries Council, the Institute of Fundraising, the Hospice Lotteries Association, and many other charities such as ActionAid calling for that change.

One of the biggest concerns is the fear that increasing the scope of society lotteries will somehow have an adverse effect on the national lottery—as has been mentioned, there has been a drop in national lottery income and funds going to good causes this year. As I understand it, however, there is no evidence to suggest that the success of society lotteries has had a negative impact on the national lottery. Numerous studies by a range of organisations between 2012 and 2015 came broadly to the same conclusion that society lotteries complement the fundraising of the national lottery. The recent drop-off in people participating in the national lottery is believed to be due more to changes made by Camelot to the games themselves—both the Gambling Commission and Camelot recognise that.

In February this year the Gambling Commission stated:

“Despite remaining the most popular gambling activity, there has been a continued decline in participation in the National Lottery draws coinciding with, amongst other factors, the increase in ticket price from £1 to £2 which was introduced in October 2013.”

In September, Camelot was reported in the Financial Times as saying that

“the main reason for the fall in sales last year was the disappointing performance of the National Lottery’s core draw based games—especially Lotto, with player confidence in the game still fragile following the recent game changes.”

Let me be clear: this is not a case of playing off the national lottery against society lotteries. Indeed—perhaps worryingly—I find myself in complete agreement with the Secretary of State who said last month that

“we of course want to ensure that we have one strong national lottery, but that does not mean that we cannot also have strong society lotteries”.—[Official Report, 16 November 2017; Vol. 631, c. 565.]

I am therefore pleased therefore that Nigel Railton, Camelot’s new CEO, is on record as saying that, following an internal company review, he is optimistic that the national lottery will return to growth next year. I believe that we can have a world in which the national lottery and society lotteries co-exist, and that charities and good causes can continue to benefit.

We are all aware of the billions that the national lottery raises for good causes and we are delighted by that, but society lotteries also make a hugely valuable contribution and are successful in raising much needed funds for a wide range of charities and good causes. As the hon. Member for Cannock Chase (Amanda Milling) said, the current law means that there is a growing gap between what society lotteries do and what they could do. Nevertheless, they still raise a huge amount of money—as the hon. Members for Ceredigion (Ben Lake) and for North West Norfolk said, in 2011 society lotteries raised around £100 million for good causes, but they now raise more than £250 million. Such has been their success that that money has become one of the principal means of survival for many charities and organisations.

As the hon. Member for Ceredigion said, society lotteries can help small local charities that could not otherwise access national lottery funding.

The hon. Member for Aldridge-Brownhills (Wendy Morton) and the right hon. Member for Witham (Priti Patel) spoke eloquently about the scope of local charities in their constituencies, and they were right to do so. However, not only local charities benefit. Many of the UK’s best known charities, such as Children 1st, the Red Cross, the Marine Conservation Society, the Royal Botanic Garden Edinburgh, Dogs Trust, Save the Children, WaterAid, the Riding for the Disabled Association, and the wonderful Mary’s Meals in my constituency, all benefit as well. Collectively, those charities are asking the Government to revisit the Gambling Act 2005 and make it fit for purpose. They argue that raising the existing cap on what society lotteries can pay out will allow more money to go to charity and good causes while reducing administration costs. The proposed changes have been much talked about—and indeed, I understand that the Government’s review was announced on 15 December 2012, which means that this was first discussed five years ago this week.

If we raise the prize money cap on society lotteries, the amounts of money won would not be the complete life-changing experience that happens by winning the national lottery. The Select Committee recognised that. The Secretary of State said recently that the Government remain committed to helping both the national lottery and society lotteries to maximise their contribution to good causes by establishing the right conditions to help them thrive with the appropriate level of regulation. There is clearly broad cross-party consensus for change. We know that those changes will not come at a cost to the taxpayer or damage the national lottery, and they can be brought forward easily via secondary legislation. It therefore remains only for Ministers to stop delaying and to bring forward the proposed changes as soon as possible. If the Minister is unable to make an announcement today, will she at least provide a timescale for when we can expect such an announcement?

3.36 pm

Dr Rosena Allin-Khan (Tooting) (Lab): It is a pleasure to serve under your chairmanship, Sir Edward. I thank the hon. Member for North West Norfolk (Sir Henry Bellingham) for securing this debate.

As many Members have said, society lotteries do fantastic work across the country and support a wide range of key local causes, including hospices, air ambulances, sports clubs, health charities, animal welfare and support for the elderly, and many other charities
across the globe. At a time when Government budgets have been cut across all Departments and in local government, some of that support has been vital.

Hon. Members will agree that there are fantastic examples of good causes being supported in our constituencies. In Footing, for example, a local day care centre was the recipient of a new garden, a health space was created for young homeless people, a new project to help older people get online was started, and many other such groups have received essential funding. Society lotteries are a force for good, and we welcome all efforts by hon. Members to consider ways to make the system better. We must give this sector a greater degree of certainty and clarity about its rules and governance, to ensure that maximum funding is available for good causes. With that in mind, will the Minister consider raising the minimum good cause contribution for larger society lotteries?

I agree with some of the recommendations made by the Lotteries Council, and believe that their members’ No. 1 priority is to generate more income for good causes each year. Deregulation must not come at the expense of those good causes. The system and any changes to legislation that we consider must put good causes at its heart, and they cannot be forgotten in the rush to cut red tape.

I support calls for greater transparency in society lotteries, and information about where the money goes should be readily available. Given the data-driven society in which we live, why is it not the norm for us to be able to see how each lottery’s proceeds are spent? If we could see what portion of each ticket is spent on causes, prizes and expenses, that would increase trust in the system, which is especially important if the Government are considering raising the annual turnover or draw limit. Will the Minister implement the Committee’s recommendation of a 35% cap on operating costs for the largest lotteries?

We must be diligent in ensuring that caps on prize limits reflect the current political and economic climate, and that any renegotiation of the cap does not increase or promote bad gambling habits. Have the Government assessed the impact that increasing the prize caps may have on gambling habits? The Minister and I were both at the Gamble Aware conference last week, where that issue was raised.

One major concern that is often cited is the potential competition that the deregulation of the society lottery sector may bring to the national lottery. I believe that one main national lottery must be retained to maximise player participation and the financial benefits for good causes, but we must consider how the national lottery is set up and managed, given its recent drop in contributions. One organisation that is missing out is the Heritage Lottery Fund, which has announced that its budgets have been cut by more than £200 million. I am keen for the Government to have a plan to ensure that fantastic organisations that do incredible work across the UK do not lose out. What assessment has the Minister made of the impact of the reduction in national lottery good cause funding?

Does the Minister believe that expanding the ability of society lotteries to increase their prize draws would have a negative effect on the national lottery? Given that the current turnover and draw limit were set in 2005, it is right to look again at the rates and, potentially, to raise them. The Culture, Media and Sport Committee, as it then was, made a number of recommendations in 2015, but the Government have yet to take any action. Lotteries have been left in limbo for years, and the Government need to provide greater clarity about their intentions. Can the Minister tell me when the Government, whatever their decision, will make an announcement on any changes to the limits?

I said at the start of my remarks, and I think we all agree, that the main aim of society lotteries is and should remain to raise money for those who seek to do the best they can for the people at the heart of our communities. Motivations for playing the smaller lotteries, which are often tied to particular causes, are different from those for the national lottery, which people play to win for a life-changing amount. Both kinds raise millions for good causes, but they are distinct, and when considering easing the regulations on society lotteries, it is important to maintain that distinction. Any rises in prize thresholds must ensure a balance between the ability of society lotteries to raise more money for good causes and the national lottery’s ability to do so being protected. If we move to liberalise the market, we must take steps to ensure that where the number of players, and the prize draws, increase the potential associated dangers or harms are fully assessed as part of the reforms.
It is clear that the society lottery sector plays an important and growing role in supporting a diverse and wide range of good causes in the UK. We have seen sustained growth in the sector since 2008, when the per draw sales limit was doubled from £2 million to £4 million. Indeed, sales have increased by more than 100% in the last five years. Last year, a record £255 million was raised for good causes, which was an increase of more than 20% on the previous year. Not only are society lotteries raising more funds for good causes, they are giving a greater proportion of their sales back to good causes, with a sector average of just less than 44%.

Each year, more charities and good causes start their own lotteries to raise funds to support their important work. I recognise that, for charities, money raised through society lotteries has become an important source of funding, which allows their work to continue and grow. Colleagues will appreciate that I am the Minister with responsibility not only for gambling but for civil society so, whatever we do on the issue, I recognise the contribution the lotteries make to charities that I support in another part of my brief.

In 2015, I was a member of the Culture, Media and Sport Committee, the report of which many colleagues have cited today. We looked at society lotteries in some detail. The guiding principle then, as now, was that the regulatory regime which governs society lotteries should encourage the maximum return to good causes. The licensing regime should be light, protecting players without placing unnecessary burdens on operators. In some bizarre twist, I, in my role as the Minister responsible for lotteries, and the former Secretary of State for Culture, Media and Sport, the right hon. Member for Maldon (Mr Whittingdale), who had previously been the Chairman of the Committee, agreed either to accept the report’s recommendations, or to explore them with expert advice from the Gambling Commission. The issues are important and complex, and it has been prudent to take our time over them and to consider a number of options.

My hon. Friend the Member for North West Norfolk and other colleagues mentioned limits, which was a recommendation for review in the Select Committee report. However, before making any changes to the current rules, it is important that all options are looked at and consideration is given to the wider picture. We do not want any unintended consequences.

The key consideration in the reforms has been how to strike the right balance between society lotteries and the national lottery. The sectors grew in tandem for many years, and it is important that any reforms enable them both to flourish. I want to pause here to acknowledge the importance of the national lottery. This year marks its 23rd anniversary and, since 1994, more than £37 billion of national lottery funding has been raised—an average of more than £30 million each week—for more than half a million projects all over the UK. The national lottery has had an unparalleled impact on 21st century Britain, making a valuable contribution to funding our many Olympians and Paralympians, our historical buildings and monuments, and even our Oscar winners, one of whom I was fortunate enough to meet a fortnight ago, alongside some of our future stars who are benefiting from film clubs run with lottery funding. It is, of course, our communities who benefit most of all from the lottery. The majority of national lottery money goes straight to the heart of our communities. Last year, most of the grants made were for £10,000 or less—small amounts going to community-led projects that make a huge impact.

I was sorry to hear that my right hon. Friend the Member for Witham (Priti Patel) is unaware of some of the national lottery funding in her constituency. We are working with all distributors to ensure that people are made more aware of the local as well as the national good causes that the lottery supports. Just as a headline, in my right hon. Friend’s constituency the national lottery has funded the Museum of Power—somewhere we should all visit—Tollesbury sailing club and the local rifle club. I know that Braintree District Council covers more than her constituency, but it has had more than £18 million of Sport England funding. I do not know the details of all the other national lottery distributors, but I will ensure that we write to her with them.

Priti Patel: I know very well the distribution of national lottery funds and support in my constituency and I thank the Minister’s officials for giving her the chance to tell the House today where the money has gone. But there is a point of principle here, which is that of competition and choice in communities—also the purpose of the debate—ensuring that society lotteries are able to compete with the national lottery and that a wider pool of funds goes to a much wider range of local charities and communities.

Tracey Crouch: I am grateful for my right hon. Friend’s point, which—she is right—the whole debate has addressed. It is important, however, and other colleagues have made this point, that we have a strong national lottery. It has become a part of our national fabric, but that does not mean that we cannot also have strong society lotteries. The Secretary of State made that point recently.

Sir Michael Fallon: No one doubts the success of the national lottery. It is an enormous achievement and we should be very proud of it, but how do we know whether a quarter of a century further on it will continue to be as successful as it could be?

Tracey Crouch: We are constantly reviewing matters. The Gambling Commission constantly keeps the national lottery under review, and I am sure that colleagues are aware that discussions are already beginning about the next licence procedure. We have to have a healthy mix of lotteries. I recognise, as my right hon. Friend the Member for Witham pointed out, that not everyone is aware of the local good causes. There has been an issue that the national lottery money that goes to those good causes has not necessarily been promoted as well as it could be. Society lotteries have done that much better, and we want to ensure that we have a vibrant mix of national and society lotteries.

I am the Minister with responsibility for charities, so I have heard from many charities that benefit from society lottery funding, whether that is their own or a grant from such lotteries as the People’s Postcode lottery or the Health lottery, both of which support a multitude of good causes throughout the country. We have heard about some of those good causes today. I have spent a long time looking at the evidence on the relationship between the national lottery and society lotteries. We know that the two sectors offer different and distinct propositions to players. The national lottery enables players to support a wealth of good causes in...
We are carefully considering the evidence. While colleagues general elections since it started, but I assure colleagues been considered alongside the Gambling Commission for evidence. Responses to the call for evidence have been considered. As my hon. Friend the Member for North West Norfolk made it is not always about the size of the prize; what is important is maintaining the balance and variety currently on offer.

I will briefly respond to the points made by our Northern Ireland colleagues. Although lotteries carry a lower risk of harm than commercial gambling, they are still a form of gambling, and tickets can be bought at 16. That is one reason why we are considering the evidence carefully before making a decision. Gambling policy in Northern Ireland is devolved, as was pointed out. I have listened with interest to the points that the hon. Member for Strangford and others have raised, and I encourage them to raise them with the Northern Ireland authorities. In addition, colleagues will know that I announced a consultation on social responsibility on 31 October. It will look at advertising, which was a point that the hon. Gentleman raised, and I encourage him to feed into the consultation. I continue to keep the devolved Administrations up to date on our work on this issue.

Gavin Robinson: The Minister will be aware that the Northern Ireland legislation on gambling and social charities has not been revised since 1994. The Department for Communities started a consultation in 2011, and we still have not got the outcome of that process. It is no coincidence that when the national lottery draws have big rollovers, there is an increase in ticket sales—bigger prizes attract more players—but I do not think people are attracted to society lotteries in the same way. Many large society lotteries offer relatively low prizes but are still thriving, which speaks to the point that my hon. Friend the Member for North West Norfolk made. It is not always about the size of the prize; what is important is maintaining the balance and variety currently on offer.

I want to pick up on one point that the Minister made. I absolutely respect her—I think she is one of the best Ministers in the Government. Her knowledge and expertise on, and passion for, her brief always come across to me. She is so knowledgeable not only on sports, but other issues as well. I absolutely expect her to look at this in great detail and go through all the arguments. She said there was not widespread or overwhelming sector support, but the only organisations that pushed back, as diplomats would say, when I launched the debate, were the National Council for Voluntary Organisations and Camelot, and I think we can discount Camelot fairly quickly. What the NCVO said was very interesting. It wants to see the process simplified to allow more society lotteries into the market. We support that 100%. It wants more transparency, which I think we can deliver. It wants to see less admin, and raising the draw limit to £10 million would greatly alter the mechanism for providing their main sources of income, and it is my intention to ensure that the sector has every opportunity to grow and thrive. I thank my hon. Friend for giving us the opportunity to set that on the record.

Sir Henry Bellingham: First, I thank my hon. and right hon. Members for their support. What has been notable in this debate is the extraordinary cross-party support and the strong support from all parts of the United Kingdom: Wales, Northern Ireland and Scotland and many different parts of the country. There is overwhelming support for the changes. I should not forget the official Opposition, who gave significant support to my proposal.

One thing that struck me is that every hon. and right hon. Member who has spoken has made it clear that society lotteries are truly distinct from the national lottery. There is space for both to operate. I am very grateful to the Minister for her remarks. I am absolutely convinced that the positive response she gave will be greatly appreciated. I accept entirely that these things always take longer than we expect, and I respect and understand her wish to avoid unintended consequences. I also entirely appreciate that there are issues around some aspects of gambling, but the people who buy society lottery tickets—yes, of course they are interested in that prize—want to support a charity on their doorstep that they feel an affinity with. They have a sense of ownership and commitment and passion towards that. We are only talking about a small prize—as I mentioned in my speech, £25,000 is scratchcard territory—and there has to be a bigger incentive or prize at the end of the draw. A prize limit of £1 million would not in any way trespass on the national lottery, which offers life-changing sums.

To conclude, society lotteries, both large and small, play a rich, varied and important role in supporting and championing good causes. For some, they may well be the mechanism for providing their main sources of income, and it is my intention to ensure that the sector has every opportunity to grow and thrive. I thank my hon. Friend for giving us the opportunity to set that on the record.

3.54 pm

Tracey Crouch: I would be very happy to do that. The hon. Gentleman makes a good point.

The other comment I wanted to make was on the call for evidence. Responses to the call for evidence have been considered alongside the Gambling Commission advice. The process has taken time. There have been two general elections since it started, but I assure colleagues that it is very much at the forefront of my current work. We are carefully considering the evidence. While colleagues may say that there is consensus for change, which is true, I respectfully point out that there is not necessarily consensus within the sector on what the changes should be, and we are looking at that area as part of our consideration. As my hon. Friend the Member for North West Norfolk and others have pointed out, changes to the limits for sales and prizes can be made by statutory instrument, but the parliamentary process, as many know—there are some very experienced colleagues in this room—can take around nine months to conclude from when an announcement is made. We are trying to work the issues through. I hope to be able to update colleagues in more detail in the new year.

To conclude, society lotteries, both large and small, play a rich, varied and important role in supporting and championing good causes. For some, they may well be the mechanism for providing their main sources of income, and it is my intention to ensure that the sector has every opportunity to grow and thrive. I thank my hon. Friend for giving us the opportunity to set that on the record.
reduce the level of administration. Indeed, my hon. Friend the Member for Gordon (Colin Clark) made that point very clearly.

Interestingly, the briefing from the NCVO has changed. Earlier in the year, it said clearly that it would be better not to go down the route of having any significant SI or deregulation, but it now recommends that proceeds and prize caps should be increased—it is simply a matter of what they are increased to. So long as that is combined with greater transparency, the NCVO is more or less on side. I challenge the Minister to let me know, perhaps in writing, whether other organisations are putting forward a contrary point of view to the very strong arguments advanced this afternoon.

What the Minister can take away from the debate is that there is widespread support across the nations of the UK to make the changes. We have a great relationship and understanding with her, and she has our respect. We now want her to deliver, and if she does, she will have the overwhelming support of the House. As I think has come through this afternoon, that support will be not just on the Government Benches, but across the entire House.

Question put and agreed to.

Resolved,

That this House has considered the future of society lotteries, the Health Lottery and limits on prize values.

Children’s Services

[Mr Philip Hollobone in the Chair]

4 pm

Fiona Onasanya (Peterborough) (Lab): I beg to move,

That this House has considered the provision of children’s services by local authorities.

It is a pleasure to have the opportunity to debate the provision of children’s services by local authorities. My reason for introducing the debate is that I understand that the pressures facing children’s services are rapidly becoming unsustainable, with the combination of Government funding cuts and huge increases in demand leaving many areas struggling to cope.

More and more vulnerable children are in need of care. Children’s charities, including Barnardo’s, the Children’s Society, Action for Children, and the National Children’s Bureau, have described a crisis facing children’s services, highlighting that central Government’s decision to deny councils funding is affecting the quality of vital children’s services. Councils have suffered a 40% cut in funding since 2010, leaving them unable to meet soaring demand and to provide safe, effective children’s services. Local authorities overspent on children’s services by £365 million in 2014-15, and by a further £605 million in 2015-16. That overspend shows how dire the situation is for them, and that the funding is insufficient.

Due to cuts, one in three Sure Start centres have closed since 2010. There are now more than 1,240 fewer designated Sure Start children’s centres. The Local Government Association has forecast that children’s services face a £2 billion funding gap by 2020. Serious child protection cases have doubled in the last seven years, and around 500 new cases are launched in England every day.

Lucy Allan (Telford) (Con): The hon. Lady is to be congratulated on moving this important motion and I am grateful to her. I hope she will join me at a later stage in introducing a Backbench Business Committee debate so that this extremely important motion can be debated more fully. Does she agree that it is a stain on our society that we have so many children being taken into state care, and that the focus is on taking children from their families, rather than on preventive measures that would enable them to stay safely at home?

Fiona Onasanya: I agree, but local authorities need to have funds to invest in resources to make prevention a possibility. We cannot keep cutting their funding and expect them to do more with less. I would be more than willing to join a Backbench Business Committee debate, but the issue that I am seeking to highlight is that the funding strategy is failing our local authorities.

Marsha De Cordova (Battersea) (Lab): I, too, congratulate my hon. Friend on securing today’s debate. Does she agree that the last seven years of cuts to children’s services have had a negative impact, leading to the closure of Sure Start centres and more children going into care, and that that impact has fallen disproportionately on poorer children?
Fiona Onasanya: I absolutely agree. The fact that we are cutting vital funds to local authorities has a direct impact on the services that can be provided, and those whose families are from an impoverished background are disproportionately affected.

Jo Platt (Leigh) (Lab/Co-op): I, too, congratulate my hon. Friend on introducing the debate. Does she agree that it is not just children who are in crisis, but families? The cuts to early intervention and prevention grants in my area of Leigh have led to a rise in drugs and alcohol abuse, homelessness and mental health issues, which affect both children and adults.

Fiona Onasanya: I agree. When we talk about funding for children, we have to look at the whole family, or at the whole child, so to speak. A child is not there in and of themselves—they come from a family. When looking at prevention, we need to look at how the child got into that position in the first place and what steps can be taken to support families, to ensure that they can be the support network that the child so vitally needs.

Anne Marie Morris (Newton Abbot) (Ind): We have talked about this being a broad issue around the individual. Does my hon. Friend agree that social services have an impact not only on the child and the family, but in education? Not having support from social services for children with difficulties puts pressure on teachers, who are effectively having to pick up the challenge. Likewise, there is an effect on the NHS. Certainly in my part of the country in Devon, only one tenth of the overall mental health budget is spent on children. If there is no support in social services, the impact is inevitably on the NHS.

Fiona Onasanya: I agree. My concern, however, is that if we shift the focus solely to either the NHS or education, we are missing something, because preventive services that local authorities provide need to get in early. If funding is not there at the outset, that has a knock-on effect and affects education. Teachers have to be the parent and the teacher—raising the children rather than just teaching them. I have seen that even in my constituency of Peterborough, but we need to scale it back and look at the cause. If we start at the beginning and say that prevention needs to involve looking at children’s services, we need to ask what services we are offering the whole child and what services we can offer to the whole family. If we give support to the whole family when the child is school-ready, that should have a beneficial effect. We want to look at prevention, rather than just dealing with the consequences of the lack of funding.

As I said, the Local Government Association has forecast that children’s services face a £2 billion funding gap by 2020, serious child protection cases have doubled in the last seven years, and around 500 new cases are launched in England each day, yet no new money was given in the Budget for struggling children’s services. In my constituency of Peterborough, the local authority is set to lose another £30 million over the next three years and, as of 23 October this year, the Government grant had been reduced by 80%. Between 2010 and 2015, expenditure on services for children and young people fell by £7.8 million in real terms—a fall of 21.9%. I received email correspondence from a constituent named Tracie, who said:

“Social Services are a nightmare”.

Appointments are repeatedly cancelled and social workers do not reply to emails, because our local authorities are overstretched and underfunded. As I said, we cannot keep expecting them to do more for less.

On 31 March 2015, 1,860 children in Peterborough had been identified through assessment as being formally in need of a specialist children’s service. Furthermore, 354 children in Peterborough are being looked after by the local authority and 23% of those are living in poverty. We need sustainable forms of funding, based on the cost of delivering current and future services, and not regrettably focused on past spending.

4.9 pm

The Minister for Children and Families (Mr Robert Goodwill): I congratulate the hon. Member for Peterborough (Fiona Onasanya) on securing this important debate. I was pleased to meet her briefly yesterday for the first time to discuss today’s topic, and I appreciated the passion and eloquence with which she argued her points, but although we may agree on the analysis of the problem, the solutions may not be as simple as she thinks.

I am sure we both agree that local authorities are tasked with providing some of our most important public services. Very clearly, we also agree that some of the most critical are the services that they provide to protect and support our most vulnerable children. That is a varied and complex responsibility, ranging from proactive and preventive early help to support children and families who are struggling to manage, to the critical end of the spectrum, as we have heard, where there is a real risk—a live risk—to young people, and where social workers are tasked with making tough decisions that protect lives and transform outcomes.

Right now, two thirds of our most vulnerable children live in local authorities where service provision is less than good. Although 89% of our schools are good or outstanding, only 36% of children’s services received the same rating. My Department works tenaciously to address that, but it is not an acceptable state of affairs. We are engaging with our colleagues in the Department for Communities and Local Government on the questions that the hon. Lady raises about funding, but we must be realistic. Quality is not only dependent on money. High-quality services need excellent leadership, a skilled and experienced workforce, and rigorous, evidence-based practice. Since I started this job six months ago, I have been impressed by how much of that good work is already out there and how much my Department has already done to spread it more widely.

Our reform agenda was set in 2016 and put into legislation earlier this year. The far-reaching suite of reforms set out a deeply ambitious approach to tackling the challenges within the system. It was intended not only to implement short-term interventions that would create better outcomes for children within the system now, but to lay the foundations for the future, ensuring that in years to come local authorities were equipped to deliver high-quality provision to future generations of vulnerable young people.

As part of that, over the past few years we have launched a major programme of reform to expand the numbers and quality of those entering social work. Frontline and Step Up are now well established entry-level
schemes attracting high-performing graduates and older career changers into the profession, to bolster some of the excellent teams already out there. Meanwhile, the national assessment and accreditation system, due to launch in July, will raise the professional status of child and family social workers, providing a clear career path, as well as ensuring that these critical public servants have the knowledge and skills they need to practise effectively.

Our ambition is to create a truly evidence-based learning system for the sector, and the work is already well under way. This autumn, I was pleased to announce the two organisations that would establish the world’s first What Works centre for children’s social care. That vital piece of the reform jigsaw puzzle has now begun its incubation and I am excited that, not long from now, that fabulous resource will be used daily by policy makers, commissioners and practitioners, supporting them to make informed decisions, based on a rigorous catalogue of evidence that lets them know in an easy and accessible manner what interventions work.

That will be bolstered by the developing evidence from the children’s social care innovation programme, which since 2013 has injected £200 million into the sector to support nearly 100 innovative projects designed to improve outcomes for children across the country. The hon. Lady will know that her own constituency has benefited greatly from two such initiatives. Peterborough has received funding of up to £1.2 million over three years to support the commissioning of its fostering, adoption and permanency services to the Adolescent and Children’s Trust, a non-profit organisation committed to securing better and more permanent outcomes for all children and young people in care. Peterborough is also one of the four local authorities that is replicating the successful Hertfordshire innovation project. With funding from the first bidding round of the innovation programme, Hertfordshire has seen great results for children and their families with their family safeguarding model of social work. We are excited to see how the scale and spread of that model to Peterborough, Luton, Bracknell Forest and West Berkshire will replicate similar results for families in those areas.

Jo Platt: Does the Minister agree that what he is talking about is the higher end and most costly element of children’s services, which is our looked-after children and our children in care? What we need to do is to put that resource in at the earlier stages with children, as well as ensuring that these critical public servants have the knowledge and skills they need to practise effectively.

Lucy Allan: Is the Minister aware of the comment from the chief executive of the Children and Family Court Advisory and Support Service that there are children in care unnecessarily—children who would not be in care if they had the help that is available in some parts of the country? The inference is that the service is very patchy and that a child might end up in the care system, when elsewhere in the country there would be sufficient investment to help protect them and keep them safely at home.

Mr Goodwill: My hon. Friend is absolutely right. We have authorities that have dramatically reduced the number of children being taken into care by making early interventions. That saves money, makes the local authority more cost-effective and is the sort of innovation that we want to spread around the country, from the good or outstanding authorities to the other authorities that are, unfortunately, letting down too many children and not spending the hard-earned taxpayers’ money deployed for their use as effectively as they might. We need to improve the standard of children’s social care in so many authorities where they are not delivering as well as elsewhere.

We have strengthened our approach to intervention in cases where councils are failing to provide adequate services for children in need of help and protection, looked-after children or care leavers. That programme of intervention is yielding real results. Some 36 local authorities have been lifted out of failure since 2010 and we are seeing a positive impact from the independent children’s social care trusts that we have set up in Doncaster and Slough. We also have great examples of local authorities, such as Leicester City and West Berkshire, that have turned their services around at an impressive pace, underlining what can be achieved with a relentless focus on improvement along with the right help and support. I am of course pleased with such results, but I am not complacent—we will continue to act swiftly in cases of failure and to act decisively to ensure improvement is happening everywhere in the system.

We have identified £20 million to be invested in improvement support to help create a system of sector-led improvement, founded on systematic and effective self-assessment and peer challenge. We have enjoyed real success in working with sector partners on that. Together, we are testing a system of regional improvement alliances that will, in time, spread to the whole country and enable a robust system of support and challenge between local authorities, supported by key partners such as Ofsted and my Department.

We are expanding our partners in practice programme. Our PiPs, as they are familiarly referred to, are excellent local authorities whose children’s services are secure and whose leadership is strong. For a few years now, the partners have been pioneering excellent practice and working systematically to spread it across the system. They are a model of good practice, not seen from a distance but working hand in hand alongside teams in other authorities that want to learn and improve their own practice. For example, North Yorkshire, my own excellent Conservative-controlled local authority, is working...
with other councils to diagnose problems and agree on what support is needed, extending practical help to nine areas across the country. We aim at least to double the number of partners in practice in the current expansion application process. That will ensure we have dedicated teams of excellent practitioners, with additional capacity built into their council, which enables them to get into struggling authorities and offer practical, on-the-ground support to help them to improve their service provision.

It is clear that much has already been done to ensure that every penny spent on children’s services is being spent effectively on delivering good outcomes for vulnerable children.

Kirstene Hair (Angus) (Con): The spend on agency staff has nearly doubled across the UK, not just in Scotland or England and Wales. Does the Minister agree that spending huge sums of money on agencies drains funding, which leads to a poorer quality of services across the board, so something needs to be done to attract more people to that career path?

Mr Goodwill: My hon. Friend is absolutely right. One of the typical problems that I come across when I visit failing authorities is that they have trouble retaining and recruiting staff, and therefore tend to rely on agency staff to do that work. I do not want to detract from the work done by agency staff, but the cost of using them can sometimes be twice as much as the cost of employing people in-house. It is a frustrating side effect of failure, and it means that other factors come into play that make it even more difficult to get those authorities back where they need to be. That is why partners in practice and other innovations are working so well to improve the quality of children’s social care. Getting decisions right first time is the best way of ensuring that children who may be in danger and are certainly in need get what they need.

Local authorities increased spending on children and young people’s services to more than £9 billion last year. In some areas, demand for services is rising and local budgets are under pressure. We recognise that councils are delivering children’s services in a challenging environment, and they need to make tough choices about their priorities to achieve efficiencies. The Government have already done much to support local government spend. We are in the second year of an unprecedented four-year finance settlement for local government, which was accepted by 97% of councils. It gives authorities greater funding certainty over the medium term and enables them to be more proactive in planning for the long term. It also better equips them to prepare for the upcoming reforms under which local government will be funded through local taxes.

It is indeed critical to get funding right, and we do not rest on our laurels. We recognise that funding pressures on local authorities may be greater in some parts of the country than in others, and we are aware of concerns about the fairness of the current funding distributions. The Government have therefore reaffirmed our commitment to the DCLG-led fair funding review, which aims to address concerns about the fairness of the current funding distributions. We will carry out an evidence-based review of the funding formulae to ensure they reflect the shifting factors that impact on the cost of providing services, such as changing populations and demographic pressures. Department for Education officials are working closely with colleagues at DCLG and with the sector, and are determined to get this right for children’s social care services.

The hon. Member for Peterborough briefly mentioned Sure Start centres. There are 3,130 children’s centres still open, and they deliver excellent care in many cases. That is a fall of only 14%. I think the mistake is often made of not including children’s centres that have additional sites that have been amalgamated from a management point of view. There are still a lot of children’s centres opening.

It is also interesting that more family hubs are opening. Many local authorities see a family hub as a better way of delivering services to local people. I visited the children’s centre in my constituency—I mentioned this last week in the House—where some excellent work was being done on engaging with families, who were being shown how to produce cheap, nutritious meals with simple ingredients. The lady in charge looked out the window and said, “The children we really need in this centre aren’t here in the children’s centre. They are at home looking for a dry crust of bread in the kitchen because their mother hasn’t recovered from the hangover she inflicted upon herself the night before, or maybe the family is so dysfunctional that they are not able to get them here.” The workers at family hubs have been effective in getting into homes. It frustrates me that more than a quarter of parents do not take up the 15-hour free childcare availability for the most disadvantaged two-year-olds, but I have heard that in Warrington the take-up is approaching 100% because of the way Warrington Borough Council has engaged with families and got them into the provision. There is a lot that can be done to improve the way the service works.

There are 30,000 children and families social workers employed in England, which is an increase of 4.7% on last year. Although there are 5,540 vacancies on the books, 71% of them are taken up by agency staff. Local authorities can be successful in getting their workers back on to the payroll, rather than employing them through agencies.

The hon. Member for Peterborough said that too many children are going into care. In some cases, local authorities can safely bring down rates of looked-after children. The innovation programme is part of the answer to that problem, and it enables good practice to be shared. In other cases, it is a sad but necessary intervention. It may be down to better identification of issues relating to child sexual exploitation and gang risk. Overall, the decision is for the local authority. The best interests of the child and the protection of the child have to be paramount.

Providing support for preventive services and preventing cases from escalating must be at the centre of the work of every single director of children’s services and social worker around the country. The DCLG provides funding through the troubled families grant, which supports struggling children and families. We have funded a number of programmes that focus on getting help right early in the innovation programme.

I am enormously grateful for the attention that the hon. Lady has given to this issue. It fills me with confidence to know that there are people on both sides...
of the House advocating for the most vulnerable in our society. As I hope she can see from the reforms I outlined, we are committed to making a real change to the system that is as deep and long-lasting as it is wide-ranging. I also hope that she acknowledges the work we have already begun, which will ensure that this crucial service has the right amount of money and that it is being spent on the right things and in the right places. Collaboration across Whitehall and across the sector will ensure that my Department builds a system that weathers challenges both now and in the future and ensures that this country continues to lead the way in its provision for the most vulnerable children.

Question put and agreed to.

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**Healthcare Optimisation Plan: Kirklees**

4.27 pm

Paula Sherriff (Dewsbury) (Lab): I beg to move,
That this House has considered the healthcare optimisation plan, Kirklees.

It is a pleasure to serve under your chairmanship, as always, Mr Hollobone. As is now widely acknowledged, our NHS is under ever-increasing pressure, and budgets are stretched beyond capacity in almost every part of the country. In my area of Kirklees, we face unprecedented cuts and challenges. Both of the local hospitals that serve my constituency have been subjected to downgrades and the closure of vital services.

The financial challenge in health services across Kirklees is unprecedented. There are reports that deficits are forecast to reach record levels by the end of this financial year. Sadly, that is mirrored across the country as a result of the Government’s onslaught of cuts to our public services. To be frank, our NHS is being starved of money to the point at which lives are being put in danger, and financial decisions are being given priority over clinical judgments. Every day, we see the pressure that the NHS is under. Hospital waiting times are up, it is harder than ever to get a GP appointment, ambulance waits are increasing, and hospital wards are seriously understaffed. As the weather turns to freezing, we are all fearful of a repeat of last year’s winter pressures, when people were dying on hospital trolleys, waiting to be seen.

Only this week, the highly respected Lord Kerslake resigned his post as chair of King’s College Hospital board, claiming that NHS funding desperately needs a rethink and that the demands for savings are unrealistic. That came on the back of comments from NHS England’s chairman and its former national medical director, following their disappointment that sufficient money was not made available in last month’s Budget.

The chairman, Professor Sir Malcolm Grant, said:
“We can no longer avoid the difficult debate about what it is possible to deliver for patients with the money available.”

Professor Sir Bruce Keogh added his personal view:
“Budget plugs some, but”
definitely
“not all, of NHS funding gap”,
which would
“force a debate about what the public can and can’t expect from the NHS”.

He added that it was:
“Worrying that longer waits seem likely/unavoidable.”

In the face of such financial pressures, the two clinical commissioning groups covering my constituency, North Kirklees and Greater Huddersfield, have recently released plans to introduce what they refer to as a health optimisation programme, which would restrict access to elective surgery for those who smoke or who are obese. Make no mistake, whatever title is given to the scheme, it is nothing more than a thinly hidden attempt at rationing healthcare for those in need. Smokers would be given six months to quit, and for those who are considered to be obese—measured by a body mass index of more than 30—the requirement would be to lose 10% of their body weight within 12 months.
louder alarm bells started to ring for me. It is absolutely asked if they still wish to be referred. That is where month from the end of the programme, patients are not qualify for the surgery. Not only that, but one replacement, for example, only to be told that they do not decide if they qualified for treatment. My understanding is that that means, in effect, people could lose 10% of put the patient on the health optimisation programme. The decision on whether people can be referred I became even more alarmed. The decision on whether people can be referred in those areas, they would invest in better smoking cessation services and weight-loss programmes, but the reality is that in recent years those services have been among the ones to suffer cuts.

Given the budget restrictions and taking into account the views of the professionals, who advise that there is little if any evidence in support of any improved outcomes as a consequence of such measures, I can only draw the conclusion that the proposals to ration surgery are nothing more than a cost-saving exercise. The CCGs argue vehemently against that view, but North Kirklees CCG admits that health optimisation is one of 21 cost-saving measures identified to meet the existing financial challenge that might see its deficit rise well beyond predicted levels by the end of the financial year. At best, it seems to be an ill-conceived plan that has not been thought through correctly.

As anyone involved in healthcare knows, the providers and commissioners in any area often form a hectic Venn diagram. That is no different in the borough of Kirklees where my constituency lies. The two hospital trusts that serve my constituency are overseen by four CCGs. Of those, only three are considering and proposing to implement a health optimisation programme. That means, in effect, not only a postcode lottery but a waiting list in front of them.

When reading further into the small print of how health optimisation would work, I became even more alarmed. The decision on whether people can be referred for treatment would lie initially with their GP. He or she is able to make the decision on whether to refer or to put the patient on the health optimisation programme. Patients put on the programme would have six months to quit smoking or 12 months to lose weight. After that time they would be referred to a specialist who would decide if they qualified for treatment. My understanding is that that means, in effect, people could lose 10% of their body weight in the hope of receiving a knee or hip replacement, for example, only to be told that they do not qualify for the surgery. Not only that, but one month from the end of the programme, patients are asked if they still wish to be referred. That is where louder alarm bells started to ring for me. It is absolutely clear that the decision on whether to operate, or whether the patient needs surgery, must be made by the relevant surgeon and not by people who do not have all the facts in front of them.

I ask Members to picture this scenario: Mrs Smith has been told that she has to lose 3 stone before she can be referred to a specialist regarding the pain in her knee. She tries to lose weight but finds it incredibly difficult, not least because her knee pain prevents her from exercising. Mainly being housebound affects her mental health, causing depression, which in turn leads to comfort eating. She tries to attend the weight management group that she was referred to but becomes disheartened and embarrassed when each week her weight either stays the same or increases, so she stops going. After 11 months she receives a letter asking her if she still wants a referral to an orthopaedic specialist to look at her knee. She knows that her weight has actually increased so she ignores the letter, because the thought of having to face up to her weight gain is far too humiliating. The pain in her knee is now excruciating, but she dare not face the surgeon when she feels such a failure. That could be a very real outcome if the plans are implemented. The NHS might save money and waiting lists could look far better, but what about the human cost? I implore the Minister to think about just that—the human cost.

A list of exceptions in the rationing proposals include: conditions that are immediately life threatening; patients who require emergency surgery or have a clinically urgent need where undue delay would cause clinical risk of harm; and patients undergoing surgery for cancer. Nowhere do the proposals mention any measure of the patient's quality of life. I have heard stories from constituents who have had to give up work because their mobility has become so restricted while waiting for knee or hip operations, or whose weight has increased to levels of obesity simply because they cannot walk or exercise like they used to. How does naming and shaming those people on a rationing list improve their quality of life? I also ask the Minister where the rationing ends. Is there a plan to stop providing surgery and treatment for, perhaps, people who play rugby, or teenagers who break their leg horse riding? Would we say, “No, you can’t have surgery, because your own actions led to this”? What about people who drink alcohol moderately? Would we say, “You cannot have treatment for your liver sclerosis because this is a lifestyle choice”? Is this the start of the beginning of a much bigger rationing programme?

In preparation for the health optimisation programme, Greater Huddersfield and North Kirklees CCGs stated that they had carried out a public engagement exercise. On research, I found the questions that they had asked, which included: “Please tell us how we could encourage people in Kirklees to live a healthy lifestyle?”, “Please tell us what support you think should be available to help people lose weight and stop smoking before their surgery?”, “When and how do you think that support should be provided?”, and, “Please use this space to provide any additional comments you have about supporting people to lose weight or stop smoking?”. Nowhere did the questions ask for opinions on whether people should be excluded from surgery because they are overweight or smoke. The CCGs’ failure to be up front and honest about their proposals can only indicate their embarrassment at having to implement such a scheme simply as a result of budget restraints.
Statistics show that approximately 30% of the population of Kirklees either smoke or have a BMI of more than 30, so almost one in every three people in my constituency could be turned down for elective surgery. North Kirklees and Greater Huddersfield CCGs acknowledge that there is not enough existing provision to support people being put on to the health optimisation programme, whether in smoking cessation services or weight-loss programmes. In the health optimisation programme proposal, the CCGs state that they will undertake a tender exercise for a “Zero Value - Activity based contract with additional providers”.

What that means is anyone’s guess, but I strongly suspect that no new money will be made available, given the financial position of our local NHS services.

The plans have so many pitfalls that they simply must not be implemented, and the Minister can be sure that I will fight them every step of the way. Clinical commissioning groups should not face such intolerable choices. I do not believe that anyone delivering healthcare entered the profession to make cuts or to restrict people from receiving treatment that they desperately need to improve their quality of life. I therefore call on the CCGs to halt their plans to introduce the health optimisation programme for all the reasons that I have listed and many more. I ask the Government to listen to the experts, including the Royal College of Surgeons, to put an end to the draconian cuts and to provide us with a fully funded healthcare system that is accessible to all.

I would like to finish with a quote that I have used many times before, both in this Chamber and a way of making a point. Nye Bevan, the founder of our great national healthcare system that is accessible to all.

Mr Philip Hollobone (in the Chair): The debate can last until 5.30 pm. There is one Member who wishes to speak, and before the debate ends, Paula Sherriff will have three minutes to make her concluding remarks. The guideline limits on speeches are ten minutes for Her Majesty’s Opposition and ten minutes for the Minister, but I expect that they will be able to speak a little longer. I call Rachael Maskell.

Rachael Maskell (York Central) (Lab/Co-op): It is pleasure to serve under your chairmanship, Mr Hollobone. I want to start by thanking my hon. Friend the Member for Dewsbury (Paula Sherriff) for making such a powerful case about why the health optimisation programme is failing the public, failing patients and failing all of us. Her contribution to today’s debate reminded me of the case about why the health optimisation programme is failing the public, failing patients and failing all of us. Therefore, although it seems that my hon. Friend referred to a BMI of 30, which her CCG uses as an indicator to draw the line to provide access for surgery, I know that other CCGs use a BMI of 35. That absolutely demonstrates that this is not based on clinical evidence, but is about the financial expediency of CCGs. Therefore, it is absolutely crucial that we go back to clinical evidence when making decisions about patients. That is why we invest so heavily in our medical profession: to go through that training, to have the skills and the ability to do that. They are being completely undermined by these arbitrary figures that are being put into use for the basis of saving money. That is what this is all about, but they are not saving money, because people come back more poorly in future and require even greater resources. It may be save today, but it is spend more tomorrow. Surely that should not be the policy of any Government, let alone the one we have at a time when they keep claiming that there is not enough money.

It is absolutely crucial that the Minister intervenes because we are talking about a population with health inequality. All the demographics and the research show—I am particularly grateful for the University of York’s work on epidemiology—that there is a correlation between health inequality and social and economic inequality. The very people who are being denied surgery are the people who are most disadvantaged in society. There is a whole predication against those individuals. We know that there is a correlation with shorter life expectancy.

It is absolutely crucial that the Minister makes an intervention to improve the quality of life for these individuals. Therefore, although it seems that my hon. Friend’s CCG is attempting to do more than mine in the health optimisation programme, the problem is deeply concerning. This is not about health optimisation at all. I want to see the Minister step forward on a case of health optimisation. I absolutely agree that we have to address the obesity crisis in our country. Twenty five per cent of people are obese—that has an impact on the draw around diabetes and on other needs. I would welcome a health optimisation programme being in place in my CCG, but that is not what is happening. As I demonstrated to the Minister last week, patients in my constituency are being handed a letter that refers them to a website about some health programmes that may be far away—they are certainly not in our city because the local authority has cut them, such as the health walks. Therefore, individuals themselves have no choice about how to lose weight.

Looking at the issue of losing weight or smoking, I know as a clinician—as a former physiotherapist—those individuals need to be taken by the hand and walked through that journey, looking at all the markers around either their weight or their relationship with smoking. In the case of smoking, people need help to deal with an addiction. In the case of obesity or a high BMI, those issues need to be addressed.

I would welcome a health optimisation programme because that means that people will have a better life and they will probably not have the wear and tear on the profession to make cuts or to restrict people from receiving treatment that they desperately need to improve their quality of life. I therefore call on the CCGs to halt their plans to introduce the health optimisation programme for all the reasons that I have listed and many more. I ask the Government to listen to the experts, including the Royal College of Surgeons, to put an end to the draconian cuts and to provide us with a fully funded healthcare system that is accessible to all.

I would like to finish with a quote that I have used many times before, both in this Chamber and a way of making a point. Nye Bevan, the founder of our great national healthcare system that is accessible to all.
their joints. I welcome early intervention. We need to see that right through our school system, which is why I am worried about the massive fall in the number of health visitors, who could make those interventions at any early stage—as could school nurses, who have virtually disappeared—to enable people to have better, healthier lifestyles. I am particularly disappointed that the local authority withdrew the money from the NHS Health Checks, which enabled people to get their lives back on course from the age of 40 and have a healthier existence.

We fail people right through the system. At the point of crisis when they are in pain and needing surgical intervention, the system says to them, “No, you can’t access healthcare because of your behaviour over the years.” We have let people drift into that position. It is a completely failed system, which is causing individuals to be denied the surgery that they need. There is the complete nonsense of the amount of weight that people have to lose. People are told they have to lose 10%, but for somebody who is morbidly obese, 10% may take them down to the weight of somebody who is obese and who has to lose 10%. It is not a measure of a weight or a BMI figure at all. That is complete nonsense. Any clinician will absolutely recognise that this is a completely failed system. Therefore, I urge the Minister to make an intervention with the CCGs and to set the standards and the bar to enable clinicians to make the right decisions.

We had a discussion with our CCG in York with the Minister about the programme. Obviously, we addressed the inadequacy of the healthcare optimisation programme, but we also talked about particular groups of patients who are denied treatment. Some people are on drug therapy that causes them to gain weight and are being denied the surgery they need. I gave examples of people with polycystitis, which has a particular impact on women, who are denied fertility treatment and the free surgery that would enable them to receive that treatment, because their condition is causing them to put on weight. That shows that the programme is discriminatory not only on grounds of economic status, but against women.

We have to look at the issue in the round. What are we trying to achieve? If we are trying to improve people’s health, let us put in the measures to achieve that, but let us ultimately move to a place where the right people in the system are making the decisions. Surgeons will not proceed with or recommend surgery if it puts someone’s life at risk. They know those parameters. That is what they are trained for, and they need to assess each patient in turn. I have had patients who have needed only an arthroscopy—an operation given under local, not general, anaesthetic—who have been denied surgery. We need to ensure that the surgeon makes the decision. No disrespect to GPs, but they are not specialists, and that should be a specialist’s call. I therefore urge the Minister to move clinical decision making to the right place in the health service and to ensure that surgeons, who have a responsibility to their patients, are able to put things in place.

Finally, I call on the Minister to look at NHS finances, which we know really drive the equation. We have had a bit of an exchange about that previously, too. We cannot ignore the driving factor. The Vale of York CCG in my area has done everything—it has put in the most draconian rationing system there is—but its finances do not add up. We have to be cognisant of what has happened at King’s College Hospital and the real concern is that CCGs up and down the country are wrestling with their finances. Public health is being cut massively by local authorities as they become risk averse, trusts themselves are in a desperate state as they gear up for a winter crisis, and the social care system is not working. We have real financial pressure.

In York, we have a capped expenditure process that limits CCGs’ choices. We need to be able to release the money to address the need. The NHS is not being fed the money it needs, and it is therefore in crisis. We cannot keep saying that it has to do more and there has been personal failure. This is becoming a national crisis, which is deeply concerning because, as my hon. Friend the Member for Dewsbury said, lives are at risk as a result. We cannot go to that place.

This is about funding. It was always going to be about funding. I remember having an exchange with Andrew Lansley about the funding formula back in 2011, when he was introducing the Health and Social Care Bill and I was head of health at Unite, to highlight this risk. I therefore feel it on my conscience. I raised these very concerns about the failed funding formula and the way that finances in the NHS work against each other rather than together. That is what creates these issues, so we can avoid them not only by ensuring that there is enough money in the system, but by ensuring that the relationship is right and the funding formula works in the right way.

In my exchange last week with the Minister, we talked about individuals in the system being able to put their hand up, in the light of the massive inequality they face and the big no on money, and say, “By the way, can I have an individual funding request?” I don’t like the decision that’s been made, so I’m going to challenge what my doctor”—let us face it, doctors have stature in society—“has said and say, ‘Actually, I want to have an individual funding request.’” Making that point to a GP is a massive step, and it shifts the risk in a system that is there to care for people on to the individual patient—the smallest person in the whole health system. Patients have to say, against the weight of the system, “You got it wrong over my healthcare, and I want you to review that and put the money in,” when there is no money in the pot. That is a complete nonsense of the process. We therefore need to shift the debate back to putting the right funding into the NHS so that patients are not discriminated against and clinicians can make the choices they are trained to make.

4.53 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I pay tribute to my hon. Friend the Member for Dewsbury (Paula Sherriff), who has been an assiduous campaigner on health issues since her election to this place. She has fought NHS downgrades in her area and, as a former member of the Select Committee on Health, forensically scrutinised the Government’s health policies. She has rightly gained a colossal reputation across the House for her committed campaigning. Today, she has turned her attention to another extremely important issue, which, as we heard,
affects not only her constituents but millions of people up and down the country, and made a typically strong case.

My hon. Friend is right to categorise this as a dangerous time. Financial priorities are taking precedence over clinical judgments. Her CCG has been candid about the health optimisation programme being one of 21 cost-cutting measures that it is required to introduce. She highlighted the absurdity of that policy with the example of two patients who would be treated at the same hospital but live 9 miles apart; apparently, one would be entitled to surgery and the other would not. She is absolutely right that the decision about whether to operate should always be made by the consulting surgeon. I know that some people in the Government do not have a great deal of time for expert opinion, but that is a clear example of something on which there ought to be unanimity about the way ahead.

My hon. Friend gave examples of the questions that the CCG asked during the consultation on the health optimisation programme. As she said, nowhere was there a question about that very policy. As my hon. Friend the Member for York Central (Rachael Maskell) said, denying surgery is a draconian measure and an important matter. It was a real abdication of responsibility by the CCG not to ask that specific question but to couch it in general terms. What can the Minister do to ensure that the standard of consultation by CCGs is such that we can be assured that the resulting decisions are robust and supported by the public? What is the Government’s view on the consultation standard that is currently used throughout the country?

My hon. Friend the Member for York Central also said that the public and patients are being failed, and highlighted the fact that other CCGs use a different BMI level. Indeed, my CCG uses a different one again, which highlights the totally arbitrary nature of these policies. She was absolutely right to say that people need help to stop smoking and lose weight. Those are not easy things to do. Sadly, public health cuts have made assistance much more limited. She highlighted well how losing 10% of body weight can mean entirely different things to different people, depending on what their weight is to start with; how the system fails people by not supporting them to make healthy choices; and how people are failed again when it comes to referral. She also illustrated well how the capped expenditure process in her area undermines the very basis of the NHS. I totally agree that it is time for the Minister to step up to the plate and challenge the many inconsistencies that we have heard about.

The proponents of this scheme can dress it up however they like, but we should be very clear about what it is: rationing of treatment for financial reasons—no more, no less. As we know, we have a growing population with longer life expectancy, and medical advances continue. Those are of course welcome developments, but they increase demand across the board and in this area led to a 27.5% increase in finished admissions between 2006-07 and 2016-17. The NHS has made enormous efficiency improvements to cope with that demand at a time of financial restraint. I am sure that the Minister agrees and will join me in paying tribute to the hard work of NHS staff, who made those efficiency improvements possible. However, it is clear that we have reached the limit of what can be achieved through efficiency alone—in fact, we are now moving well beyond that point.

As my hon. Friend the Member for Dewsbury said, just this week Lord Kerslake resigned as chair of King’s College Hospital NHS Foundation Trust because, he said, the NHS is under-resourced and we “desperately need ... a rethink” amid unrealistic demands for savings—the kind of unrealistic demands that lead to the nonsensical and counterproductive policies we have heard about. In the aftermath of the Budget, the national medical director, Sir Bruce Keogh, said that the failure to close the funding gap would “force a debate about what the public can and can’t expect from the NHS.”

While that was an extraordinary comment for a public servant to make, it is also something of an understatement, as it is clear to everyone—we have heard it today—that CCGs are already debating those issues and deciding what treatments should be available. So far, however, the Government have refused to acknowledge the debate or even engage with it.

I will give some further examples of where rationing is already happening. In February this year, the CCG in West Kent implemented a policy to suspend all elective surgery until the end of the financial year in an attempt to save £3.2 million. More recently, Cambridge and Peterborough CCG proposed a new policy requiring patients to wait a minimum of 12 weeks for surgery. While that decision was later reversed, it is a worrying example of the kind of policy we may see spreading across the country as the financial situation of the NHS continues to deteriorate. It is not just in surgery where such rationing applies: earlier this year, I responded to a debate in Westminster Hall on infertility treatment, and it was revealed that of 209 CCGs in England, just four follow in full the National Institute for Health and Care Excellence’s guidelines on IVF treatment.

The individual funding request process, once reserved for rare conditions, is routinely applied by CCGs for a range of treatments. In some areas, including east Berkshire, routine hip and knee replacements are now being considered only if an individual funding request is made. Analysis by The BMJ found that the number of individual funding requests has increased by 47% in the past four years. As my hon. Friend the Member for York Central said, that shifts the burden on to the patient to prove that they need treatment, which is not what the NHS is there for. The Minister may well say that these are matters for individual CCGs, but there has to come a point where the Government must take responsibility and accept that the rationing of treatments taking place on their watch can be traced back to central Government funding decisions.

To turn to the matter at hand in Kirklees, when responding to these debates on behalf of the Opposition I have never failed to be impressed by the euphemistic names for schemes that no doubt are dreamed up by handsomely paid consultants but actually limit patient access. I have to say that the use of the term “health optimisation programme” to describe a system that could delay treatments for a year, leaving patients in chronic pain, is well placed to win my 2017 award for worst use of NHS management-speak. In Kirklees, as we have heard, about one in four people will be affected by the new restrictions based on weight, while 14% of the population are smokers. As the Royal College of Surgeons has pointed out, while obesity leads to poorer health outcomes, its relationship with post-operative success is less clear, and there is a lack of evidence that...
rapid weight loss before surgery makes much difference. It goes on to point out that there is evidence of a lower risk of post-operative cardiac and respiratory complications among obese patients.

It is clear that this policy, which will leave patients in unnecessary pain and discomfort for a prolonged period, is not motivated by medical considerations or necessity. Indeed, in many cases, patients are actually prevented from losing weight effectively as a result of the debilitating condition that they are seeking treatment to correct in the first place. Given that that goes against NICE guidance, will the Minister explain why CCGs are being permitted to pursue a course of action that causes so much discomfort and has no clear clinical benefit? As my hon. Friend said, we all want levels of smoking and obesity to be reduced, but leaving people in excruciating pain for months on end is simply not the right way to do it. If the Minister disagrees, I ask him to point out even one piece of evidence that suggests that denying access to surgery helps patients to improve their behaviour.

We all know that the best way to see sustained improvements in smoking cessation and obesity reduction is through well funded, consistent public health policies, which is why it is very disappointing that the Government chose to cut significant funds from public health budgets, a move that the King’s Fund described as “the falsest of false economies.”

In 2015, Kirklees lost £1.6 million of public health funding, which could have been used to tackle the issues we have been discussing in a much more positive way.

Concern has also been expressed about the use of BMI as a measure. As we have heard, it is a particularly crude and unsophisticated way of estimating excess body fat by simply comparing weight and height. We gave the example of a professional rugby league player, I believe, who has a BMI of over 30. It is clear to anyone that if my BMI were to be in any way elevated, that would be as a result of body-building rather than any consumption of alcohol. As the Minister will know—I say this with the greatest of respect to him—there are people far healthier than either of us who happen to have a higher BMI. Will he therefore advise whether the Government support the use of such a crude measure to determine whether someone is allowed to undergo surgery?

Of all the inequities of this scheme I have referred to, the greatest is the fact that it applies to children aged just 5 and over. Is the Minister really prepared to stand by while children in primary school, who have no say over their own diet, are being left in pain while they wait for operations, or does he agree that they would be infinitely more likely to improve their fitness if they were not suffering from a medical condition in the first place?

Just as public health cuts are a false economy, as my hon. Friend the Member for Dewsbury said, delaying treatment will cost far more than it saves in the long term. There is a clear risk of patients developing complications if their treatment is delayed. A National Audit Office report on the costs of clinical negligence highlighted that 39% of claims are related to failures or delays in diagnosis or treatment of a condition, and it stated that that is likely to “increase if waiting times are longer” and treatment is arbitrarily rationed. I know the Government are committed to reducing the cost of clinical negligence in the NHS, but this policy seems to run counter to such intentions.

These episodes of localised rationing are becoming far too commonplace and creating a postcode lottery for patients. It is a lottery that patients did not ask to enter and one that leaves them suffering in pain. If we are truly to have a national health service, I hope that the Minister will reflect on what has been said today and take meaningful steps to end this unnecessary, unfair and counterproductive rationing of treatments.

5.6 pm

The Minister of State, Department of Health (Mr Philip Dunne): It is a pleasure, as always, to serve under your chairmanship, Mr Hollobone. I am conscious that there is the possibility of a vote coming rather earlier than we had anticipated; in which case, I will try to ensure I do not use up all the available time. I congratulate the hon. Member for Dewsbury (Paula Sherriff)—Dewsbury, Mirfield, Denby Dale and Kirkburton, but I will use Dewsbury for shorthand—on securing the debate and securing the support of the hon. Member for York Central (Rachael Maskell), who made a compelling case today. She referred to our recent meetings on this subject and previous debates on it in the Chamber, demonstrating her clear commitment to the cause. It is no secret that the NHS faces significant challenges. All the Opposition Members who spoke referred to some of the financial pressures currently acknowledged as affecting the NHS. However, I do not think they quite recognised that the NHS’s own five year forward view identified some significant challenges that need to be addressed in relation to the way in which the nation supports the healthcare of the population as a whole. Throwing money at it inexorably is not always the right solution. Some difficult choices have to be made about the way in which the public lead their lives. What we can do through a combination of public health support, advice and education, to encourage the public to lead healthier lives is an important responsibility of Government. It is important for individuals to help to ensure that they lead long, independent lives in as healthy a condition as possible.

Rachael Maskell: The five year forward view was put in place long after people established lifestyles either of being overweight or of smoking. To penalise them after the event was not the intention of the five year forward view. That strategy is about improving people’s health, whereas this programme is about causing health to deteriorate.

Mr Dunne: I do not accept that. It is important that we use all the tools at our disposal to encourage the public to lead healthy lives where possible. These measures form part of the suite of measures that are necessary to bring that about.

The Government have backed the five year forward view. Opposition Members raised the issue of finances. We have committed to a real-terms increase in funding through the spending review period. Most recently, in the Budget only last month, we committed an additional £2.8 billion on top of the £8 billion real-terms increase by 2020. We are providing significant extra resource,
but we recognise that different areas of the country will face different challenges and so will develop different approaches to how they use their resources most effectively in patients’ interests. That will inevitably involve making difficult decisions. It is right that we trust local NHS organisations, clinically led, to make those decisions, rather than second-guessing them centrally.

Having said that, we have set certain expectations of the system, one of which is that blanket bans on treatments are completely unacceptable and incompatible with the NHS constitution. That is why I refute the challenge from Opposition Members to say whether or not we are imposing rationing on the NHS. The local management responsible for the NHS in their areas have to respect the constitution and should not introduce blanket bans, but they do have to look at ways to provide care for their populations in a manner that lives within the budgets they have been provided with.

Paula Sherriff: I have listened to the Minister carefully. Can he explain why he feels it is acceptable that someone in Wakefield could have surgery, while someone nine miles away in Dewsbury could not? They might both be smokers, and the surgery would be carried out by the same surgeon, probably in the same hospital. Are we not in danger of going into a very big postcode lottery once again?

Mr Dunne: The hon. Lady made that point in her remarks, and I will try to address it. She can pick me up on that again.

Rachael Maskell: To put this into the context of how it is working in reality, patients who do not meet the thresholds are automatically put through a system, and therefore it is completely in breach of the NHS constitution. There is no individual input about the clinical needs of a patient.

Mr Dunne: I will come on to that. We are talking primarily about what is happening in North Kirklees and Greater Huddersfield CCG areas, which have not yet implemented this policy. I will explain why I do not think that that should be the case.

On the healthcare optimisation plan, I take the gentle chiding from the hon. Member for Ellesmere Port and Neston (Justin Madders) about the way in which the NHS describes proposals. I have some sympathy with what he says about the way in which language is used, but this is a plan to encourage greater public health among the population of North Kirklees and Greater Huddersfield CCG areas, for which they are responsible. I talked to the CCGs in preparation for the debate and was advised that they do not see this as a blanket ban on treatment. I have emphasised to them that they should not do so and that there should not be a blanket ban on treatment.

I will describe the proposals, as I understand them. They have been developed by the CCGs since autumn 2016, and the objective is that patients who are overweight with a body mass index of 30 or above will have 12 months to lose at least 10% of their overall weight or to reduce their BMI to less than 30, while patients who smoke will be encouraged to take up to six months to quit smoking before undergoing routine surgery. Those who quit smoking for four weeks or achieve their target weight loss will be able to be referred for surgery under the policy.

The development of the plan coincided with the UK’s childhood obesity strategy and the proposed introduction of the soft drinks industry levy, reflecting the Government’s commitment to tackling the major public health problems affecting large sections of society. The hon. Member for Dewsbury and the hon. Member for York Central recognised the need to address the obesity crisis in this country. I am grateful for their support and that of the Opposition spokesman, the hon. Member for Ellesmere Port and Neston. I think we are united in recognising that something has to be done about this. I hope they support the proposals that the Government have made for the obesity strategy and the considerable progress we have made in reducing smoking since 2010. Hon. Members have made the point that the policy should not be at the expense of treatment if treatment is urgent or, if there is no treatment, it might lead to degradation of the health condition of the patient subject to the policy.

Paula Sherriff: I thank the Minister for his generosity in giving way. Does he agree that the decision must be made by a surgeon? That is so important, because they are highly trained and are surely the ones who can come to a decision on whether the patient can wait.

Mr Dunne: I will come on to that. The short answer is that I agree that the relevant clinicians should make those decisions.

Going back to where the CCGs are in this process, as I said earlier, they have not yet introduced the proposal. They have been working with the local population and with Healthwatch Kirklees, and have held a number of engagement events with local authorities and interested stakeholders to try to understand the reaction of those parties to the proposal. An engagement event was conducted in March and April of this year, and one with Kirklees Council in August and September of this year.

The CCGs have listened and responded to some of the points made. They have made several changes to their original proposals, including exempting children from the programme. They also recognise the limitations—amusingly identified by hon. Members in their contributions—of using BMI as a measure of body weight. Therefore, for example, people with high muscle mass should be excluded from the BMI calculation for the reasons that were well explained earlier in the debate.

The CCGs are including safeguards in the proposals, and they intend that, in exceptional circumstances, normal individual funding request processes will continue to apply. Hon. Members have criticised that as imposing an undue obligation on the individual to seek that route to secure treatment. That is effectively an appeal mechanism that applies across the NHS and is a well-worn and well-understood path for clinicians to support individual funding requests for patients where needed, which we should continue.

Both the hon. Member for Dewsbury and the hon. Member for York Central used the expression “lives at risk”. I would gently say that there is absolutely no intention that policies such as this should lead to lives being at risk. They are about trying to put individuals in a position where their own circumstances would lead to
better outcomes from the proposed surgery. The hon. Ladies have called for evidence supporting the proposition—it was raised by the hon. Member for York Central when we met at the end of last month. I have asked for that evidence. A number of research papers support the propositions made by the CCG, in particular on the question whether obesity at the time of surgery is associated with a wide range of problems. Sustaining weight loss is the key. Rapid weight loss followed by rapid weight gain clearly do not help the patient, but the evidence from the research papers provided to me is that maintained weight loss or cessation of smoking undoubtedly and clearly have clinical benefits for the patient. There is evidence to support that.

I will come back to the point raised earlier on by the hon. Member for Dewsbury and the hon. Member for York Central, but I absolutely recognise that the clinician primarily responsible for the care, whether that is the GP or the secondary clinician, should have discretion to ensure that a referral is made, should a non-referral of a patient or a delayed procedure outweigh any benefits from a period of improving health and reducing risk factors prior to a routine operation. We will encourage the CCGs to ensure that that is in their final proposals, once those are made.

Justin Madders: The Minister says he will encourage CCGs to listen to clinical advice when making referrals. Is there any mechanism by which he will actually ensure that that happens?

Mr Dunne: As the hon. Gentleman knows, CCGs are subject to appraisal and are accountable to NHS England, which is accountable to Ministers. It is not for Ministers to direct individual CCGs as to how they should enact their policies, but there is a route through which we can provide some encouragement to NHS England to ensure that these policies reflect its national position. That is what we will do.

On where the process is, in October the two CCGs presented details of the proposed plans to Kirklees Council’s health and social care scrutiny committee. The committee requested that the CCGs undertake a further six weeks of engagements, especially with hard-to-reach communities in the area of the hon. Member for Dewsbury. The CCGs have assured me that they are committed to that further engagement with the local community to ensure that the plan is fit for purpose, so there is a continuing opportunity to reflect on the revised iteration of the proposals. I am also advised that the CCGs have not yet made firm decisions on the plans. Instead, as a result of the engagement with local stakeholders, they are considering four options, and variations on the four options, for implementing the proposed plan, including not proceeding with the programme, which remains on the table.

Those options include: first, a phased approach, beginning with applying the programme initially only to patients who smoke and subsequently rolling it out further to obese patients if appropriate; secondly, only implementing the plan for smokers; thirdly, introducing health optimisation periods across clinical thresholds and pathways, in line with NICE guidance; or fourthly, moving away from implementation of the plan as previously defined and focusing on a strengthened education campaign to reinforce the benefits to patients of stopping smoking and losing weight. Those options remain on the table and there will be a further period of engagement. A decision on which option will be taken forward is due to be made by the CCGs in January, and further engagement on the implementation of the recommended approach will then take place later in the new year.

I said earlier that the plan is not a blanket ban on treatment. Instead, the intention is to encourage patients who are obese or who smoke to lose weight and/or quit smoking. There is evidence that that will have benefits, in terms of both surgical outcomes, as I have said, as well as reduced risk for general medical conditions, and there are clearly also benefits to patients’ general health in the long term. Hon. Members can be assured that the CCGs are providing support to the patients on weight loss and smoking cessation, and have agreed to invest £133,000 a year in such services to account for any health optimisation-related increase in uptake.

The hon. Member for Dewsbury asked how we will assure that the plan is in accordance with national guidelines. As she would expect, NHS England has been closely reviewing this and similar proposals where they have been made to ensure that there is robust supporting clinical evidence and appropriate safeguards. The Government expect NHS England to ensure that the responsible CCG is not breaching its statutory responsibility to provide services that meet the needs of the local population. I can confirm to hon. Members that NHS England has had ongoing discussions with both CCGs about the health optimisation plan and will continue to do so to ensure that it works in the best interest of patients. That is the right approach, in terms of both protecting patients and both encouraging the population to put themselves in a condition to maximise the benefits from surgical procedures, without allowing CCGs to introduce an inappropriate blanket ban.

NHS England carries out regular assurance of CCGs and holds them to account through the CCG improvement and assessment framework to ensure that they are fulfilling their statutory requirements, and NHS England can and will intervene if a CCG is failing to discharge its key responsibilities. NHS England’s regional teams also have regular discussions with CCGs about their commissioning activities and plans.

It is important in a debate like this, in which there are allegations of there being a postcode lottery, that we reassure that it is down to clinicians at a local level, through their CCG bodies, to make decisions that affect their local population, rather than, as has happened in the past, central diktat from Whitehall. Those may lead to perverse consequences and a less relevant healthcare capacity and treatments for patients on the ground.

Rachael Maskell: The Minister is being very generous with his time. Is it not important in a national health service that we use the very best clinical evidence on how to produce the best outcomes for all patients? Falsely drawn boundaries should not have any relevance to the kind of treatment people receive.

Mr Dunne: The hon. Lady will recognise that there are different health challenges in different areas, reflecting patients’ differing needs. Encouraging the public to stop smoking and to reduce their weight is, as she acknowledged, an ambition that is shared by Members across the House and across clinical leads.
Rachael Maskell: Will the Minister give way?

Mr Dunne: I will not let the hon. Lady intervene again because, amazingly, I am about to run out of time, despite what I said at the beginning. I have taken a lot of interventions.

I conclude by assuring hon. Members that we are paying close attention to what is happening in Kirklees and Greater Huddersfield, and York Central. Other areas of the country may be considering similar proposals, and we need to ensure that it is done in a responsible manner, whereby clinicians stay at the heart of making referrals where appropriate and retain that discretion. We will not get to the situation that the hon. Member for Dewsbury described in her opening remarks, in which she said that people’s lives will be put at risk by policies such as this. That is not the case.

5.27 pm

Paula Sherriff: I thank the Minister for his considered response. Like the vast majority of MPs in the House from all parties, I care deeply about the NHS. However, I am getting slightly fed up with the platitudes that we hear day in, day out from the Government regarding their putting extra funding in. The NHS is in crisis, and I say that as someone who worked in the health service for nearly 13 years immediately before becoming an MP. I hear it from ex-colleagues of different political persuasions nearly every single day.

I maintain that the concept of the health optimisation plan in Kirklees, and undoubtedly those elsewhere, is deeply flawed. I plead with the Minister to use his influence to engage with the CCGs and to encourage them to go with option 4. I think we all agree that stopping smoking and losing weight is a good thing—my goodness, I could follow some of that advice—but not at the expense of people being in pain and potentially affecting their mental health, or of having a postcode lottery. I discussed the Wakefield-Dewsbury case with the Minister. That is happening, and it will happen because of the false borders to which my hon. Friend the Member for York Central (Rachael Maskell) rightly alluded.

My mum suffers from severe rheumatoid arthritis and has had it since childhood. She is 73 on Friday. A few years ago she started taking a drug that gives her a quality of life that she never had—she started using it as a guinea pig and has continued to use it. It used to take her hours every day to open her hand. She was in so much pain. I once found her at the top of the stairs and she could not go down them. She was crying.

She said to me on the phone one day that she is terrified that the Government will stop her receiving those drugs, because they are not cheap. I told her not to be silly. She knows that her quality of life would severely deteriorate once again if they did, and that she would probably be in a wheelchair. I am not sure I could say that to her now, because this plan is rationing, plain and simple. I cannot have that conversation and tell her that the Government will not stop her receiving the drugs because they are expensive.

I want the Minister think about that in the wider context. She is a 73-year-old woman. Is her life, and those of all the people affected, worth less than ours? We would not stand for our healthcare being rationed. I certainly would not.

5.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).
Westminster Hall

Wednesday 13 December 2017

[STEWART HOSIE in the Chair]

Prisoners: Parental Rights

9.30 am

Carolyn Harris (Swansea East) (Lab): I beg to move, That this House has considered parental rights of prisoners.

It is a pleasure to serve under your excellent chairmanship, Mr Hosie.

A parent’s involvement in a child’s life is nearly always a positive thing that will enhance the child’s welfare, so long as the parent can be involved in a way that does not put the child or the other parent at risk of harm. I thank Women’s Aid and the NSPCC for the attentive and tireless work that they have done on the subject of this debate.

I want to make it clear that, generally, I see no problem with people who are in prison having a relationship with their children; in fact, I believe that contact is a healthy and sustainable way to ensure that a child is not affected by enforced separation. However, when I see that parental rights harm a child, I have to speak up. I am talking about someone being able to control their child’s life after committing the most obscene crimes against them. It cannot be right that the mother of children whose own father has sexually abused them has to fight for years just to change her children’s last name because they do not want to share it with their abuser. It cannot be right that she has to seek permission from that man, who stole her children’s childhood, to take them abroad.

When a person commits such horrendous crimes against their own children, that person cannot be allowed to pull the strings from inside a prison cell. I have seen cases in which a convicted child sex offender has the rights of a father and influences the lives of the children who were his victims. I have spoken to mothers whose husbands have abused their children, and I was left speechless and emotionally drained by their harrowing stories. They told me how their children’s right to be free from their abuser is being ignored. Those occasions are rare, but when children are the victim of a parent, the parent should lose the right to be just that—a parent.

When a child is taken into care as a result of a crime that a parent has committed against them, the state assumes responsibility of those children and the offending parent’s parental rights would be removed. However, when a parent abuses a child and the child stays in the custody of the other parent, the offending parent is allowed to exercise parental control over the child. Even though access to their children would be limited, supervised or even banned, the convicted sex offender can still have a say in their upbringing. A fundamental flaw in the criminal justice system allows that to happen, and it needs to be amended. Parental rights must be challenged when they have a damaging effect on a child.

The hurdles that parents face just to protect their children and move on to a safe and happy life are unbelievable. We have heard of children who have been ordered to have contact with the parent who has committed offences against them, even though in some cases children have been killed as a result of contact or residential arrangements. The family courts are left to decide whether the abuser having an input in the child’s life would benefit the child. The objective of family courts is to treat parents in exactly the same way and to get cases over with rapidly. That blinds them to the consequences of unsafe child contact—consequences that can be damaging and even fatal.

That brings me to domestic violence and its impact on children. The routine granting of direct, unsupervised contact, even when concerns about abuse are prevalent, reveals a pronounced lack of understanding about the effects of domestic violence on women and children. The point at which a survivor leaves an abusive partner is well recognised as a highly dangerous time for her and her children. Parental separation is often mistaken as equating to the end of the abuse and reduced risk for the mother and children; in fact, the risks are intensified. Around one in five children has been exposed to domestic violence, and 62% of children in households where domestic violence is present are also directly harmed. Children are being killed by violent fathers who have been allowed to see them through formal and informal child contact arrangements.

Further avoidable child deaths must be prevented by putting children first in the family courts, as the legal framework and guidance state. Only 10% of legal professionals say that judges fully comply with the judicial guidance for dealing with child contact cases where domestic violence is an issue. Most women want their children to have a relationship with their father, despite the violence that the women have experienced, but they want to ensure that any contact would be physically and emotionally safe for them and their children. Some 45% of women experience violence after making a contact order, most commonly in the form of threats and harassment.

The culture of “contact with the child, no matter what” needs to be reviewed. Less than 1% of child contact applications are refused, but domestic abuse features in around 70% of the Children and Family Court Advisory and Support Service’s cases, and in around 90% of cases that go to the family courts.

The system is failing children’s safety and wellbeing. The best interests of children should be the overriding principle of the family courts, but far too often that is simply not the case. I am calling on the Government to ensure that the family courts put the safety of children back at the heart of all decisions made by the family court judiciary. I welcome the revised version of practice direction 12J, which was adopted in October. It sets out new requirements for judges, including that they explain why contact will not expose the child to further harm and how it is in the child’s best interest. The practice direction requires the court to ensure that, when domestic abuse has occurred, any child arrangements ordered protect the safety and wellbeing of the child and the parent with care, and are in the child’s best interests.

The revised practice direction is a critical step forward but sadly, all too often, the guidance is not followed in such cases and children’s safety is put at risk. It is critical that all judges, magistrates, court staff and CAFCASS officers know about the new guidance and
how to use it. I hope that the debate raises awareness of the new guidance and of how important it is to ensure children’s safety.

Although the revised practice direction is a step forward and places new requirements on judges, significant challenges to effective implementation remain. Training is critical to ensure that all judges, magistrates and staff involved know about the new guidance and, more importantly, how to use it. Mandatory training for judges, magistrates and all staff on all aspects of abuse and coercive, controlling behaviour should be part of a non-legislative package of measures. The training should be face to face, delivered by specialists and supported by ongoing professional development. It should cover the nature of coercive and controlling behaviour, the frequency and nature of post-separation abuse and, most importantly, the impact of abuse on victims. Training is vital to ensure that judicial guidance is implemented and that it informs safe contact arrangements for children in domestic and all abuse cases.

No child should have their life left in the hands of evil. No child should be harmed in an act of revenge or rage against the other parent. The impact of unsafe child contact can be devastating.

Jim Shannon (Strangford) (DUP): It is nice to serve under your chairmanship, Mr Hosie, for the first time, I think. I thank the hon. Lady for securing the debate. In her speech so far, she has not mentioned the parental right of women prisoners to have their children visit them. It is important to have that in place, as well as a dedicated strategy for dealing with children’s access to their mothers in prison. I am ever mindful that in Northern Ireland, two thirds of women inmates are mothers. Of those, nine tenths have little or no access to their children. Has the hon. Lady given that consideration in preparing for her speech?

Carolyn Harris: I certainly have. I have just put a line through a large portion of my speech, because I totally agree with everything the hon. Gentleman says. I firmly believe that, in a healthy situation, it is vital for a child to have contact with their parent. However, I was recently contacted by a mum whose children were grotesquely abused by their father—a man who, in my opinion, does not deserve to be called their father. When someone is capable of stealing their own child’s life through sexual manipulation, their right to have a say about the future of that child should not mean that they are able to drag the mother to court at any opportunity. Such a man should not be allowed to have any influence or impact on his children’s lives, not just from the day he is convicted but from the day he takes their childhood away from them.

There is an urgent need for independent national oversight of the implementation of practice direction 12J. The Government and senior leaders in the family courts and CAFCASS need to bring about a cultural change in the family court system to ensure that the safety and wellbeing of children and non-abusive parents—parents who are left to pick up the pieces after such a terrible situation arises—are understood and constantly prioritised. That family—and that mother—have every right to get on with their lives, and the perpetrator of that crime needs to be removed from the situation.

All members of the family court judiciary and CAFCASS should have specialist training so that they understand the dynamics of domestic and sexual abuse and can recognise coercive control and the tactics used by abusive parents to manipulate their children’s lives from inside prison walls. The Ministry of Justice must ensure that safety and risk assessments are carried out in child contact and parental rights cases, especially when an abusive parent is involved. Assessments should be carried out by dedicated abuse practitioners who work for agencies that are dedicated to working with victims of abuse and adhere to a nationally recognised standard for responding to abuse cases.

When will we see the draft domestic violence and abuse Bill? I am interested in whether we can amend that Bill to take account of the cases of the parents I have talked to, including the one I mentioned whose life is being destroyed by a man in a prison cell who still tries to control the lives of her children. I thank the Minister for listening, and I hope that we can work together to try to find a solution that works for all. That would certainly give the children and the mothers and fathers who have been affected by this terrible crime some peace of mind.

9.42 am

Fiona Bruce (Congleton) (Con): I listened carefully to the hon. Member for Swansea East (Carolyn Harris). I am pleased that she said that, in a healthy situation, it is vital for a child to have contact with their parent who is in prison. I will speak about that with particular reference to the excellent recent Farmer review about the importance of strengthening prisoners’ family relationships, where appropriate, to aid rehabilitation.

The Farmer review calls that a “golden thread” that needs to run through the prison system, along with the threads of employment and education, as a priority for prison governors. It says that that third strand is essential if we are to “put a crowbar into the revolving door of repeat reoffending and tackle the intergenerational transmission of crime.”

I therefore urge Ministers to consider adding a new deputy director for families to the existing deputy director roles in the prison system. Before I highlight two ways in which prisoners’ family ties and, importantly, parental ties could be strengthened, I pay tribute to Dr Samantha Callan, Lord Farmer’s adviser, whose intelligent, thoughtful and dedicated contribution to the production of the review was invaluable.

First, I encourage Ministers to consider providing Skype or other face-to-face digital platforms where family visits may be difficult. BT’s slogan, “It’s good to talk”, might be a cliché, but it is incredibly important for people to keep relationships with their families or other significant individuals alive while they are in prison. Men who can ring their children every evening have a reason to stay out of trouble throughout the day. One prisoner told the Farmer review: “If part of your prison routine is to do homework with your child or ring home regularly to hold a quality conversation with her, this is a strong deterrent to taking a substance that would mean you were unable to do that because you were ‘off your head’.”
The high cost of phone calls is frequently raised by external prison organisations such as the Prison Reform Trust as a cause of considerable resentment across the prison estate. I understand that costs should fall when the contract with BT is renegotiated in April 2018, and plans to digitise the entire prison estate with cable networks and to put a phone in every cell will further reduce call costs. However, that system will not be fully installed and functioning until 2021, and a prison service that values relationships needs to do more to help people stay in touch with their families and particularly their children.

Although phone calls are highly valued, the prison service should consider adapting to new forms of communication that are becoming commonplace in the community. That is not about giving every prisoner an iPad, although I have been told that women in some high-security prisons in the US have access to iPads in the interests of staying in touch with their children. Virtual video visiting is gradually being made available in prisons in Northern Ireland, such as Magilligan Prison. Although I would be concerned if we got to the point where that replaced face-to-face visits, Skype-type technology can enable prisoners to “visit” their own homes and see their family members in that context, and remind them of what they have to gain by settling into their sentences, getting out as soon as possible and not returning.

Chris Elmore (Ogmore) (Lab): I am sure the hon. Lady is aware that children whose mothers are in prison are, on average, 64 miles away from them. I agree wholeheartedly with what she says, particularly about electronic interaction. Does she agree that, if we are to overcome the sheer distances, particularly for Welsh prisoners—there are no women’s prisons in Wales, although I am not advocating for one—we must find new technologies to enable mothers to interact with their children?

Fiona Bruce: I absolutely do. Although keeping prisoners close to home has to be the goal wherever possible, the challenges of the prison population make that hard, so it is not unusual for prisoners to be some distance from home—so far that families may even have to stay overnight if they visit. I wholeheartedly concur with the hon. Gentleman.

Technology that is being put into prisons to facilitate virtual court appearances could be adapted to improve contact for families on the outside who may otherwise have to make a superhuman effort to come into prison. Foreign nationals are unlikely to get visitors. In his report, Lord Farmer mentions meeting a man in prison who had been in local authority care since he was a child and whose only relative was his 93-year-old grandmother. It is impossible for her to visit, but if someone helped her with Skype she would at least be able to see him again. Imagine an A-level student close to her exams who was unable to visit her dad in prison but could communicate with him using a tablet, or a mother with a child with a health problem who would otherwise have to choose between visiting her partner in prison or keeping a vigil by that child’s bedside.

Of course there have to be safeguards. The Farmer review recommends that, in the interim period before full digitisation, empowered governors should be able to make Skype-type communication available to the small percentage of prisoners whose families cannot visit them due to infirmity, distance or other factors. A booking system and application process would mean that prisoners’ requests to access video calling technology had to be cleared by the governor. Alternatively, tablets could be made available in visiting halls, as apparently happens on the juvenile estate in Tasmania. Family members might need help to access video calling technology. Funds from the assisted prison visits scheme could be made available to people who needed to travel to a local voluntary organisation for help to make a call, for example. Will the Minister consider what can be done between today and full digitisation to ensure that families can maintain contact through these innovative means?

The second point I will make—more briefly—relates to the use of ROTL: release on temporary licence. The latest, up-to-date policy on ROTL procedures is unpublished and awaited by governors. I urge Ministers to ensure that it is published as soon as possible. Research indicates that the use of ROTL to maintain and develop family ties contributes to reducing reoffending. Respondents to the Farmer review—prisoners, families, organisations and academics—considered that it should be used more. They told Lord Farmer that that would give prisoners the opportunity to adjust gradually to family life outside of prison and to spend more time in responsible roles such as parent or partner.

Kate Green (Stretford and Urmston) (Lab): I agree with what the hon. Lady is saying. Does she agree that the emphasis when making decisions about release on temporary licence should be that it is not a privilege for the offender but in the best interests of the offender’s child and family?

Fiona Bruce: I do. If we are to reduce the disturbing statistics on the number of prisoners’ children who themselves go on to offend, we must take their interests into account. It is important that families’ involvement in decisions regarding ROTL is also considered and included. We cannot assume that ROTL will always be good for prisoners’ families; they need to be involved in that decision.

However, where ROTL can be granted, it really should be. Colleagues may remember the terrible riots that occurred at Strangeways—I was a young lawyer practising nearby at the time. As a result of those riots more than a quarter of a century ago, Lord Woolf published a review which said that home leave—now ROTL—"should be extended" because it “restores prisoners’ self-confidence, helps maintain family relationships, and is an incentive to behave well in prison.”

However, the Ministry of Justice’s own indicators suggest that use of ROTL has fallen significantly, even since 2013, partly because governors are waiting for guidance on how to apply it. They want to be confident to apply it. They can see evidence that it is effective, but they need the guidance. Will the Minister explain why it has not been issued yet and let us know when it will be forthcoming?

An expert on social mobility, with particular reference to the opportunity areas planned around the country to help improve social mobility and opportunity for children, said that while education is important, one thing which
underlies everything is parental engagement in a child’s life. If that is true outside the prison borders, it surely must be equally true within them.

9.53 am

Kate Green (Stretford and Urmston) (Lab): It is a great pleasure to speak under your chairmanship, Mr Hosie. I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing the debate and on her powerful and important speech. I also put on record my agreement with what she and the hon. Member for Congleton (Fiona Bruce) said. I very much welcome the debate. Its title is on the parental responsibilities of prisoners, but like others I want to look at this through the lens of children’s rights and their best interests. Hon. Members agree that those interests are rarely served by the incarceration of a parent where contact and the relationship with the parent is healthy. That is especially true of mothers in prison, because they are almost always the main carers of children.

My starting point is to do what we can to keep mothers out of prison. The Minister has heard me say that on a number of occasions, and I am afraid I will be repeating myself. We need stronger community alternatives to custody for women, and especially for mothers. We need a presumption against short custodial sentences, as has now been introduced in Scotland. I know the Minister has looked or is due to look at what is going on there, so perhaps he will update us on that. I repeat to him: please do not build new women’s prisons. It is the wrong use of money—we could spend that money on the well-being of mothers and their children. It will often be harmful for children. As Common Wealth, we can all agree that separation due to incarceration is very concerning. Perhaps the Minister will confirm that and take action.

We need more creative and focused solutions to maintain and facilitate that contact. The hon. Lady rightly referred to a number of problems that need to be resolved, such as the distance from home many women are serving their sentences; the fact that women cannot hold or touch their children during visits; the lack of activities for children to participate in during visits; the lack of support for visits; and the lack of privacy. I understand that, in the case of women in approved premises, visits from children are not permitted at all, which is very concerning. Perhaps the Minister will confirm that and take action.

We need special additional family visits, not as a privilege for the offender but in the best interests of the child. We also need good pre and post-visit preparation for both mother and child. We need more opportunity for overnight visits. There are about some of those, such as the use of technology—Skye and videos. We need more opportunity for overnight visits such as those trialled at Askham Grange. We need special additional family visits, not as a privilege for the offender but in the best interests of the child. We also need good pre and post-visit preparation for both mother and children. What learning have the Government taken from the excellent programme “Visiting Mum”, which is run by the Prison Advice and Care Trust at Eastwood Park Prison? Do they intend to roll out that learning and provide such support in all women’s prisons?

Women and mothers also need better preparation for release. Once children have experienced the trauma of losing their mother to incarceration, they will often find it quite traumatic when mum returns home—too often to be aloof, angry or clingy, and we have a problem in ensuring that those mothers are able to resume their parenting role. Housing is still a problem for women on
release from custody. They cannot get priority for housing if their children are not living with them, but their children cannot live with them if they do not have a home. That that conundrum is still happening—I saw it for myself during a recent visit to Styal Prison—is shocking. Surely we can resolve that difficulty. In Greater Manchester we are trying to do that by bringing together housing and justice leads, but the through-the-gate services that ought to be sorting that out are failing. I hope the Minister will take a careful look at that.

Chris Elmore: My hon. Friend may be aware that in a past life, before serving in this House, I led children’s social services in a local authority. One concern about family breakdown when a woman leaves prison is that sometimes the children have become looked-after, and it is extremely complex for the mother to gain access to their children through the looked-after children’s system. That adds another dynamic, because the mother may never have had to deal with those services before she was sent to prison, which can cause even further family breakdown on her release.

Kate Green: That is an important point. As we know, outcomes for looked-after children are often poor, and we should be doing everything we can to return that child to the family unit, and to support the family in parenting and raising that child.

In conclusion, my message to the Minister is this: do not send mothers to prison. If that happens, can we ensure that the sentenceer has fully assessed the impact of that sentence on the woman’s children? For those who are sentenced, can we facilitate good-quality contact between mother and child during the period of incarceration, as that is in the child’s best interests, and put in place structured, high-quality preparation for the reunion of the family on release? I am grateful for the chance to speak in this debate. I know other colleagues wish to make further contributions, so I will end there.

10.2 am

Derek Thomas (St Ives) (Con): I commend the hon. Member for Swansea East (Carolyn Harris) for securing this important debate. I found her contribution and the other speeches interesting and profound, and I have learned a great deal.

I could have left the role of prisons and what goes on there for other colleagues to debate. I represent St Ives and the Isles of Scilly, and there are no prisons nearby and crime is relatively low. I can count on one hand the people I have met who have had contact with prisons, and only two of them, as far as I could see, should ever have ended up there. There are therefore plenty far more pressing concerns that could legitimately occupy my time. However, within each person is a heartbeat, and I believe that we have a responsibility to work to create an environment and opportunity that allows everyone to play their full part in society. On that basis, how we treat and manage prisoners is important and can lead either to full lives and safer communities, or to broken lives and chaos.

For me this is about the purpose of prisons. Prison is a method of keeping communities safe for the time that the prisoner is inside, but it is also a place where lives can be reset and people can be rehabilitated. It is right to take someone who is judged to be a risk to society out of that community, but I believe that from the day a prisoner arrives in prison, work must be done to prepare for their release.

Other than keeping an individual away from a life of crime, prison achieves little if nothing is done to address their behaviour when he or she is released. Families play an important part in that process and I want to spend a few moments considering the need to enable prisoners to fulfil their parental responsibilities, which I believe could, and should, be a focus for reform. Bringing men in particular face to face with their enduring responsibilities to the family is indispensable to the rehabilitation culture that we urgently need to develop in our penal system, and that must be integral to the changes sought. Consistently good family work can help to equip a father to play his role in the home, and that will pay dividends once the sentence is served.

The inspirational prison reformer Elizabeth Fry—she has also been mentioned by the Justice Secretary—called for arrangements by which prisons “may be rendered schools of industry and virtue.” The best family work taking place in prisons has brought men face to face with their enduring responsibilities to the family left in the community, particularly their wives, partners and children, but also their parents, siblings and grandparents. It helps them to forge a new identity for themselves—an important precursor to desistance from crime—based on being a good role model for their children, a caring husband, partner and friend, and a reliable provider through legal employment. Some men are already alive to those responsibilities when they go to prison, but they mistakenly think that using the proceeds of crime is the best way to fulfil them. If prison is to have any role in rehabilitation, work must be done to harness the virtue but adjust the means.

Responsibilities are not discharged in a vacuum. Families need to be willing and able to engage with the rehabilitation process, and harnessing the resource of good family relationships must be a golden thread that runs through processes in all prisons—my hon. Friend the Member for Congleton (Fiona Bruce) also made that point. Prisoners’ responsibilities to their families should be seen as an important lever for change, and families are often significant assets for offender management during and at the end of sentences. Prison staff find that their responsibilities and efforts are aided when good family contact and engagement is nurtured and maintained. Unfortunately, however, experience has shown that sentence planning by the offender management team rarely takes into account the understanding and knowledge that family members have about a prisoner. There are exceptions such as HMP Forest Bank and those Scottish prisons that involve a prisoner’s family in release planning, but it is uncommon.

In Scotland, the integrated case management case conference provides a mechanism for involving a prisoner’s family in release planning. An ICM case conference is a meeting held at set intervals during a prisoner’s sentence, between the ICM case co-ordinator, prison and community-based social work, and the prisoner. The prisoner may invite his family to those meetings if he wishes. The ICM case conference provides an important opportunity to prepare and advise families about the issues arising on a prisoner’s release, thereby supporting them in their own right as well as preventing reoffending.
At one men's prison in Louisiana USA, families are involved as soon as the individual arrives in prison. The director of re-entry invites a family member or someone close to the prisoner to the prison for an informal meeting, allowing the director to learn about the prisoner's background and how he can be best supported. There are further examples of where families are integral to the penal system. For example, in HMP Winchester, staff from the charity Spurgeon carry out first-night screening, which includes detailed questions about a father's responsibilities. That also gives them an opportunity to hand out dad packs, where appropriate, which include top tips on how to be a father inside prison. That is an early way of grounding someone in their family responsibilities at the start of their sentence, when it is easy for them to turn in on themselves.

A new personal officer model is being trialled in 10 pathfinder establishments. That could be used to carry out a more ongoing form of assessment. Those officers will have daily contact with the prisoners, and be aware of how their family relationships are faring. I researched the role of the personal officer. The article I read stated: “During your first few days in prison you will be allocated a Personal Officer. This is a prison officer who has been assigned to act as your point of contact while within prison, and is the officer who is expected to provide a ‘reference’ for you whenever you apply for jobs, change of status from Basic to Enhanced etc. The duties of this officer are not very much, but a good officer will come and speak to you and ask if you have any issues they can help with, a poor officer will introduce themselves once and then may favour you with a grunt as you pass on the landing.”

It seems to me that a personal officer model could and should be extended to include a family liaison aspect, which could make the role much more rewarding and productive.

Fiona Bruce: Does my hon. Friend agree that, particularly given the examples of best practice that we have heard today, there is a need for that to be drawn together from across the country, so that it can be shared more effectively among different prisons?

Derek Thomas: That is right, and I welcome my hon. Friend’s intervention because it helps to support the point I want to make in concluding. As I said earlier, everyone has a heartbeat and we need to do what we can to support prisoners, their families and the wider community. The gold standard would be to ensure that, whatever their sentence and wherever they were sent, they will receive equal support and access.

There is a further matter to consider if we are serious about parental rights and parental responsibility. My constituency covers west Cornwall and Scilly, and a prisoner from Cornwall can be sent a very long way from home. If someone is sentenced to prison, the prison should be as close to their home as possible, wherever they live in the UK. Addressing the parental responsibilities of a prisoner is a significant part of the journey to a reformed life and a safer society. Therefore, where the prisoner is held in relation to their family home is an important consideration.

10.11 am

Kerry McCarthy (Bristol East) (Lab): It is a pleasure to see you in the Chair, Mr Hosie. I, too, congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing the debate. We have had some excellent speeches, and Westminster Hall comes into its own in debates on such topics with cross-party consensus. I want to turn the debate around slightly and focus on the 200,000 or so children a year who will have a parent in prison, in England and Wales. That is a rough figure—a Government estimate—and it is difficult to be more precise. We have heard various figures about women in prison. It is estimated that 66% of women in prison have a child under the age of 18, and that a third of them have a child under five, although I have also seen the figure of 51%. Far more children have a father than a mother in prison and there are likely to be a disproportionate number of black and minority ethnic children with a parent in prison, because of the make-up of the prison population. The statistics on young offenders institutions show that there are also many young parents in prison. I have visited young offenders institutions as an MP and before that as a lawyer working in the criminal field, and those who do so will have seen young mums turning up with their babies, to visit fathers who are themselves children. A freedom of information request from Barnardo’s in connection with its report of December 2015, “Locked out: Children’s experiences of visiting a parent in prison”, found that children make almost 10,000 visits to public prisons each week.

Those are the things that we know about the number of children affected, and the make-up of that group, but we do not know anywhere near as much as we should. There is limited published practice knowledge about working with children of prisoners, and a lack of systematic recording and information-sharing. Prisoners will not always reveal that they have children. In many cases it is a child’s step-parent or the partner of their parent rather than their own father who is in prison, but the child will still clearly be greatly affected. As we have heard, courts, Governments and local services do not routinely ask about the children involved; that information is not reported or recorded. Pressures on the probation service and the lack of sentencing reports also mean that the issue is less likely to be picked up. My hon. Friend the Member for Stretford and Urmston (Kate Green) pointed out that people facing custody are not routinely asked about the situation with respect to their children.

When there were riots and looting in London boroughs after the death of Mark Duggan, in quite a few cases women were immediately thrown into custody and no one asked any questions. Single parents were put into custody and no one asked what would happen to their children left at home.

Kate Green: Does my hon. Friend support the suggestion that when a parent goes into custody—and particularly if they are the sole parent—there should be a period of perhaps five or seven days after the sentence is imposed and before custody commences to allow them to make arrangements for the care of the child?

Kerry McCarthy: That is absolutely the case, although there will always be exceptions, such as when the parent is seen to be a danger to the public. I used to work at a magistrates court, where women would be sentenced to jail because they had not paid television licence fines. It could be said that they knew they were coming to court and might face custody, but sometimes those people...
had chaotic lives and were not facing up to the seriousness of their situation, and it would be sensible to give them a chance to make arrangements. In America there is a tendency to use a system that gives people time to prepare for a prison sentence; I do not see why we cannot do that here.

Quite often parents going to jail, and their families, keep quiet about the fact that children are involved. That might be because of stigma and shame, or the fear of having their children taken into care. Informal kinship care is often arranged, with friends or family stepping in if the parent with caring responsibilities is sent away. There has been some progress in recognising the role of kinship carers in recent years. Edward Timpson, the former Children and Families Minister, took the issue seriously and did some good work on it, which we need to continue.

I recently wrote to the Children’s Commissioner about the matter. She had launched a very good report that identified about 15 categories of vulnerable children, and I wrote to her flagging up the fact that the categories of children of prisoners and children in informal kinship care should have been listed but were not. There would have been some overlap as, for example, one category was children in local authority care, which could include the children of prisoners; but there was not a specific focus on them. I received a good reply this week, in which the commissioner said:

“I am very keen to include children of prisoners in the next iteration of the work, but identifying the number of such children is a significant challenge. We are currently working with the ONS to link census data with Dept for Education records of children, this should then enable us to estimate the number of children in families where a parent is in prison. Doing this poses some serious challenges, but if we can do it, then we will be able to use this to get lots of additional information.”

Things are not ideal. The information should be available without the need to do various calculations to put together a picture; but it is excellent that the commissioner realises the importance of the work.

It is important to know how many children are affected by parental imprisonment. Such children can face multiple disadvantages, as has been said. Family life is disrupted and it may be necessary to move home. My hon. Friend the Member for Stretford and Urmston mentioned that half of such children have to change schools. In many cases family income will be lost. For children with a parent in prison there is twice the likelihood of poor conduct and mental health problems, according to a 2008 study. Those children are less likely to do well at school and three times as likely to offend: 65% of boys with a convicted father will go on to be convicted. When Hazel Blears was a Home Office Minister we had conversations about work she was doing to try to identify boys, in particular, who were at risk of offending because of their parents’ situation. There is a need to be careful about that, because we do not want to stigmatise or label children—“Because your father was a bad lot and ended up in jail you are going to go the same way.” A sensitive approach is needed, but we must recognise the particular risk for those children.

Trauma can also arise directly from the experience. Children may have seen a parent arrested, sometimes in violent circumstances. They may not have known anything was going on, only for the parent to go off to court one day and disappear. Some children may not even be told that the parent is in jail, and may find out because word has spread around the neighbourhood. Also, visiting a parent in prison is not a pleasant experience. In today’s debate there has been a focus on the importance of prisoners maintaining contact with their children; and the reoffending figures suggest that that is important. It is estimated that 45% of prisoners lose touch with their families and that prisoners are 39% less likely to reoffend if they receive visitors. We also need to look at the impact on the children, as Barnardo’s has tried to do, because what is good for the prisoners is not necessarily good for the children.

I will briefly mention fathers’ rights. We have spoken about women receiving visits in prison, but male prisoners are treated differently from female prisoners in the system. I entirely accept the point made by my hon. Friend the Member for Swansea East that in some cases the father clearly should not retain any influence over the children’s lives.

At the moment, in male prisons, children’s visits are classed as a privilege under the incentives and earned privileges scheme. The scheme allocates the duration, frequency and quality of visits according to the behaviour of the offender. That can have quite a severe impact on the frequency and length of visits. Basic status prisoners would be entitled to see their children for a two-hour visit every four weeks, but family visit days are restricted to enhanced prisoners who have displayed exemplary behaviour, for example by studying for qualifications. Therefore, quite a lot of prisoners do not get to have family visit days at all. We could say, “Well, they haven’t earned them,” but we are talking about their families losing that right through no fault of their own.

Children in this situation will often have ambivalent feelings toward their parent, because their parent has perhaps done something deliberately that means they have, in effect, abandoned their child. Children will see that their parent has chosen to do something that means they will be locked up and absent from the home, leaving the children to fend for themselves or endure bullying and stigma at school. They should not be doubly punished for the fact that their father is perhaps not displaying exemplary behaviour in prison; they should be allowed that quality time to try to rebuild the relationship with him.

Under the IEP scheme, fathers’ visits with their children can be withheld at the discretion of the authorities, whereas in female prisons the right is protected, on the basis that children should not be restricted from visiting or contacting the mother because of the mother’s behaviour. The number of visits should not be restricted in order to serve the needs of the incentive schemes, and incentive schemes should not be linked to any access to family visits. That is the rule for mothers, and I do not see why it should not be the case for fathers as well. It is important, and Barnardo’s has called for the IEP scheme in male prisons to be brought into line with that in female prisons.

I will say a little bit about the work of Barnardo’s, an organisation that is proactive in this area and doing some excellent work. In England there is a scheme called i-HOP—the information hub on offenders’ families which children for professionals—which was commissioned by the Department for Education and is run by Barnardo’s. It provides a one-stop information and advice service to support all professionals working with children and
families of offenders, including frontline staff, strategic managers and commissioners. It is important that this is placed on professionals’ radar and that they are given advice on how to deal with it.

In 2013, Barnardo’s published a report called “Working with children with a parent in prison”, which referred to two pilot schemes called Empowering the Children of Offenders. The pilots were held in Devon and Bristol. They found that parents often struggled to talk to their children about imprisonment and needed support to do so. They also found that liaising with wider family networks, including grandparents, and with schools was vital to provide full support to a child affected by parental imprisonment. The report highlighted particular issues: problems in identifying the children affected, as I have already said, identifying the children’s rights and working out which children need support. The children of prisoners often do not meet the thresholds for children’s social care services to become involved. That means no work takes place with them, and perhaps the thresholds should be reassessed to ensure they are brought into account.

As part of the i-HOP scheme in Bristol, Barnardo’s worked with Bristol City Council to create Bristol’s “Charter for Children of Prisoners”, which recommended that children should be helped to write letters, make phone calls or visit if they want to; that children with a parent in prison should be better welcomed and respected by prison staff; that children should be told where their parent is and how long they will be there; that they should have an adult they can talk to in confidence; and that when police arrest someone they should take into account the impact on the child and ensure the situation is explained to them. Probably most importantly, it recommended that professionals such as teachers and nurses should know how many children in Bristol have a parent in prison and how to support them.

I will conclude by coming back to my earlier point. This discussion should not just be about the prisoners and their rights; it should be about the children. When we look at the children of prisoners, we should not just look at their relationship with the parent in prison. It should not just be about how often they see them and whether they maintain connection. They will face a lot of issues, whether at school, through poverty in the family home, or through informal arrangements where they may be passed from one friend of their parent to another. We need to look at those children in the community, not just in relation to the prisoners.

10.25 am

Imran Hussain (Bradford East) (Lab): I thank my hon. Friend the Member for Bristol East (Kerry McCarthy)—parents are not recorded in the current system. In 2009, the Ministry of Justice estimated that 200,000 children had a parent in prison. That is an estimate—there is no accurate figure, because the Government do not record which prisoners are parents. What we know is that female prisoners are more affected because they are more likely to be sole parents. Without records, there is no capability to give children better visitation access to parents, no capability to treat children better and no capability to improve parental rights. Indeed, there is no capability to deal with some of the safeguarding issues to which my hon. Friend the Member for Swansea East referred.

Hon. Members have mentioned the cost and distance involved in visiting. Across England and Wales, many prisoners are imprisoned far from home, which means expensive journeys and long travelling distances. The Government’s new prison building plan and the super-sized prisons that they seem set on will make that challenge worse not better, because reducing the number of prison locations will force many families to journey even further. Children face even greater difficulty visiting their mothers. They are often located much further away owing to the lower number of female prisons. Children living in Wales whose mothers are in prison have to leave the country to visit them. It is disappointing that the Ministry of Justice has brushed over that in its building plans by not addressing the lack of female prisons in Wales.

Cost and distance are not the only challenges. Once families have overcome them, children and carers have to deal with prison rules and the prison environment. As has been pointed out, visiting times mean that, even if a prison is close to a child’s home, it is necessary to take them out of school, which many parents may be reluctant to do on a frequent basis, thereby limiting the child’s time with the parent in prison. While inside prison, children are subject to searches and an unwelcoming environment that can put them off. It does not get any better when a child is with their parent because the rules prevent meaningful social interactions between them.

The biggest impact for parents is on reoffending rates—the odds of reoffending are 39% lower for prisoners who receive family visits than for those who do not. The recent Farmer review was very clear that better interaction between offenders and their families improves reoffending rates and rehabilitation. If an offender does not see
their family, they will often lose them. Once they have lost their family, there is often little left for them to lose by reoffending—they will have missed out on their children’s key development and defining moments, and their memories. A parent who has a stake in their child’s life can endeavour to serve as a positive role model and can turn their own life around.

A lack of access to children has been shown to have an impact on prison disturbances. As I stated earlier, that was found as far back as the Woolf report in the 1990s.

The impact is particularly strong for female offenders, the majority of whom commit non-violent offences and crimes of poverty that often warrant better support rather than imprisonment. One in three female prisoners are mothers of children under 18, and one in five are lone parents who face their children being taken away from them following their imprisonment.

Some 70% of female prisoners are serving sentences of less than six months, but that is all that is needed for them to lose their job, their home and their children, not just for those six months but forever. Without a secure job or home after release, they face an uphill struggle to get their children back from care, so it makes sense for parents in prison to have better parental rights and better contact with their children. Surely our desire to rehabilitate an offender and to help them turn their life around for the better, and to give a child a parent they can look up to, is greater than our desire to punish them and therefore to punish an innocent child in the process.

My hon. Friend the Member for Bristol East is absolutely right that this has to be looked at in a broader context, with the rights of children having absolutely equal value. Having a parent in prison means that a child is three times more likely to turn to crime themselves—65% of boys with a convicted father go on to offend themselves, whereas 40% of boys with non-convicted fathers do. A lack of access to children has been shown to have an impact on prison disturbances.

If the hon. Lady will allow me, I will develop my argument with regards to the current powers of courts in such cases. As I was saying, the hon. Member for Swansea East is fast developing a strong reputation for campaigning on sensitive, difficult and often family-related issues. I commend her for her work in lots of different areas.

I am here on behalf of the Minister of State for Justice, who is detained on legislative business. While policy responsibility for family law sits with him, I have listened carefully to the points that have been made and will ensure that they are relayed to him in full. It is clear that significant distress and emotional harm can result when a parent in prison exercises their parental responsibility with the clear intention of frustrating day-to-day care decisions made by the other parent or to inflict further harm. Such behaviour is unacceptable.

While the maintenance of family ties forms a key foundation stone to support an offender’s rehabilitation, it is clear that not all children can or should maintain contact with a parent who is in prison. Maintaining family ties must always be balanced against the risk of harm posed to the child or the parent with care. While a number of protections are in place under the current law, particular issues arise in cases where children are the victims of an offence by the convicted parent. I have listened closely to the points that have been made about the practical impacts of parental responsibility being exercised in that way and to the arguments for changing the law so that a parent prisoner convicted of a sexual or violent offence loses their parental responsibility on conviction.

In considering the arguments for change, I will set out the current law. There are various aspects to the law on parental responsibility: how parental responsibility is acquired by a parent; whether and how parental responsibility can be removed from a parent in appropriate cases to protect a child or the other parent from the risk of further abuse or harm; and the exercise of parental...
responsibility by a parent and the means by which a court may restrict the exercise of parental responsibility in specific ways.

Mothers automatically acquire parental responsibility. A father who is married to the mother at the time of the child’s birth also acquires that responsibility. There are no provisions in law by which parental responsibility may be removed from a mother or married father, except through adoption of the child. Unmarried fathers may acquire parental responsibility through various means: birth registration, an agreement with the mother that is registered with the court or by court order. A court may remove parental responsibility from an unmarried father if the child’s welfare so requires.

Where a parent seeks to abuse their parental responsibility, their actions may be overridden by the family court. That power applies regardless of how the parent acquired parental responsibility. The child’s welfare is always the paramount consideration, and there is no absolute right for a parent or any other person to exercise parental responsibility in a way that is detrimental to the child’s best interests. That is clearly the right position in principle.

The ability of a parent prisoner to exercise parental responsibility in many aspects of a child’s day-to-day life is limited by having no direct contact with the child or the parent with care, and powers are available to the family court to restrict the exercise of parental responsibility, which I will talk about in a moment. However, where those protections have not been sought or have not worked for whatever reason, a parent who is determined to abuse their parental responsibility may still be able to do so.

Where there is disagreement between parents who both have parental responsibility, either of them may make an application to the family court for a prohibited steps or specific issue order. A prohibited steps order has the effect of preventing a parent from exercising his or her parental responsibility for their child in a specified way without first obtaining the consent of the court—for example, changing a child’s surname or causing a child to be known by a different surname. A specific issue order allows the court to determine how a specific aspect of parental responsibility for a child should be decided—for example, whether a child should change school.

In addition, where the court is making any order and the person who has applied for it has made multiple previous applications in relation to the child that the court considers to be vexatious, it may make an order restricting that person’s ability to make any further applications of a specified kind in respect of that child without the permission of the court.

I recognise that the current protections place the onus on the parent with care to apply to the family court to restrict the other parent’s exercise of parental responsibility, which is why there are calls to legislate for an automatic removal of parental responsibility in certain circumstances. Questions have been raised about the effectiveness of the orders and how they can best be used to protect a child or parent with care from the abusive exercise of parental responsibility by a parent in prison.

Any change to remove parental responsibility automatically on conviction of certain criminal offences would involve some important considerations for my Department. We would need to be clear that such a change in the law would be in the best interests of all children, for whom the current law provides maximum flexibility. The family court currently balances the legal rights, responsibilities and duties of each parent with the paramount need to further the welfare of the child and to safeguard them from risk of harm or further harm.

**Kate Green:** I am listening with real interest to what the Minister is saying. Would it be possible to consider a change in the law that created a rebuttable presumption of the loss of parental responsibility in certain circumstances? That would put the onus not on the parent with care, but on the parent who has perpetrated the damage.

**Dr Lee:** That certainly warrants consideration, so I will take it away and pass it on to my ministerial colleague.

Legislation to remove parental responsibility upon conviction of specified offences would need to be carefully considered, given the potential impact on a wide range of children in different family circumstances. There would be many points of detail to work through, some of them potentially quite difficult, to ensure that any changes to the law were workable in practice and likely to achieve the desired outcome, while maintaining the right balance between rights, duties and responsibilities and protecting vulnerable children and adults.

I will turn to some of the questions raised in this interesting debate. The hon. Member for Swansea East referred to judicial awareness of practice direction 12J and mandatory training of judges. The Judicial College plays a vital role in providing the appropriate training for all family judges. The president of the family division has publicly urged the judiciary to familiarise themselves with the new rules and to do everything possible to ensure that those rules are properly complied with on every occasion.

The hon. Members for Swansea East and for Gower (Tonia Antoniazzi) asked about fathers exercising parental responsibility and why they should have the right to control a child’s life from behind bars. The Children Act 1989 makes it clear that parental responsibility can be exercised alone unless the law requires the consent of all those who share parental responsibility. The courts have held that there are exceptional categories of decision that need such consent—for example, changing names or taking the child abroad. Day-to-day decisions should not be affected or blocked by the father.

The hon. Member for Stretford and Urmston (Kate Green) made a characteristically informed speech. She mentioned the importance of children having contact with their mothers in prison. Prisoners have a statutory right to have contact with their children where it is safe to do so. There is a presumption that a parent’s involvement will further the child’s welfare, and that is not revoked or rebutted when a mother is imprisoned, provided that contact remains safe and in the child’s best interests.

The hon. Lady asked about the sentencing of mothers without a consideration of the impact on dependent children. The courts are required under article 8 of the European convention on human rights to obtain information on dependent children and conduct a balancing exercise, weighing the rights of potentially affected children.
against the seriousness of the parent’s offence. Case law shows that that is often done in practice. The Government cannot interfere with the exercise of the judiciary.

The hon. Lady also raised the “Visiting Mum” programme run at Eastwood Park, which I gather is funded by the Big Lottery Fund. It has supported 150 children and 89 mothers to have visits from Wales to Eastwood Park in Gloucestershire. I assure her that its work is being considered as part of the broader women’s justice strategy.

My hon. Friend the Member for St Ives (Derek Thomas) spoke of the improving situation for women offenders and family access. We are developing a women’s strategy, which will be published in the new year, to improve outcomes for women. The legacy of where prisons are makes it practically difficult to hold women closer to home. The shadow Minister, the hon. Member for Bradford East (Imran Hussain), referred to the women’s custodial estate being absent in Wales. I assure him that I have not met anybody who wants a prison for women to be built in Wales. I will just say that all decisions about women’s justice are currently under consideration, and I hope that all colleagues, and particularly the hon. Member for Stretford and Urmston, will be pleased when the strategy is published in the new year.

Of course, I cannot make any commitments today about changing the law on parental responsibility, but the Government will give careful consideration to the points that have been raised this morning. I thank the hon. Member for Swansea East for securing the debate and for raising these important issues.

10.48 am

Carolyn Harris: I thank all colleagues for attending the debate and for their excellent contributions. I pay a special tribute to my hon. Friend the Member for Gower (Tonia Antoniazzi). Without her support and her bringing this dreadful case to my attention, we would not be here today.

It is not comfortable for me to stand here and not rant about improving prisoners’ rights, including access and parental rights, as ranting is probably what I do best, but on this occasion, I am deeply concerned that a family is being torn apart by one person and that his controlling behaviour towards his victims is allowing him to have any control at all, not just now but in the future. I know that the Minister is a compassionate man. We have spent many hours discussing other issues, and I know that he will work with me and my hon. Friend the Member for Gower to try to find a way to bring some solutions to those who are affected by this dreadful situation.

Question put and agreed to.

Resolved.

That this House has considered parental rights of prisoners.

10.49 am

Sitting suspended.
Government nothing, but the Environment Agency has made it clear that it would object to the scheme because protecting the cliffs is contrary to its policy of non-intervention and managed retreat.

In addition, Natural England has confirmed it would also oppose in principle any scheme that prevents erosion of the cliffs, using as an objection the fact that the cliffs are designated a site of special scientific interest and are afforded legal protection under the Wildlife and Countryside Act 1981. The cliffs were designated an SSSI because of their deemed scientific interest features, namely: “fossil assemblage, the natural active coastal processes along the coastline, including erosion pattern of the cliffs and the slumping clay”.

There we have it: in Natural England’s eyes, fossils and slumping clay are more important than the homes and livelihoods of my constituents. In my view, that is not only scandalous, but makes no sense, not least because when questioned, Natural England could not identify any ongoing scientific studies that are interested in the cliffs or their fossil assemblage. It was also unable to explain how losing the fossils and clay to the sea, which happens when the cliffs erode, is enhancing scientific knowledge. In my long association with the cliffs, I am not aware of a single incidence of scientific interest being shown in them—not one.

I understand that the Environment Agency has other environmental concerns, for instance the impact that stopping the cliff erosion would have on the mud and silt that ends up in the Thames and Medway estuaries. The farmer behind the scheme appreciates fully that those concerns would necessitate extensive geomorphological modelling to determine the impact a reduction in mud and silt would have on our local wading bird species. My view is that a reasonable compromise can be found, because it can always be found when it comes to protecting our local wildlife. However, no compromise, reasonable or otherwise, can be found if Natural England continues to maintain its stance of objecting in principle to any plan that would stop the erosion of the cliffs, using the SSSI status of the cliffs as an excuse. When we consider the pressure for land to house a growing population, it makes no sense to allow more of the Isle of Sheppey to simply wash away.

Something must be done to protect my constituents. The proposal to build a country park along the north Sheppey coastline would do that by stopping erosion of the cliffs and, I repeat, it would do so at no cost to the taxpayer. Therefore, I urge the Minister to instigate an urgent review of the SSSI designation of the cliffs. I would like her also to have Natural England submit evidence proving there really is scientific interest in the cliffs; stating exactly what that interest is; and stating how and when scientific tests have been, and will be, undertaken.

11.8 am

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):**

It is a pleasure to serve under your chairmanship, Mr Hosie. I think for the first time. I congratulate my hon. Friend the Member for Sittingbourne and Sheppey (Gordon Henderson) on securing this debate on coastal erosion affecting the northern coastline of the Isle of Sheppey. I expect that the post office at Warden Point is probably no longer there and has gone into the sea, but I remember several childhood holidays there.

Coastal erosion is a natural process that has always changed the shape of our coastline and will continue to do so, but I fully understand that it can be distressing for those living nearby. As an MP for a coastal constituency with a fragile coastline, I absolutely understand his constituents’ concerns and the fears they face. I have direct examples of places, such as Benacre, where we have the same challenge of balancing nature with people’s homes. Central Government are responsible for setting the overall national policy, but I point out the local councils, formally termed coastal protection authorities under our statutes, lead on the management of coastal erosion risk in their areas. A significant and brave decision was taken by the Government earlier this decade to recognise formally that it would not be possible or desirable to defend every part of our coastline from erosion, confirming what had already been happening in practice. That made the process for councils designing their local shoreline management plans more meaningful.

The plans set out at a top level the policy framework to manage the risk of coastal change. Of the time horizons of 20, 50 and 100 years, the plans recommend four approaches to manage the local coastline: advance the line, hold the line, managed realignment and no active intervention. Councils design them in partnership with the Environment Agency, but the decision is made locally.

To support councils, the Environment Agency provides a national picture on what is happening on the coast. It has established national coastal erosion risk maps that provide a consistent assessment of coastal erosion risk around the country, and set out a best practice method for calculating that risk. The Environment Agency also ensures that different councils take a consistent approach to risk management, as actions taken along one part of a coastline can have a direct impact further along the coast. For those where defence from coastal erosion is neither practical nor economical, it is important that the communities affected are supported to adapt to the changing coastline. That means anticipating the changes, preparing for them and adapting to them when they occur.

Coastal change management areas are areas identified locally as likely to be affected by coastal change. They provide a means for local authorities to take their specific needs and circumstances into account when making decisions and planning for the future. Between 2009 and 2011, the Department for Environment, Food and Rural Affairs funded a coastal change pathfinder programme in which 15 local authorities considered new approaches for managing coastal change in partnership with their communities. The Government are committed to investing significant amounts of taxpayer money in coastal erosion and flooding schemes. Specifically for coastal management between 2015 and 2021, our plans will see £885 million invested in projects to manage coastal erosion and coastal flooding, better protecting communities against flooding from the sea.

At the same time that the Government decided formally not to defend the entire coastline, they made the important decision that any scheme that has a positive benefit-cost ratio would be eligible for Government funding. Therefore, cost-beneficial schemes that would not have progressed in the past can now receive Government funding.
Turning specifically to my hon. Friend’s constituency, the Isle of Sheppey, the shoreline over much of the length of the north Sheppey coast is in retreat and has been for centuries. That is very much part of a natural process. As sea levels have slowly risen, land levels have gradually dropped since the last ice age. Added to that natural process are the effects of global warming and climate change. The amount of physical change depends on the degree of exposure of each length of coast and the underlying geology. Increasing rainfall in between longer periods of drier weather can lead to increased weathering of cliff faces, with potentially more cutback of the cliff face.

In general, as my hon. Friend pointed out, the undefended length of coastline between Minster and Warden bay comprises a mix of residential property and agricultural land. He recognises, as does the Department, that 1,000 caravans and 124 buildings will be at risk over the next 100 years. He questioned the value of preserving the area as a geological site. Officials believe that it is an important part of the UK’s natural heritage and provides an invaluable resource for scientific research and education. In particular, the geological features contain nationally and internationally important, diverse and extremely well preserved fossil fauna and flora.

The Geological Conservation Review—a rigorous and systematic assessment of all geological sites in Great Britain—was undertaken by a wide range of experts, who identified the foreshore at Sheppey as being of national scientific importance. The main phase of the review took place some time ago, between 1977 and 1990, but it is still a live process, with small revisions taking place on a regular basis and sites being assessed and added right up to the present day to reflect new scientific discoveries and interpretations. However, I absolutely understand my hon. Friend’s point. I will look into his request to review the SSSI designation, but I hope that he understands that we have to make decisions based on the best evidence that is provided to us.

The cliffs at Sheppey are part of a natural system that includes the whole Thames estuary. They provide an important source of fine-grained sediment to the estuary and its tributary estuaries in north Kent and Essex. Decisions about what is done there need to be balanced with the framework identified by the shoreline management plan, and such plans tend to be based on natural sediment cells. The northern coastline is part of the 2010 Isle of Grain to South Foreland shoreline management plan, which is led and endorsed by local councils. It splits the coastline into five sections. Garrison Point to Minster town, which includes Sheerness, has been designated “hold the line”. Minster slopes to Warden bay has been designated “no active intervention”. From Warden bay to Leysdown-on-Sea, the designation is a mix of “hold the line” and “managed realignment”, and from there to Shellness, the designation is “managed realignment”.

Swale Borough Council has also published technical papers, including setting out a coastal change management area. In 2011, it published the “North Sheppey Erosion Study”. That has helped the council to provide appropriate advice to the public and make informed decisions about planning issues to plan ahead and mitigate the effects of coastal erosion on their lives.

There has already been significant investment by both the Government and local councils to manage the coast in the area. In 2012, there was a shingle recycling project at Sheerness, and next year there will be a further £350,000 investment to continue that work, which will protect 3,000 homes. In addition, Swale Borough Council undertook a £250,000 scheme of coastal protection works at Minster-on-Sea.

New projects are in the planning pipeline for the area: the southern regional flood and coastal committee has allocated £500,000 towards a project to replace or refurbish Warden bay outfall, thus reducing fluvial flood risk from an ageing asset. There are other schemes on the Isle of Sheppey. The total current investment is about £5.9 million, supporting projects at Great Bells farm, Bells pumping station and the Queenborough tidal barrier to protect several hundred houses.

As for my hon. Friend’s suggestions about the country park—the privately funded scheme at this location—I hope he will appreciate that I cannot comment on the technical merits given that the planning application might come before Ministers if it is deemed sufficiently contentious. I know that the challenges of the SSSI exist, and the Environment Agency will also need to be confident about the role of the reuse of waste from other parts of the country.

I am led to believe that we do not in principle oppose a viable third-party scheme, but I heard carefully what my hon. Friend said. We need to recognise, however, that in this particular location, extremely challenging impacts would need to be assessed and mitigated against before the plan could proceed. He will be aware that the £30,000 scheme funded by the local borough council at Eastchurch to address the rate of coastal erosion has simply not had the desired impact. I understand that local teams from both the Environment Agency and Natural England have offered to discuss the proposal that his constituents are considering making.

The Swale and Medway plan remains open for consultation. As part of the development of the strategy to fulfil the shoreline management plan and its update, a public meeting was held in Eastchurch village hall last month. Local people had the opportunity to speak directly to those working on the strategy. One important takeaway from that meeting, both for the officials and members of the public who attended, was the need to explain better the opportunities afforded by the rollback policies in the council’s recently adopted local plan. That creates the opportunity and option for local residents to be helped to relocate their homes to areas at less risk nearby. That applies to any home likely to be affected by erosion within 20 years and allows people to build a new home of a similar character close to the community from which they are displaced.

Allowing natural processes to continue to operate has been a consistent approach since the first shoreline management plan was developed back in the 1990s, and that is likely to continue to be the case. I recognise that that is not the answer that my hon. Friend or his constituents want to hear, but I assure him that I will reflect carefully on his requests. I will commission the review of the SSSI as he asked, and I will make sure that we share it with him when it is completed.

Question put and agreed to.

11.18 am

Sitting suspended.
Mr Jim Cunningham (Coventry South) (Lab): I think that there are two issues here. One is that private companies are not necessarily equipped to assess people. Secondly, the questionnaire form can give enough information that it does not necessitate an interview of the kind handled by private companies.

2.30 pm

David Linden (Glasgow East) (SNP): I beg to move, That this House has considered work capability assessments.

It is good to see you in the Chair, Ms McDonagh. I am really grateful for the opportunity to raise this issue in Parliament today, as flawed work capability assessments have been a major topic in my case load since my election in June this year.

May I start by thanking the many charities, organisations and individuals who have reached out to me in the run-up to this debate with an offer to share briefings and information about their experience of work capability assessments? It is only appropriate at this juncture to commend the hard-working staff in the House of Commons Library for the excellent briefing that they have supplied to all right hon. and hon. Members. I am immensely grateful to individual members of the public from across the UK who got in touch to share their own, often harrowing, experiences of undergoing assessment and the sheer distress caused to them. Time will not permit me to share every testimony, but I want to share some case studies with the House this afternoon, and I am sure that other hon. Members will wish to do the same.

From my short time as a constituency MP, it has become abundantly clear that the UK Government’s work capability assessment is not fit for purpose and requires a full, independent, root-and-branch review to ensure that it treats people with dignity and respect. As it stands, the system is failing the most vulnerable in our society and all too often plunges people into chaos and depression, and in some cases, I am afraid, to the brink of suicide.

I therefore very much welcome the decision of the Select Committee on Work and Pensions to carry out an inquiry into personal independence payment and employment and support allowance assessments. What I do not want to see, however, is a powerful report required by the Select Committee on Work and Pensions to carry out an inquiry into personal independence payment and employment and support allowance assessments. What I do not want to see, however, is a powerful report that that decision was found fit for work at a work capability assessment. His own general practitioner does not come to me having been the subject of a flawed work capability assessment.

I will outline some of my major concerns about the work capability assessment process, including the number of claimants with serious health conditions or disabilities who are found fit for work or placed in the wrong ESA group because of deficiencies with the WCA descriptors or in the assessment process.

Mr Stephen Hepburn (Jarrow) (Lab): The hon. Gentleman mentioned mandatory reconsiderations. Is he aware that Department for Work and Pensions staff are informing people that mandatory reconsiderations will be delayed over Christmas because of the excess workload they face? Through him, can I ask the Minister to transfer staff from bringing in the sanctions and stopping the money, to the mandatory reconsiderations, so that people get their money?

David Linden: I know that the Minister is respected across the House for listening; I am sure she will have heard that point, and I hope the hon. Gentleman gets an answer to it in the wind-ups.

Finally, I will touch on the impact of assessments, frequent reassessments and poor decision making on the physical and mental health of claimants. We could easily spend the next hour and a half trading statistics across the Chamber, but I prefer to focus on real people and those whom I have been elected to represent. Throughout my short time as Glasgow East’s MP, I have seldom had a surgery in which a constituent has not come to me having been the subject of a flawed work capability assessment.

One such case was that of my constituent, David Stewart from Bailleieston. David suffers from hidradenitis suppurativa and has had numerous abscesses over the years requiring extensive surgery and skin grafts. It is not uncommon, at times, for him to receive morphine up to six times a day. His own general practitioner stated clearly that David should not be working, yet he was found fit for work at a work capability assessment. It was only after my office intervened and helped him draft a mandatory reconsideration that that decision was finally, and justly, overturned. That brings me to the first issue I want to raise with the Minister today: the astonishingly high level of successful appeals against work capability assessment decisions.

Stephanie Peacock (Barnsley East) (Lab): In my constituency, two thirds of residents who are initially rejected for PIP and ESA are shown to be eligible on...
appeal. Does the hon. Gentleman agree that that suggests the whole work capability system requires much more reform?

David Linden: The hon. Lady makes a good point; I very much agree.

The latest quarterly release on appeals of work capability assessments shows that 59% of decisions are overturned at appeal. To be blunt, that means that six in every 10 decisions are wrong. That is incredibly alarming.

There is, of course, a wider point about the undertaking of work capability assessments by a private sector provider, which I oppose on ideological grounds—I agree with the hon. Member for Coventry South (Mr Cunningham) on that point. I doubt, therefore, that it will come as much surprise that I very much welcome the commitment by the Scottish Government to ban private firms from carrying out benefit assessments. I wholly concur with the Scottish Social Security Minister Jeanne Freeman, that "profit should never be a motive nor play any part in assessing or making decisions on people's health and eligibility for benefits."

Over and above my ideological objection to private sector provision, I am sure that all hon. Members will be concerned to note that, according to the DWP's own data released only last week, the ESA assessment provider has consistently failed to meet the contractual expectation for the quality of assessment reports.

Helen Whately (Faversham and Mid Kent) (Con): One thing I have been calling for, for some time, is standard recording of all work capability assessments. Often there is one story from one side and another story from the other, and recording would not only provide some evidence about what really happened, but improve people's experience of the assessments. It has been piloted, so does the hon. Gentleman agree that it would be good to push forward with the recording of assessments as one way of improving the experience for our constituents?

David Linden: I am grateful for that intervention, as mine was in the case of my constituent David Stewart. It is all well and good that as Members of Parliament we can intervene in individual cases, but so many people are affected throughout the entire process that our being able to help on a one-off basis is not good enough.

Mr George Howarth (Knowsley) (Lab): The hon. Gentleman is making a fluent and powerful case. Does he agree that if there is a review of the process, two things need to happen? First, in clear, medically proven cases of mental illness, the medical evidence should be accepted without face-to-face examination. Secondly, the assessors and decision makers should be appropriately trained in mental health.

David Linden: I am grateful for that intervention, which leads me on to the recommendations of the Rethink Mental Illness report. The first is: “A major reform of the PIP assessment and the WCA for ESA is needed. This should result in both assessments reducing the distress caused to people affected by mental illness and that better reflect the realities of living with a condition of this type. Such reform would reduce the need for appeals and the associated costs to the DWP and HM Courts & Tribunals Service.”

The second recommendation is that, as the right hon. Gentleman argues, "The Government should review the way in which people with mental illness are assessed. Where clear medical evidence exists that claimants have severe forms of mental illness, they should be exempt from face-to-face assessments. Where face-to-face assessments are necessary, claimants should be encouraged to seek support from carers, friends or family members.”

I have seen numerous examples of friends, family members and carers being taken along, only to be told that they are not allowed to help.

The third recommendation is: "All assessors and DWP decision-makers should be appropriately trained in mental health. The scandal of inappropriately trained and experienced assessors making critical decisions about the lives of people affected by mental illness must end."

One case study in the report caught my eye, and I want to share it with the House. James, who was 53, had a work capability assessment with a physiotherapist after he lost his job because of depression—not that I can see the connection between physiotherapy and depression. This is his testimony:
[David Linden]

“The assessor wanted yes or no answers to various questions like 'can you leave the house?' I tried to explain that some days I can leave the house or answer the door, and other days it's not possible because of my mental health, and the response from the assessor was 'is that a yes or a no then'?

I have no problem when people don’t understand mental health; it's when they have an opinion on something they don't know anything about.

There weren't any specific questions exploring my mental health. At the end of the assessment, the assessor asked me to touch my toes, and I felt that the whole assessment was set up so people with mental illness fail.”

Dr David Drew (Stroud) (Lab/Co-op): Does the hon. Gentleman agree that such cases are abhorrent?

David Linden: Yes. The hon. Gentleman's point is very valid; his constituents are lucky to have such a strong representative.

Getting a work capability assessment right is vital. Wrong assessments can mean that people with a learning disability are moved to a benefit such as jobseeker's allowance, which makes many demands that are often difficult for people with a learning disability to understand or fulfil. As a result, they are put at risk of being sanctioned.

Yesterday, Muscular Dystrophy UK shared with me the awful story of a lady with Charcot-Marie-Tooth disease who was deemed ineligible for ESA after a work capability assessment. The content of the questions resulted in the entire assessment missing several key points about how her condition affected her, such as the loss of dexterity in her hands and her inability to lift her arms above her head or use buttons. No consideration was given to the pain or fatigue she experiences daily. Many people like her are not adequately assessed during the work capability assessment because the questions that relate to its criteria are not suitable to extract the information required to help the assessor in understanding progressive conditions such as muscular dystrophy. With universal credit on the horizon, particularly in Glasgow, disability plans do the Government have to alter the questions to be more appropriate and relevant for people with rare and complex conditions?

Some commentators have suggested reforming the work capability assessment to take account of how people's functional impairments affect their ability to work, given who they are. They argue that a broader "real world" assessment that took into account factors such as skills, qualifications, experience and age would be possible and would better reflect everyday realities than the existing work capability assessment. To that end, I commend to the Minister and all hon. Members some reading for the Christmas recess: Demos's March 2015 report “Rethinking the Work Capability Assessment”.

I am conscious that there is much on, and I want to allow fellow Back Benchers the opportunity to speak, so I should wrap up.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): The hon. Gentleman mentions capabilities with reference to individuals. Is the Health and Safety at Work etc. Act 1974 also included in those capabilities when assessments are carried out?

David Linden: That is a very good question. I am sure that the hon. Gentleman, my constituency neighbour, will press that point with the Minister.

I am grateful to all hon. Members attending the debate. I especially thank the Minister for listening this afternoon; I have a huge amount of respect for her, and I look forward to her winding-up speech for the Government. However, what I want from the Government is deeds, not words. I want a full root-and-branch review of the work capability assessment process, and I want an assessment that is underpinned by professionalism, knowledge, dignity and—all above all—respect.

2.48 pm

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate the hon. Member for Glasgow East (David Linden) on securing this debate.
During my time in this place, listening to constituents and supporting them with their work capability and PIP assessments has been part of my constituency casework. In recent months, the number of cases handled by my constituency staff has increased, which suggests that the system is not working as well as it should and needs reviewing. The problems generally relate to the challenges that people with mental health conditions or fluctuating conditions such as multiple sclerosis and Parkinson’s face when they are given assessments, the anguish they go through and the fact that the assessments often do not reach the right decisions. The conclusion of Rethink Mental Illness’s report states: “The current assessment system...discriminates against people with mental illnesses”.

After the 2014 judicial review decision, I am inclined to agree.

I shall briefly outline three cases with which I have been involved. Two relate to PIP rather than work capability assessments, but I believe that there are clear parallels to be drawn. All three relate to constituents whom I or my staff have known for some time. Previously, they had no problem in obtaining the support that they needed and it is only in recent months that they have experienced problems that have caused them and their families a lot of distress and worry.

The first case involves a constituent who took a supporting letter from her doctor to her assessment, which confirmed that she suffered from a long-standing mental health disorder and concluded that she would find it difficult to cope with any work commitment at the current time. The doctor added that her case should be reviewed in six months’ time.

In reviewing the assessor’s decision, the Department for Work and Pensions decision maker referred to the doctor’s letter but commented that “at the time of your assessment, your mood did not appear to be low”.

The remainder of the review concentrated on physical issues and included comments such as: “You appeared to be of average build and well-nourished...You said that you did not need prompting to dress or undress”.

The decision maker concluded that, because my constituent could plan a route of journey unaided, she was able to cope with anxiety. To my mind, the case demonstrates that currently assessors do not have the necessary training to assess accurately people’s mental wellbeing, and that the assessment form does not properly take account of mental conditions as well as physical conditions, and needs to be reviewed.

The second case involves a man who, along with his family, I have known personally for some time. He faces a variety of challenges, including a heart condition, kidney problems, diabetes and hypoglycaemia, as well as mental health challenges. Again, his doctor wrote a letter expressing the professional opinion that he was unfit for work at the current time. While my constituent’s assessment was going on, first, his mother was in hospital to be treated for cancer and then, very sadly, his father died. When he went for his assessment, he collapsed and was admitted to hospital. When such an awful chain of events unfolds, there should be an in-built mechanism in the work capability assessment process so that reviews are put on hold and suspended.

The third case involves a constituent of mine whom I first met some years ago. At that time, she was clearly not fit for work and was duly placed in the support group of employment and support allowance. Her case was reviewed this summer. Her condition has not improved at all in the time I have known her, yet the initial outcome of that assessment was that she should be placed in the work-related activity group. The first mandatory reconsideration upheld that decision. There was then a second mandatory reconsideration and the decision was revised. During this time, my constituent suffered a great deal of worry and distress, and was utterly perplexed as to why this was happening to her.

I have other cases that reveal similar concerns and lead me to conclude that the work capability assessment process needs to be overhauled. I suggest that this could be done in three ways. First, the Government should fully engage with charities and support groups in the sector. Mind and Rethink Mental Illness have interesting proposals that should be considered, while organisations such as the Multiple Sclerosis Society and Parkinson’s UK can provide feedback regarding fluctuating conditions.

Secondly, Parliament has a key role to play in making changes to the assessment. The Work and Pensions Committee is currently undertaking an inquiry and its findings should be considered very carefully.

Thirdly and finally, in future the system needs to be subject to its own form of continuing professional development. Reviews such as those carried out in the past by Professor Harrington and Dr Litchfield should not take place periodically—they should be an ongoing part of the process.

We need work capability assessments, but in their current form they are causing a lot of turmoil in people’s lives and need to be reformed.

Several hon. Members rose—

Siohain McDonagh (in the Chair): Order. May I just inform Members that there are about six people who want to speak? If you could consider limiting your contributions to five or six minutes, that would get everybody in.

2.54 pm

Eleanor Smith (Wolverhampton South West) (Lab): I thank the hon. Member for Glasgow East (David Linden) for securing this debate. Many of my constituents have written to me regarding the degrading process of the work capability assessment and the effect it has on their mental health. They have complained about the lack of mental health expertise and the insensitive way that the questions are worded, which has led many of my constituents to feel as though there is no compassion.

My constituents have criticised the process, saying that assessors have not asked questions about how often they can undertake activities or about the kind of support they need to undertake them. Often, the way questions are worded makes it difficult for people with mental health problems to explain how their condition fluctuates.

One of my constituents—she gave me permission to highlight her case—has said she felt broken by the work capability assessment. She suffers from dissociative disorder and a complex post-traumatic stress disorder, and due
to a reassessment she had violent flashbacks, which triggered self-harming behaviour. Although her case has now been dealt with, after she appealed the decision by the Department for Work and Pensions and won the case, she feels that the system is broken and has left her broken. Like many of us, she says the system needs reform.

As a nurse, I understand that people who have mental health problems need to be treated with care. That should also be the priority for the assessors. While the Government have announced the Green Paper on work, health and disability, will they commit to take on board the recommendations from mental health charities such as Mind to increase the use of specialist assessors and to train the current assessors, who are the people dealing with the clients who have mental health issues?

2.57 pm

Justin Tomlinson (North Swindon) (Con): It is a pleasure to serve under your Chairmanship, Ms McDonagh, and to follow the hon. Member for Wolverhampton South West (Eleanor Smith) —I have many happy childhood memories of visiting Wolverhampton. I pay tribute to the hon. Member for Glasgow East (David Linden), who demonstrated his passion for this very important subject. He is clearly representing his constituents in a very strong way.

The importance of this debate is shown by how well-attended it is, particularly with other things going on in the main Chamber. That is because there is an opportunity to influence what the Government are doing. Following the Green Paper, they have demonstrated that they are willing to listen, engage, consult and make changes. We have a new Minister—the Minister for Disabled People, Health and Work—who is widely respected and who is determined to be accessible, to listen and learn, and to improve the situation.

The work capability assessment is not a new thing—it was introduced in 2008. There have been five independent reviews, more than 100 recommendations to improve it have been made and more than 100 recommendations have been enacted. Almost weekly, the Government are considering ways to make further changes. Each and every hon. Member, through our experiences of casework and of sitting through work capability assessments, can feed into the process and suggest changes.

I am a former disabilities Minister. The work capability assessment was not in my remit, but I made representations on behalf of many of the groups that have already been mentioned—Parkinson’s UK, Multiple Sclerosis Therapy Groups, Mind and others—and found that the policy makers and experts are willing to listen and change the scripts, including on how questions are asked and how things are identified, particularly when people have fluctuating health conditions and when health conditions are less common, such that an assessor does not regularly come across them. We have come along in leaps and bounds.

It is clear to me that the examples given today by Members—I presume other examples will be given by the Members who follow me—show that the system is still not right. That is why it is so important to have a Minister who is keen to engage.

I will make a couple of broad points, and then I have some asks. Many people ask why we have assessments. I wondered that myself when I arrived as a Minister. I thought, “I could save the Government a fortune. We could do away with assessments. They are expensive. The Treasury—George Osborne—is very keen for us to find savings, and this is a bit of an easy win.” The reality—we saw this as we transferred from disability living allowance to PIP—is that the assessments, ignoring the cases where they have gone wrong, are there to help build the case.

Under DLA it was purely a paper form. In that written document, most of us here would have articulated the challenges we face in our everyday lives pretty well, and we almost certainly would have got the benefits to which we were entitled, but many people navigating the system were not able to do that for a variety of reasons. Only 16% of claimants under DLA accessed the highest rate of benefit. Under PIP, that figure is 26%. That is because in some parts, the assessment has helped build people’s cases, particularly those with deteriorating health conditions at the beginning of that journey. The assessors are able to say, “At the moment, your day-to-day life is not too affected, but it is likely to be before too long.”

The system triggers the ability to reassess and, in the majority of cases, that benefit and support is increased. The principle of the assessments is good. That is why the then Labour Government introduced them in 2008. The assessments are not Conservative ideology, but are done to assist people. Where the assessments go wrong, there is a problem, and that is why it is absolutely right to have this debate to engage and help shape the future.

Neil Gray (Airdrie and Shotts) (SNP): When the hon. Gentleman was a Minister, we had a very constructive relationship on the points we are debating. Does he accept that one problem with the assessments is that they assess people on their best days and make an assumption on what their best days look like, not their worst days? If there was a change in assumption, that might help.

Justin Tomlinson: I thank the hon. Gentleman for his intervention, and in particular for his very kind words. It was always a pleasure working with him. He is certainly one of my favourite Members on the Opposition Benches in the way he engages and shapes things, although my comment might not help him in Scotland. The theory is that, if the assessments are done correctly, they are a judgment over a period of time. They should not be a judgment just of the isolated moment someone is in the assessment. It is meant to make a judgment on the typical challenges someone has to overcome over a period of time. That is an important point to make, and the system should be recognising it.

The first concern people raise is why the appeal rates are so high. They say, “If the rates are so high, there must be a fundamental problem.” Actually, if we drill down, the vast majority of successful appeals are where additional evidence is provided late, whether orally or in writing. The solution is that we must do more to access people’s health records in advance. Before data protection people come down on me like a tonne of bricks, that can be voluntary, but it should be a given.

Stephen Lloyd (Eastbourne) (LD): One solution could be for consultants’ records rather than doctors’ to be considered right at the beginning. I appreciate the challenges around GPs, but a consultant could say that Mr A or
Mrs B was not capable of doing x, y and z because of their impairment. If that was acceptable, it would make life a lot easier, and it would deal with some of the anxiety some GPs feel about being intimidated into agreeing such and such a position.

Justin Tomlinson: That is an important intervention. Those records are already taken into consideration, but other things that I am about to come on to strengthen that point.

On the high appeal rates, it would help if we could get permission to automatically access those health records. Far too many people are going through the system and only realise they need those pieces of supporting evidence after they have failed and received the helpful communication saying, “This is why you have not accessed that particular level of benefits.” That is an inefficient way of doing it, and we should be more proactive. We have started to see that, but it should be emphasised.

I agree with my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) about recording sessions. That should be a given and would help deal with questions asked in appeals. There should be more videos setting out what is going on. That would help deal with the anxiety and allow people to see what is coming forward. One of the successes under the PIP assessments is that the assessors go out of their way to encourage a claimant to bring a colleague, friend or family member to support them. The same principle should apply.

Many MPs understandably get work capability assessments and PIP assessments mixed up because they are so similar. It would be a good idea if we aligned them more closely, and I know the Government are looking at that.

Getting the work capability assessment right is only part of the journey. The idea is that that assessment identifies what support people need and how we can help them move forward. Mind has said that the Government should have an emphasis on removing the real-world barriers to work. That is why I said at the beginning of my remarks that the debate is an opportunity.

The system needs to identify the support needed in the real world, and we should be more proactive. We have started to see that, but it should be emphasised.

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indicates that there is something wrong with the system to start with. Two thirds of appeals are successfully appealed. The same thing applies to the DLA and the PIPs as well. It frustrates me greatly when constituents I have known for umpteen years—I have known their physical illnesses and health problems—get a form back that says, “We have decided you can work.” Well, they are not able to work. They do not see the same person sitting across the table from them. They are asked, “Can you jump up and down? Can you walk 100 yards? Can you make your tea?” There are issues with mental health as well; the hon. Member for Glasgow East referred to that.

People ring our offices in genuine distress and actually crying over the issues. Even the hardest heart in this Chamber would have to acknowledge that and take note. The problem is that the unwell person feels as though they have been dragged across hot coals. Their illness is exacerbated by the stress and they become even more ill. I have seen that happening so often.

Alison Thewliss (Glasgow Central) (SNP): The hon. Gentleman is making a very good case that chimes with my constituent, Mr Ramsey, who had his ESA terminated. He has arthritis, kidney and heart problems, type 2 diabetes and colitis, and he receives DLA at the higher rate. He is at risk of a heart attack and a stroke if he is made to go back to work, but he was told he could not get what he was entitled to. He has now been placed in the WRAG, so he continues to have great stress and worry about whether he will be hailed back in again.

Jim Shannon: I thank the hon. Lady for her intervention, which will be mirrored by me and everyone else in this Chamber. Indeed, I do not see how anyone could have a different opinion. We see the reality in our offices every day.

The vicious cycle continues. Although it might look good on paper for the decision makers to meet their quotas, it does not look good to the doctor who has to care for the person. We need a system that lends adequate weight to the illnesses that people have without having to tax doctors even more. We all know how difficult it is for doctors to make appointments, and we are asking them to provide additional information that puts more strain on local GP practices. I understand that system. GPs in my constituency have decided to inform patients they will no longer provide letters for PIP or ESA, and will give information only if requested by ESA or by PIP. Again, that happens irregularly.

On the other hand, ESA and PIP request only certain information, so the whole case is not heard and the loser is the person applying. What comes first—the chicken or the egg? People are bouncing back and forth between the benefits office and the GP. It really frustrates me.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): On becoming a new Member of Parliament I had a stark introduction when I held a street surgery in Dennistoun the day after my election. Some of the massive problems highlighted by the hon. Gentleman came to light for me when a woman approached me in tears in the street and said that she had to support her son who had a high-grade brain tumour—a terminal brain tumour—and yet was still deemed fit to work. In that context, in the face of all the medical evidence, we still see flaws happening in the most degrading and humiliating way. In the face of the most vindictive box-ticking exercise, we see such hard-hearted approaches. Medical opinion must take greater weight in the process. Does the hon. Gentleman agree with that?

Jim Shannon: I absolutely agree with that. The evidence is very clear from the overturning of cases at tribunals. There are people who have complex medical conditions, who are obviously unwell, and there are even wards of court where the court has decided a person is unable to look after their financial affairs, and yet the ESA writes to the person and all of a sudden we have myriad problems.

Delays in mandatory reconsideration and appeals to the tribunal mean that claimants may have to wait many months for the correct result. As the hon. Member for Glasgow Central (Alison Thewliss) says, that adds to the strain that the appellant faces. It does not affect just a single person, but the family as well. As the hon. Member for Glasgow North East (Mr Sweeney) mentioned, it affects the family and everybody coming together.

I am glad to say we have a food bank in our area. Thank the Lord for food banks. One of the biggest reasons why my office points people in the direction of the local food bank is because of benefit delay. The DWP has failed to make reasonable adjustments in line with the Equality Act 2010. The 2017 Green Paper “Improving Lives: the Future of Work, Health and Disability” contained no proposals to substantially reform assessments. I ask the Minister why.

3.14 pm

Alex Burghart (Brentwood and Ongar) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate the hon. Member for Glasgow East (David Linden) on securing this important debate. It is always refreshing to be in a debate where there are so many shared views from different parties. I congratulate him on the tone with which he conducted his speech.

I echo some of the comments that remind us of how we have come to this position. There is absolutely a need for a work capability assessment within our benefits system. It is extremely important that people who suffer from physical and mental conditions have their conditions assessed to see whether they are able to work today or tomorrow. It allows the state to give them the requisite support that they need and deserve.

When the Labour party introduced the system in 2008, it did so with the laudable intention of creating a benefits system that identified what people could do rather than what they could not. That is a value to which we should remain attached. I am not sure that between 2008 and 2010 the then Government managed to achieve that. To be honest, I am not sure that we have managed to achieve it since, but the value of that principle is one that we should hold dear.

I should prefix what I say with my belief that there is substantial room for improvement within the system and perhaps a need to go back to some basic values. One thing that I find often gets lost in the powerful and personal stories that I come across in my surgery, and
that colleagues from all parties come across in theirs, is that the system works well for a great many people. Of the 1.6 million people who completed the assessment process between October 2013 and December 2016, 85% did not appeal, so the vast majority were content with the decision that was made. Only 3.5% of the 1.6 million had a successful appeal. I do not wish to belittle those numbers because that 3.5% still represents tens of thousands of people, many of whom have very serious conditions, and many of whom will have been left substantially worse off by a negative decision. I want us to remember that the system is not wholly bad, but that there is substantial room for improvement within it.

Neil Gray: The hon. Gentleman quotes figures that I am happy to accept, but does he accept that many people who have been through the system, particularly with work capability assessments, feel so frustrated by the process they have gone through that they self-deny the support that might be available to them, and that that is perhaps part of the reason why there is a low appeal rate in some periods?

Alex Burghart: I absolutely accept what the hon. Gentleman says, but I think he would accept that some people do not appeal because they are pleased with the outcome. That is why my hon. Friend the Member for North Swindon (Justin Tomlinson) mentioned that the Government and the previous Government have always been in a process of ongoing review—we have had annual reviews and a Green Paper. I am sure everyone has read “Improving Lives”, published last month, which sets out the Government’s future commitment to reform, and that we all welcome it.

As a member of the Work and Pensions Committee, I have been fortunate enough to come across a great many cases and a great amount of submitted evidence. It is becoming clear to me that there are four key areas in which we should seek to improve the system. The first, which resonates with a lot of what has been said, is the accuracy of the assessments. I have had people through my surgery in my constituency who have presented me with information that is clearly wrong and clearly relates to somebody else. Basic errors creep in before we even get to the validity of the assessment process. That makes me think that the accountability system for the accuracy of the reports should also be revised. If an assessment company sees its assessments overturned, there should be consequences. I would certainly like, at the very least, the cost of the assessment process to be charged to that assessment company, and I would certainly be open to the idea of compensation for people who had been wrongfully denied benefits because assessments had been mishandled.

The matter is bound up with the question of expertise. The Work and Pensions Committee questioned witnesses from the major companies the other day about the level of expertise that they employed.

Hannah Bardell (Livingston) (SNP): The hon. Gentleman talks about compensation, but how does he think people can be compensated for damage to their mental health? A constituent who contacted me has been on Valium since her last ESA assessment because it was so devastating. Another constituent, who is affected by the issues covered by the Women Against State Pension Inequality Campaign and is therefore already missing out, has multiple sclerosis. She was so damaged and upset by the assessment that she and her husband cannot bear to go through the experience again.

Alex Burghart: The hon. Lady gives powerful examples. As I have said, the most important thing that we can do is improve the accuracy and quality of the assessments to prevent such cases.

Schizophrenia is a complex condition that can manifest in many different ways from case to case. Consequently, it will vary in its impact on the ability to work, depending on the individual case. To my mind, it would be difficult for an individual assessor without expertise in schizophrenia to make an accurate judgment about whether someone with schizophrenia would be capable of working, whether on a daily or temporary basis. I urge the Government to consider how we can encourage or oblige assessment companies to employ people with the requisite expertise.

There is a substantial point to be made about simplicity. I have been through all the application papers. I do not like filling in forms at the best of times, but those things are the stuff of nightmares. They have a huge number of pages and fields, and contain requests for information that the Government must hold. I find it strange that that peculiar bureaucracy is asking for information that other bits of our state system must have.

Deidre Brock (Edinburgh North and Leith) (SNP): I appreciate that it is the nature of bureaucracy to be inflexible, so I take the hon. Gentleman on that.

Alex Burghart: I appreciate that it is the nature of bureaucracy to be inflexible, so I take the hon. Lady’s point.

I am keen for the Government to go back to the central principle of finding out what people can do rather than what they cannot do. With greater expertise in the assessment process it would be possible to identify the sorts of jobs that other people with the condition in question have managed to hold down. That would bring the principles of universal support into the assessment process, helping people to identify their barriers to work and overcome them.

3.23 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to speak and thank my hon. Friend the Member for Glasgow East (David Linden) for bringing this important debate forward. I last spoke on the issue in February. Many of the problems that were raised then have been highlighted again today. We know about the negative experiences people have in assessments. I know of them from my constituents. The hon. Member for North Swindon (Justin Tomlinson) talked about the system having come on in leaps and bounds, but I am afraid that when 59% of assessments that go to appeal
are overturned, it does not sound like leaps and bounds to me or to the system’s victims—I use that word advisedly.

The fact that the system as it currently operates completely fails the vulnerable who rely on it is borne out by the current inquiry by the Work and Pensions Committee. Some appalling and shameful experiences have come to light—we have heard much about them today. There are reports of assessors not being sufficiently qualified to carry out assessments, and not possessing sufficient medical expertise on the medical condition in question. We have heard about physiotherapists assessing mental health problems, and claimants feeling that their responses are not recorded accurately. Assessment methods vary widely in quality and—this comes up a lot—those assessed feel that they are not being listened to. There is a lack of understanding of disability and the hidden impact of mental health challenges.

Anyone who doubts or rejects that analysis must find another explanation of why so many—59%—of appeals against DWP decisions are successful. That figure alone shows that the initial decisions are often wrong—they are wrong in the majority of cases.

Patricia Gibson: I cannot give way because so many hon. Members have taken far more time than courtesy permitted.

I know from constituents who have been through the process that lodging an appeal is a huge cause of stress and anxiety, and does nothing to improve the health and wellbeing of those who go through it. Indeed, many simply give up, feeling abandoned and betrayed by a system that they believed would be there in their time of need, when they most needed support. The assessments are so traumatic for some people that they may be hospitalised or have to increase their medication. Some people may even attempt suicide, as my hon. Friend the Member for Glasgow East pointed out. He also eloquently pointed out that about half of ESA claimants have a mental health condition, but that the system seems actively to discriminate against people living with such conditions. The system is clearly not fit for purpose, despite any amount of pretence about how it has improved. It may well have improved, but that is no comfort to the people who live with those decisions day in, day out.

The impact of the flawed system on those who are disabled can be profound. Work done by the Scottish Government found that between 7,000 and 10,000 disabled people a year are affected by the removal of their support. The SNP Scottish Government have completely mitigated the bedroom tax, saving 40,000 disabled people in Scotland who claim ESA from that hated and unjust tax. I trust that the Minister will seek improvements to the system, and I ask her as she does so to remember and reflect on the fact that the United Nations committee on the rights of persons with disabilities has slammed the Government’s record. In contrast to the current stressful, poorly carried out and often humiliating assessments, there will, when Scotland has control over some benefits—it will not have control of work capability assessments, because ESA has not been devolved—be an end to the tick-box assessments that are now used. They cannot and do not take proper account of complex conditions.

Several times in the debate hon. Members have said that the principle of assessment is important, but one said that assessments should be carried out by private companies. Those who believe that they should be should be prepared to come here and defend that decision. The assessments are carried out by private companies, which by their nature are driven by the profit motive. That is the end of the story. When people’s mental health is being assessed, the profit motive cannot be a factor in the equation. I ask the Minister to consider that carefully.

Time prevents me from continuing, but I urge the Minister to look seriously at the system and overhaul it completely. I hope she will feed back to the Government the concerns expressed by so many hon. Members today.

3.29 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate my hon. Friend the Member for Glasgow East (David Linden) on securing this vital debate.

We have heard today that work capability assessments are not working for people and that they cause problems. That is borne out across my constituency. People often struggle to get into my surgeries to tell me their difficulties, and they may have combinations of conditions. There are people who are blind, and who are also coping with mental illness or sometimes cancer treatment. To be asked to attend a work capability assessment is an incredible situation to be in, and it leads to people being absolutely petrified—we have heard that word before. People are terrified about what they will have to go through. They have to sit down in front of people and be challenged on their conditions, when it is self-evident that they are not capable of doing the things that the assessors would like them to do. For many people, the process escalates and compounds the difficulties that they face in their daily lives. It is—this may be an overused word in this place—genuinely heartbreaking when people present themselves in that way. How on earth can we have a system that puts people through that kind of torture? It is not right and we must challenge it.

Members have spoken about work capability assessments and the kinds of questions that put people under pressure. Constituents have told me that they have been asked whether they can do something and they have said “no”. They are then asked again, “What about on a good day? What about when the sun is shining outside and it is great? Can you do this then?” People have a natural instinct to say, “Yes I can do that,” even if they cannot. They want to be seen to be trying to do something, so they are put in a horrible place and are caught between what they would like to do and think they might be able to do in certain circumstances, and what they absolutely cannot do. That is the problem, and I hope that the Minister trusts the words of my hon. Friend the Member for Glasgow East and is listening, because people are being put through the mill.

Work capability assessments are problematic and inefficient. Appointments have been cancelled, and there are delays for people who cannot stand the stress or
cope with the process. It is vital that they get the support they need. As has been said, people are petrified; they are afraid to appeal in case they lose what they have got. Those moving from employment and support allowance to universal credit have already lost their severe disablement allowance—£62 a week does not sound a lot when said like that, but for someone who depends on that it is an enormous amount, and those people are being put through hardship.

I know there is limited time so I will be brief, but I must point out that those on the frontline in citizens advice bureaux and constituency offices see this problem on a daily basis. Lesley Newton from my local CAB stated:

“The assessment examination has significant weaknesses leading to chronically ill people both physically and mental health challenged being given zero points at assessment.”

That is not right; it should not happen. She continues:

“Many of these clients have had ESA in payment for a number of years and following these assessments are deemed fit for work.”

She said that with the introduction of universal credit, those clients face the challenge of replacing that benefit income while the decision is challenged and they are required to claim universal credit. She continued:

“Many ESA claimants also receive PIP so they lose the premiums that are paid within ESA linked to their PIP award when forced to claim UC… We have a high success rate when we challenge ESA decisions at appeal but—”

this is critical because we are talking about those who have access to the appeal system—

“we are struggling with the volume of these due to our own resource restrictions”.

This is such a difficult process for people to cope with that even those who support them are finding it incredibly difficult, leading to stress in their own workplaces.

I could go on but I will not because time is limited. However, I appeal to the Minister to listen carefully to the words of my hon. Friend the Member for Glasgow East. What is needed is professionalism, knowledge and—most importantly—dignity and respect.

3.34 pm

Neil Gray (Airdrie and Shotts) (SNP): I am pleased to sum up this important debate on behalf of the Scottish National party with you in the Chair, Ms McDonagh. I congratulate my hon. Friend the Member for Glasgow East. What is needed is professionalism, knowledge and—most importantly—dignity and respect.

My hon. Friend made a typically forthright and incisive speech, drawing on his constituency experience and the expert testimony of groups who support and campaign for people with disabilities or long-term health conditions. He rightly called out a number of the flaws in the current work capability assessment process and the running of employment and support allowance, and he is right about the lack of information and data collection by the UK Government on the impact of cuts to ESA and wrong decision making at WCA level.

I am sure that the new Minister will question the high success rate of appeals against decisions made after work capability assessments. As has been said, a two-thirds success rate for appeals calls into question whether the system is working for those it is supposed to support, and I am sure she will raise that issue with her Department.

Other Members have made valuable contributions. The right hon. Member for Knowsley (Mr Howarth) made an important intervention about the way people with mental health conditions are treated, and I hope the Minister will consider and respond to that in her closing remarks. The hon. Member for Waveney (Peter Aldous) was typically challenging of the Government, and he based those challenges on casework experience that will be familiar to us all. The hon. Member for Wolverhampton South West (Eleanor Smith) spoke from her practical experience in healthcare and made a critical intervention.

The hon. Member for North Swindon (Justin Tomlinson)—a former Minister—made a typically considered speech and accepted that there are issues with WCAs. He also made a good point about access to medical information, which we all agree is a constructive change that the Minister could consider. That issue is a major stumbling block for constituents I have represented who have problems with the WCA.

This is the first—and perhaps only—time that I will say I agree with the hon. Member for Brentwood and Ongar (Alex Burghart), but there has been cross-party consensus in this debate that work capability assessments are not working. I hope that the Minister will take that on board.

My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson), as always, made a passionate and erudite speech. She was right to say that not much has changed in debates on this issue since I have been in Parliament, but the Minister has an opportunity to make changes, based on the suggestions that have been put forward today.

My hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) was also right, because the people who I see before an assessment in my constituency surgeries and office are petrified. They are terrified because this process has the potential to rip security away from them. It is a fundamental point in their journey through the process, and it is a difficult time because of their experiences and those of people around them who have previously gone through it.

In conclusion, I hope that the Minister came to this debate in listening mode, has engaged with it, and will leave in action mode. The personal and expert testimony that she has heard today should give her all the ammunition she needs to instruct a full review of work capability assessments, as called for by my hon. Friend the Member for Glasgow East. The system clearly is not working and is not fit for purpose. We welcome the move to exempt people with certain conditions from having to suffer reassessment for ESA, but that highlights the
need for a proper and full review of the whole system. Such a review should be based on the Scottish Government’s principle of establishing a system that is fundamentally based on dignity and respect for those who need its help.

Siobhain McDonagh (in the Chair): Order. We are grateful to the hon. Member for Glasgow East (David Linden) for withdrawing his right to sum up at the end of the debate, so the shadow Minister and the Minister have until 4 o’clock.

3.39 pm

Marsha De Cordova (Battersea) (Lab): I congratulate the hon. Member for Glasgow East (David Linden) on securing this important debate. He made some very valuable points, particularly about inaccurate decision making leading to a very high success rate at tribunal. I also share his hope that finally the Government will actually take some action following the inquiry that the Work and Pensions Committee are currently carrying out, which has had an overwhelming response.

I also thank all other hon. Members for their powerful contributions, particularly those sharing real-life examples of people’s experiences with work capability assessments. The Government have overseen the unnecessary suffering of many of the most vulnerable in society with these assessments, which have proven to be unfair and unfit for purpose. Despite the many Chamber debates, Westminster Hall debates and Select Committee hearings, we have seen little or negligible action.

Justin Tomlinson: Will the hon. Lady give way?

Marsha De Cordova: No, I will not be taking any interventions.

There is now a broad consensus that the work capability assessment needs to be reformed. Disabled people, disabled people’s organisations, and charities have been clear that it is a blunt instrument that often gets it wrong and frequently fails to link people to the appropriate support. Labour has made it clear that we will scrap both the work capability assessment and the personal independence payment assessments, and replace them with a holistic, supportive and enabling approach. Until then, we need to mitigate the most adverse effects of the work capability assessment.

We are all familiar with disabled people who wish to be in work and to have a career, but are left without the high-quality, impairment-specific employment support that they need to make that a reality. We are also familiar with disabled people who have no realistic prospect of work, but have been put in the wrong group—the work-related activity group of employment and support allowance. Some have even been found fit for work and put on jobseeker’s allowance or universal credit equivalents—forced on to lower rates of social security support for long periods.

There has always been tension regarding ESA and its predecessors on whether the main objective is to help those with the potential to move into work to find suitable employment, or just to save money by getting claimants on to the lowest rates of social security support wherever possible. Both objectives run side by side in uneasy co-existence, but the latter aim seems to have dominated recently, as poor-quality assessments and decisions have increased. A culture seems to have developed in which a good number of the Department’s contracted-out, private assessors seem to have a perception that the Government want to make a minimum award. There also seem to be parallel views among many DWP decision makers, even at the mandatory reconsideration stage, that that is indeed what their managers possibly require.

Some of the cases are truly appalling. A lady with muscular dystrophy was deemed ineligible for ESA after a WCA. The content of the questions in that WCA resulted in the entire assessment missing several key points about how her condition affects her, such as the dexterity in her hands, and her ability to lift her arms above her head or to use buttons. There was also no consideration of the pain or fatigue she experiences on a daily basis.

On Monday, the Work and Pensions Committee heard about a visually impaired woman with a medical certificate to prove her condition—the certificate of visual impairment—being asked by her assessor to read it out, and then asked to read other documents as a test. Disability organisations have raised the issue of a lack of knowledge and understanding among assessors, particularly of equality and the social model of disability. There is a lack of understanding about health conditions, and often inappropriate or unreasonable questions and treatment of those with disabilities. Assessment locations are often far away or inaccessible to people. Alternative forms and formats vary across providers. Questions that form the criteria of the WCA are often unsuitable to extract the information required to help the assessor to understand certain conditions. For some people, face-to-face assessments can also be unhelpful and counterproductive. Patients suffering from mental health conditions downplay their conditions, particularly if they have had negative experiences or fear being sectioned. Others have had their condition exacerbated by the process.

The Government have argued that as only a modest proportion of decisions are appealed, the rest must be right. That assumption is clearly unsound. More than 90% of mandatory reconsiderations are upheld, with some decisions made within 48 hours. That is not reconsideration; it is rubber-stamping. When we look at the results of those who go on to appeal, the success rate is drastically different: 60% for ESA appeals between 2013 and 2016. Clearly, many people simply accept decisions that are likely to be incorrect, and suffer as a result. We can all agree, across the parties, that the system is broken and unfit for purpose.

What assessment have the Government made of how many incorrect decisions go un-appealed? Faulty assessments and decisions not only penalise claimants, but swamp advice surgeries and services, and appeal tribunals. There are beginning to be concerns among the judiciary. Britain’s most senior tribunal judge has said that most of the benefits cases that reach court are based on bad decisions, where the Government have had no case at all.

Any work capability assessment should be rooted in the real world. In each case, the genuine employment prospects of that individual in the light of their disability or health condition, age, work history, qualifications,
and so on, should be the subject of a skilled assessment. It should also not be a one-off event. Certainly, pointless reassessments of people whose disability or health condition is not going to improve should be avoided, but for those who have genuine future employment prospects, there should be positive engagement.

Since April 2017, new claimants in the employment and support allowance work-related activity group have been paid the same rate as JSA—a reduction of £29 per week. That measure removes any recognition of the barriers to work and the additional costs of undertaking work-related activity faced by many disabled people. The change also creates a cliff-edge of about £59 between the ESA support group and the WRAG.

This approach, linked to high-quality, impairment-specific, real-world assessments, points the way towards a much better system. I hope the Government listen to the judiciary, disabled people and disabled people’s organisations, and commit to scrapping the work capability assessment. They should also listen to Labour. We will replace the WCA with a personalised, holistic process. We will end the privatisation of assessments and the pointless stress of reassessments for people with severe long-term conditions. We will change the culture of the social security system, from one that demonises people not in work to one that is supportive and enabling. The Government must listen and ensure that there is “nothing about us without us”.

3.48 pm

The Minister for Disabled People, Health and Work (Sarah Newton): It is a great pleasure to serve under your chairmanship, Ms McDonagh. I very much welcome this afternoon’s debate, and congratulate my hon. Friend the Member for Glasgow East (David Linden)—I hope I can call him that—on the manner in which he introduced it. Making sure that the most vulnerable people in our society have the support that they need must be something that rises above all party politics. I appreciate the contributions from so many Members today: 11 speakers, with 16 interventions. That shows how important this issue is to Members of all parties across the House.

Today’s debate is also very timely. Only last week, we published our response to the Green Paper consultation proposals for reform in “Improving Lives: the Future of the Social Security System”. Since April 2017, new claimants in the employment and support allowance work-related activity group have been paid the same rate as JSA—a reduction of £29 per week. That measure removes any recognition of the barriers to work and the additional costs of undertaking work-related activity faced by many disabled people. The change also creates a cliff-edge of about £59 between the ESA support group and the WRAG.

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I have had a month in my new role. After dealing with a number of colleagues who have spoken to me and reading the correspondence I have received, I think it is important that I set up a series of meetings about PIP and ESA so Members and their caseworkers can meet me and the officials in my Department. It will be a kind of teach-in. We will listen to their concerns, explain the improvements we are putting in place and communicate the support that is available. That series of meetings, which will be available to all Members of Parliament, will start in January.

Jim Shannon: Will the Minister give way?

Sarah Newton: I will not—I have very little time. I can of course follow up the hon. Gentleman’s point after the debate.

The timing of the debate is important for another reason. I welcome the fact that the Work and Pensions Committee is doing an inquiry into ESA and PIP assessments. I assure hon. Members that I will not only participate in that inquiry—I look forward to going along to the Committee next week—but pay attention to its findings and consider them. It is clear from this debate that we are all committed to ensuring that people with health conditions and disabilities have the right support.

In the past couple of weeks, I have visited assessment centres that are undertaking work capability and PIP assessments, and I have seen NHS doctors, nurses and health professionals bring their professionalism and compassion to their work. They are the same people we could meet if we go to an appointment to see a GP or are treated in our local hospital. I have seen compassion and professionalism in the assessments, but I accept that there are improvements to make. We can always do a lot more.

Returning to some of the fundamental points that hon. Members made, it is right that our system focuses on what people can do, not on what they cannot do. We embrace the social model of disability. We want to break down barriers to work and ensure that people can truly reach their full potential in our society and in work, because we know that good health is a key part of good health. I have met many people who would be considered severely disabled, and they tell me that they want an opportunity to participate in society and to work. In my few short weeks as a Minister, I have already seen inspirational work in our NHS and among providers of support for people with disabilities that enables people to have a role in our society. People who have been cast aside, rejected and put on the scrap heap for the past 30 years are now being supported into work.

I am pleased to see the Under-Secretary of State for Health, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), with whom I work in partnership in the Department of Health, here today. We visited a fantastic project run by a mental health trust in London. The doctors said, “We had written off these patients. We never thought that somebody with such a severe mental health problem would ever work, but we have changed our minds because of the programmes we have been putting in place in our hospitals.” We have to focus on listening, learning and developing our systems so that more people like those my hon. Friend and I saw last week have an opportunity to play their full part in society.
Of course, some people are too poorly to work, much as they would like to do so. Every year, the Government spend more money on disability benefits and benefits for people with health conditions, and it is clearly set out in our spending that we will continue to do so. We are spending more than £50 billion—more than the defence budget—on such benefits, so the idea that we are cutting support to people, as many hon. Members said, is simply wrong.

Any financial support system has to go through a process of evaluation to ensure we get the right support for the right person, and it must be individually based. My vision is very clear: each person is an individual, and no two people are the same. People who on paper have the same medical reports for the same condition will have very different prospects and will be able to do different things. The system must be tailor-made to support them. That is what we are doing in our future strategy, which we set up last week.

Labour introduced the work capability assessment in 2008, and we all agreed that it was not good enough and was not fit for purpose. Since then, it has been under constant review, and we have made more than 100 recommendations. Whenever we find good new ideas to improve it, we implement them. We regularly engage with disabled people and stakeholder groups to ensure that we listen, learn and make improvements. Probably the most significant improvements have been in mental health. Work capability and PIP assessors, and frontline staff in the DWP—the people in the jobcentres and those who make decisions about benefits—have all undertaken mental health training to ensure they are sensitive to the needs of people with mental health conditions.

There is a person behind every statistic, so I am leery about using statistics, but I cannot allow some of the misinformation we have heard today to remain unchallenged. We undertake 1 million ESA assessments every year. Since April, 8% have been appealed and only 4% have been upheld. I know there is a person behind every statistic, and I know the impact that that can have on people, but it is not fair to say that, in the majority of cases, the system does not work. In the majority of cases, it does work.

Neil Gray: Will the Minister give way?

Sarah Newton: I want to answer the points that have been raised.

We are not satisfied with the appeal rate. That is not a “good enough for me” measurement of the process. I am interested in the experience of the individual claimant and their journey through the process. Independent customer satisfaction surveys are undertaken, and the latest shows an 83% highly satisfied or satisfied rate. I am not going to be satisfied until it is 100% of claimants, but hon. Members have indicated that everybody is having the most terrible experience, which is simply not the case.

I am not complacent, and I want to highlight some of the improvements that are under way. We have representative groups that include charities and disabled people, and we are always looking at what more we can do with the forms and the process. Videos are going to be put up on our contractors’ websites so that, before people go along to the assessments, they have got information about what to expect, what they can bring with them and the people they can bring along to support them so they are not scared. I do not want anybody to be terrified about going to the assessments. We are doing a lot of work with healthcare professionals to ensure that they have continuous improvement. We are particularly focusing on mental health.

I am sorry that I have not been able to address all the concerns that were raised. As I say, I will write to hon. Members, and I am taking careful note of the Work and Pensions Committee’s work. I agree with everyone that we want a system that treats people with respect and dignity, gives them the personal, tailor-made service that they richly deserve, and enables them to play a full part in our society.

Question put and agreed to.

Resolved.

That this House has considered work capability assessments.
Male Suicide

[JOAN RYAN in the Chair]

4 pm

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I beg to move.

That this House has considered the matter of male suicide.

This is my first Westminster Hall debate and it is a pleasure to serve under you as Chair, Ms Ryan. I hope that this is the first of many opportunities to do so.

We are gathered in this Chamber to debate the single biggest killer of men aged 20 to 49, a bigger killer than cancer, heart disease or road accidents: I am talking about suicide. Suicide is of course a highly complex issue. It is not only men who are at risk of suicide, but women, lesbian, gay, bisexual and transgender people, people who have suffered family breakdown, black and ethnic minority people who live in deprived areas, and others who have suffered loss or structural disadvantage. They are all at increased risk. The focus of today’s debate is on men, but that should not come at the expense of the consideration of risk of suicide in other groups.

Since 1981 the Office for National Statistics has collected the figures for suicide in the UK. In almost every year from 1981 to 2016, men have been at least three times more likely to kill themselves than women. That is not a problem that has gone away over time and it is evident from the figures that both historically and contemporarily suicide is a problem that disproportionately affects men.

For me, and I am sure many other men in this place, suicide is not only an issue of public health but something personal. From 2012 to 2016, 198 people have taken their own lives in South Lanarkshire, of whom 147, or 74%, were men. People I care about have been directly affected. I include myself in that. I have not always been good about talking about my own mental health and my experience of anxiety and OCD, obsessive compulsive disorder. We need to get over any embarrassment or awkwardness we might feel, and realise that sitting down and talking about mental health is something that can save lives and it is incumbent on us as representatives to challenge traditional conceptions of masculinity, in particular when they are also at their most determined to hide that pain and to shrink away from help due to a fear that their vulnerabilities will be exposed. That can lead men to respond to distress with denial, to angst with avoidance and to insecurity with isolation.

Rather than seeking out the help and support they need—often the help and support that may save their life—many men will suffer in silence. That presents a problem. Across the UK health services are being retooled to provide parity of esteem between mental and physical health, but the problem for suicide among men is often not treatment but identification. We could have the best mental health service in the world, but until we start better identifying those who need to access it, we are unlikely to see an improvement.

At present, 70% of people who take their own lives are not under the care of a specialist mental health service. Changing the culture, in particular among men, is central to reducing suicide.

David Linden (Glasgow East) (SNP): I commend the hon. Gentleman on a very powerful speech. I spoke on this very issue on International Men’s Day. Does he recognise a particular role for men’s sheds, where men can come together to have conversations about mental health? We welcome the work being done in Shettleston Men’s Shed, where people can come together to have exactly those conversations, getting them out in the open.

Ged Killen: The hon. Gentleman is absolutely right. A lot of good work is going on around the country to encourage men to talk more.

Initiatives by the Samaritans and Time to Change encourage us all to think differently about mental health and suicide and to be alert when the behaviour of our friends, families and colleagues changes. Personal interventions can save lives and it is incumbent on us as individuals and as representatives to challenge traditional conceptions of masculinity, in particular when they pose a risk to life.

Put simply, men need to get better at talking to each other. I include myself in that. I have not always been good about talking about my own mental health and my experience of anxiety and OCD, obsessive compulsive disorder. We need to get over any embarrassment or awkwardness we might feel, and realise that sitting down for a simple cup of tea or coffee and asking a friend how he feels might be the thing that saves his life.

Dr David Drew (Stroud) (Lab/Co-op): My hon. Friend is making a very powerful speech. Does he agree that we need to start very young with that? There is a lot of evidence to suggest that if people can talk about that when they are at school, that may be the greatest preventer of all.

Ged Killen: My hon. Friend is absolutely right, though early intervention with mental health is an entirely separate debate, which I suggest would want its own time. I certainly agree with his point.

As I was saying, if a friend is experiencing a suicidal train of thought, a simple chat might be just the thing to break that cycle of thought. It might refer the person to the help they need.

That can often mean that when men are most in pain, they are also at their most determined to hide that pain and to shrink away from help due to a fear that their vulnerabilities will be exposed. That can lead men to respond to distress with denial, to angst with avoidance and to insecurity with isolation.
Suicide among men, however, can no longer be seen purely as a health issue. There is a statistically significant relationship between high levels of deprivation and high levels of suicide. That association means that as area-level deprivation increases, the likelihood of suicidal behaviour will probably increase as well.

Martin Whitfield (East Lothian) (Lab): On that very point about deprivation in what is a very passionate speech, does my hon. Friend agree that such areas show clustering following a suicide? Conversation among all men is doubly important at that stage, to reduce stress in the area.

Ged Killen: My hon. Friend makes an important point. In those deprived areas people are on average two or three times more likely to experience suicidal behaviour. Socioeconomically disadvantaged individuals are more at risk and less likely to seek help for mental health problems than the more affluent. It bears repeating that, although each person’s suicide is complex and individual, this is a fact that cannot be ignored: a man living in the most deprived area of our country is 10 times more likely to take his own life than a man in the most affluent area. In no uncertain terms, I am saying that for men in deprived areas, inequality kills.

We cannot conclusively draw links between all Government policies and suicide—I would not seek to do so—but I have a growing fear that the Government’s roll-out of universal credit in its current form will exacerbate inequality and could present an increased risk of suicide in deprived areas.

Bill Grant (Ayr, Carrick and Cumnock) (Con): The hon. Gentleman is absolutely right to focus on deprived areas, but does he agree that there are areas in which people successful in business or agriculture—third or fourth generation—might have a business that slips away from them? They are not necessarily on a journey of deprivation, but they are losing something that the family had built up over the years. They may see the way out as taking their own life. That is the burden of a family business and its loss—does he agree that suicide includes a broad range of unfortunate individuals?

Ged Killen: As I said, there are a lot of complex issues that might affect suicidal behaviour. I am identifying specific areas that research shows are more likely to increase the risk of suicide. Living in a deprived area is one of those.

Sadly, many Members have said in the Chamber that they hear from increasing numbers of people showing signs of suicidal behaviour, as do I in my own office. I could not speak in the debate without acknowledging that. But I bring the debate in a spirit of collaboration. I am certain that every Member in this room wants a reduction in male suicides and wants strategies to be devised and implemented to achieve that aim.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): One note of encouragement is that the suicide rate in Glasgow has certainly gone down in the last 20 years: 64 men took their lives last year in Glasgow, but that is down from 122 men in 2000. Might that indicate a generational difference, where the generation of younger men feel more open to talking about their issues? Perhaps that represents a challenge for older generations, who still feel that certain social norms or taboos prevent them from opening up, but one that is changing slowly but surely.

Ged Killen: I hope that is the case and I think that, certainly, younger men are more likely to talk about their feelings than the older generation. Although there has been a strong downward trend in suicide rates in Scotland, in 2016 there was an 8% increase. Hopefully, that will go back down, but the issue still needs to be addressed, which is why it is important to have debates such as this.

Liz Twist (Blaydon) (Lab): My hon. Friend is making a powerful speech. He talked about the Samaritans research, which showed, in summary, that less well-off men are ten times more likely to die by suicide than more well-off men. Does he agree that it is important that the Government try to tackle the problem through a suicide prevention strategy and through identifying specific ways of helping to address the rate of male suicides?

Ged Killen: My hon. Friend is absolutely right and I hope that the Minister will touch on that. I note that suicide is treated as a health matter.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman is quite correct to raise this hugely important subject. Sometimes, suicide is not any respect of wealth. A much-loved local general practitioner in my constituency committed suicide, and there is a very moving memorial to him in my home town of Tain. The hon. Gentleman mentioned health, but does he feel that the education system might have a useful role in getting men to talk from an early age?

Ged Killen: I absolutely agree. I keep making the point that there are many different factors that influence suicidal behaviour, but certainly, if we can take the opportunity as early as possible in school, or even before, to look at mental health in general, we will go a long way in tackling the issue across the board.

Scotland, England, Wales and Northern Ireland pursue their own suicide prevention strategies, since it is a devolved matter, in line with devolution of health policy. This debate is important to raise awareness of male suicide. I hope that the Minister will talk about what the Government are doing to prevent suicide, particularly on the issues I have touched on, including inequality and perceptions of masculinity.

If those watching this debate—particularly men who are watching—take one thing away, I hope that it is that as we approach what, for many people, can be a difficult time of year—for many others it is a very happy time—and as we battle the elements to pick up last-minute gifts, we please keep in mind those who might be fighting battles with their mental health. There are some things that money cannot buy, so for many of those people, some company and a chat might be all it takes to save their lives.

I ask the Minister to tell us of any initial evidence or representations that she has received regarding the roll-out of universal credit and the increased risk of suicidal
behaviour associated with that. What consideration has her Department given to equalising the maximum limit of eight days to register a death, as is the case in Scotland? That has been called for by the Samaritans, to improve the reporting of suicide. What assessments has her Department made of the misclassification of suicides by coroners and the effects that that may have on official statistics? Could she update us on the Government’s strategies for tackling suicide among men in deprived areas?

4.15 pm

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): It is a pleasure to serve under your chairmanship, Ms Ryan. I thank the hon. Member for Rutherglen and Hamilton West (Ged Killen) for the powerful and moving way in which he addressed this important subject. He said that this is his first Westminster Hall debate; I am sure that it will be the first of many. I encourage him to continue to look at this subject, because it is clear from the passion with which he articulated his argument that he cares deeply about it. I will always welcome hearing any representations from him.

The hon. Gentleman rightly pointed out that suicide is the biggest killer of men between the ages of 25 and 49. Any death by suicide is an avoidable death. We should always be vigilant and do what we can to tackle suicide and self-harm. There is a gender difference because suicide affects men more and women tend to self-harm more, but the motivation is the same. We should look at the same tools in order to curb them.

Every death by suicide is a tragedy. As the Minister responsible for mental health, I hear from families bereaved by suicide about the devastating impact that it has on them and on the wider community. All of us in this House will have been touched by suicide in one way or another, whether directly and personally or through the experience of constituents. It feels like society has failed those people. That is why I am determined to drive forward the action we are taking at a national level and in local communities to reduce suicides. Generally, paying greater attention to mental health will make a great deal of difference, particularly on the issues that the hon. Gentleman raised: encouraging people to be willing to talk and encouraging everyone around them to know when somebody might need help.

Danielle Rowley (Midlothian) (Lab): As my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) said, the majority of people who have committed suicide never reached professional help or went to a health professional. Does the Minister agree that preventive training needs to be rolled out to people such as landlords, firemen and taxi drivers with whom people with suicidal feelings might have contact, even if they do not reach out?

Jackie Doyle-Price: In a nutshell, we all need to become much more aware about when people might show signs of mental ill health. I hope that through the programmes that we are running, the priority that we are putting on mental health will do much to raise awareness.

Obviously, we are trying to do much more in schools, following the publication of “Transforming Children and Young People’s Mental Health Provision: a Green Paper”, but the category of people that the hon. Member for Rutherglen and Hamilton West referred to miss all that attention. Working-class men who work on building sites are not “meant” to have mental health problems, so when they have them, nobody pays any attention, because the environment is very masculine. The hon. Gentleman identified that. They are certainly not going to seek help, so it is not surprising that that particular group of people has a very high incidence of suicide. There is a general role for public awareness.

The point that the hon. Member for Midlothian (Danielle Rowley) made about bars is a very interesting one. We are keen to use mainstream media to highlight the message. One of the reasons that we support Time to Change, which the hon. Gentleman referred to, is exactly that—to get out those populist messages to raise awareness among the whole general public, so that we can all identify when someone is in trouble.

Liz Twist: On building sites, is the Minister aware of an organisation called Mates in Mind, in which the Samaritans is involved? It encourages people in the building industry to talk to each other, to avoid the very problems that she mentions.

Jackie Doyle-Price: I was not aware of Mates in Mind, but it sounds like an excellent initiative that I would be keen to support. Ultimately, we would not worry about showing up to a hospital with a broken leg, so why should we worry about seeking help when we do not feel so well mentally? There is nothing unmasculine about reaching out for help—nothing at all. We just need to make that much easier for people.

The profile of suicide has never been higher, and that is testimony to the progress we are all making—this debate is a great help—in tackling the taboo of talking about it. We need to be a lot more open about it. We must strive to reduce suicide among the whole population, but as the hon. Member for Rutherglen and Hamilton West said, men are at the highest risk. Despite suicides among men having reduced in England in the past few years, the number of men who die by suicide remains too high.

The hon. Gentleman and others referred to the Samaritans, which I cannot praise enough. We are pleased to continue to support its prevention work. Frankly, given its outcomes and the lives it supports, it is a fantastic organisation and fantastic value for money. That just goes to show that personal interventions—often anonymous ones—are of most use in this area. People in this position often self-medicate using alcohol, so, as the hon. Member for Midlothian said, a stranger in a bar saying, “Are you all right, my friend?”, could make all the difference and save a life. We should encourage people to support exactly that kind of organisation.

As I said, the ONS found that construction is among the occupations with the highest incidence of suicide, so I am keen to hear more about the initiative that the hon. Member for Blaydon (Liz Twist) mentioned. It is worth noting that that kind of work is often transient: people move around to do it and it is often seasonal. We need to be sensitive to the fact that people who move in and out of work often experience additional mental pressure.

We are approaching Christmas. If there is a time of year when people feel particularly lonely, it is Christmas. Every Member here is showing an interest in this issue,
so I do not need to tell them this, but we all need to be aware that people will feel lonely and will often be at their lowest ebb at Christmas, so that is when acts of kindness can mean the most.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I thank my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) for bringing this debate forward. As a trade union rep in the Royal Mail, which is male-dominated, I spoke to many men over the decades who had got to the final point, and said, “Think about it.” That did not stop one of my members taking his own life just last year. He was the life and soul of the party, as these people usually are. They really hide it. Christmas is going to be a long old time for a lot of those young men, as more and more partners are splitting up due to the pressures of life and everything else. It would be good if the Government, and all of us, sent out a Christmas message this year: “Take care and stay strong.”

Jackie Doyle-Price: I could not have put it better. That is a fantastic message to send out. I hear what the hon. Gentleman says, and I am pleased that the Royal Mail has done a lot more in this space, no doubt in partnership with the trade union. Again, I pay tribute to all that work.

As part of my support for World Suicide Prevention Day this year, I visited the Samaritans and met some of its volunteers. They have to do a good number of hours a week to maintain their status, which shows fantastic commitment on their part. I think we would all thank them for the work that they do. I am pleased that we have agreed to fund the Samaritans helpline until 2022 to support that work.

We have heard that men are much less likely to seek professional help and are more likely to engage with services outside traditional clinical settings. We need to send a positive message that there is no shame in seeking professional help, which is exactly why we are investing in those services. As the hon. Member for Rutherglen and Hamilton West said, we could have the best and most accessible services in the world, but they would be pointless unless people were willing to use them. We really need to tackle that sense of shame.

Many excellent initiatives in local communities seek to do exactly that. The Men’s Sheds Association provides opportunities for men to meet others and to engage in activities together in familiar settings. Andys Man Club engages men through sport while making it easy for them to seek advice about things such as relationships and debt, which we have heard often contribute to the mental health crises that can lead to suicide. The Government also support the Sport and Recreation Alliance’s mental health charter, which aims to do the same. As I mentioned, we have given Time to Change, which is designed to tackle stigma, £30 million since 2012, and we will continue to support it until 2020. I hope that that indicates clearly our direction of travel in raising awareness.

As the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) outlined, there are good messages that we can send. My message to the public is: “Reach out. If you think someone is in difficulty, send them a text or give them a phone call. Keep your eye on people who might be feeling down, because feeling down one day can suddenly become feeling rock bottom another. Listen and don’t judge when people are feeling unhappy about circumstances.” People with mental health difficulties lose perspective, and the smallest things can become absolutely huge. It is often said—that is one of the wisest proverbs—that a problem shared is a problem halved, and it can be more than halved when someone is having a mental health crisis.

Liz Twist: The Minister rightly emphasises the need for personal support and the need to talk. Will she address socioeconomic issues? In its “Dying from Inequality” report, the Samaritans shows that socioeconomic factors are really important in whether people consider ending their life by suicide. Will the Minister talk about that?

Jackie Doyle-Price: Socioeconomic issues determine when and how people seek help—that is the key. It is clear that that means suicide levels are higher among lower-income groups. We need to tackle that by developing tools that are accessible to that audience. Time to Change has a great track record in that respect, having improved the attitudes of 3.5 million people in recent years. I encourage anyone who has not seen its campaign to have a look at it and at how it engages people.

As I am running out of time, I will quickly go through some of the other points I wanted to make. Local suicide prevention plans are critical to tackling suicide in the long term. We need services that people can access directly. I am keen that we do more work with the Association of Directors of Public Health and the Local Government Association to ensure that local suicide prevention plans are rigorous and deliver the right outcomes. We do not want them to be just a box-ticking exercise: they need to deliver and reduce the impact of suicide.

The cross-Government suicide prevention strategy for England has been updated to focus on high-risk groups, such as middle-aged men, and widened to include self-harm, as I mentioned. That means that suicide plans will be more targeted than ever at those who need the most support.

The hon. Member for Rutherglen and Hamilton West raised the issue of deaths being registered within eight days and pointed out that it can take longer in England. The ONS continues to try to improve the timeliness of published data about suicide, and we will definitely look at that.

Although our efforts should be about reducing the risk of suicide for everyone in our communities, it is fair to say that men remain at the highest risk and are therefore a priority. We are looking to local areas to develop strong local partnerships and implement innovative ways of reaching out to men who may be at risk of suicide. There is clearly a political consensus that we must address suicide prevention. Now is the time for us all to take action to make change a reality for people and communities, and the Government will be tireless in our pursuit of that. I am grateful to hon. Members for attending the debate. Their number illustrates that the House cares deeply about this issue and really wants to tackle it. Let’s make a real difference.

Question put and agreed to.
Quality in the Built Environment

4.30 pm

Jo Churchill (Bury St Edmunds) (Con): I beg to move,

That this House has considered delivering quality in the built environment.

It is a pleasure to have this debate under your chairmanship, Ms Ryan. Having spent much of my working life in the construction industry, I draw attention to my entry in the Register of Members’ Financial Interests.

One’s home is the biggest purchase that many of us will make in our lives. The fact that there is so little consumer protection attached to the purchase of new homes needs addressing. It is staggering that one is better protected when purchasing a kettle than when buying a house, given that the average house price in October was £223,000 and the average price of a kettle is £25. Most of us know our protection under the Sale of Goods Act 1979 or the Consumer Rights Act 2015, so we can get a kettle sorted. However, no matter where a homebuyer is in the system—whether freehold, housing association or charity—they have no clear understanding of how to escalate complaints and seek redress for problems when they move into a new house or move within the guarantee period.

Why is that important? The latest report delivered by the all-party parliamentary group for excellence in the built environment, of which I am chair, namely “More homes, fewer complaints”, showed that 93% of all people surveyed reported problems to their builders.

The latest national new home customer satisfaction survey showed customers’ dissatisfaction had risen to some 98%. Not all people are dissatisfied with their homes, but that shows that an alarmingly large number of people move into their new home, full of expectation, and just 2% of consumers buying a home in the period reported zero defects.

Given that the debate is brief and I would like colleagues to have time to contribute, I intend to cover quality within house building, and briefly cover skills in construction, the needs of the consumer and where we might positively go from this point. Along with the APPG’s report last year, we held an open inquiry into the quality and workmanship of new housing for sale in England. Evidence suggests that, as the number of houses being built increases, the quality declines. That correlation is supported by the Chartered Institute of Building, which has commissioned an investigation in order to drive up quality. Thus far, it has identified behaviour and education as two key components that we need to address if we want to make changes.

Like many of my colleagues, I have encountered constituent issues: people frustrated with the problems with their new homes. They feel there is a lack of recourse to builders and warranty providers to address the problems.

Mrs Maria Miller (Basingstoke) (Con): I pay tribute to my hon. Friend not just for calling for the debate but for taking over as chair of the APPG of which I used to be a member—I was involved in the report she has talked about. As a result of that report and work I have done on behalf of my constituents, the Government agreed to make approved inspectors’ reports available to new homebuyers as a way of making transparent build-quality problems. We have yet to hear much about how that is working in practice. Does she agree that that might be one practical way in which a homeowner could understand more about the problems there might have been when their home was being built?

Jo Churchill: My right hon. Friend highlights one of the key recommendations that came out of the report, several of which were very easy to implement. I will ask the Minister where we are on that and how we can move forward more swiftly, because it seems that we have been talking about these problems for well over a decade. It was first mooted that we needed to do something in 2008, and we will be 10 years on from that next year.

My right hon. Friend mentioned transparency. That is what is important to people: they want to understand. It needs to be simple, straightforward and transparent. While I appreciate that the Home Builders Federation is looking into a voluntary code, there are problems with the industry policing itself. If there were any real intent, it would not have let the situation deteriorate as it has done, and for so long.

Julia Lopez (Hornchurch and Upminster) (Con): I thank my hon. Friend for tabling this increasingly important debate. I have been dealing with a case involving new homes in my constituency, where for two years the developer of a National House Building Council-guaranteed home failed to rectify problems stemming from the installation of a communal heating system that posed a serious safety risk to the residents. The managing agent told me that it firmly believed that the NHBC faces a fundamental conflict of interest in enforcing its technical requirement against the developer, because it was a major fee-paying member of the organisation. Does she share my concern that the NHBC guarantee might be providing new homeowners with a false sense of security over its independence and enforcement powers?

Jo Churchill: My hon. Friend is in an area of the country where there is large pressure on the number of houses being built. She brings a pertinent point to the debate. It is difficult to be independent when not independent of the entire system. I will come to that point.

There are four different redress providers in the system: the housing ombudsman; the property ombudsman; ombudsman services; and the property redress scheme. However, there are still gaps. A key point is that we need simplicity in any system we develop for the individual homebuyer, for them to understand how to navigate the system.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on bringing this forward. I am chair of the all-party parliamentary group for healthy homes and buildings, and therefore this is a very important issue for me. We are doing an inquiry at the moment looking at noise, acoustics, heating, windows and finish so that we have homes that are habitable for this day and age. Does she agree that being environmentally responsible and promoting social integration—the designer sometimes...
[Jim Shannon]
does not see that important issue—are key components in delivering quality in the built environment, and that planners and indeed Government need to give consideration to that?

Jo Churchill: I could not agree more. Many of us sit on different APPGs, and the hon. Gentleman brought up environmental issues and the fact that people's homes should use modern-day construction methods that give them the cheapness to be able to run a home efficiently. It should not impact on the environment. We should be using what skills we have to make homes healthier for people and communities. I trust that my hon. Friend the Member for Henley (John Howell) may well come on to the importance of design within the environment. The hon. Gentleman is right. Also, building in the vernacular is extremely important in certain areas of the country, making people feel like they are rooted and have more of a sense of place.

The NHBC guarantee currently covers most builds in the sector and purported to be independent, as my hon. Friend the Member for Hornchurch and Upminster (Julia Lopez) said. However, in the main, large house builders fund the organisation, and any surplus funds are returned to the house builder at the end of the guarantee period. It is my belief that that skews the system and leaves it unable to act clearly on the side of the consumer.

Large house builders obviously seek to make a profit and I have no issue with that, but some of our largest house builders have paid themselves tens of millions of pounds—in one case it was hundreds of millions of pounds—in dividends this year. When we have such poor outcomes on quality, I find that challenging. For an industry that has overseen a substantial rise in profitability over recent years to oversee an equal decline in customer satisfaction ratings and a fall-off in skills training, for which it sees itself as only partially responsible, is unacceptable. Just 10 companies build half of new private homes. Arguably, that does not aid competition. What about the consumer? Unless there is a challenge to the system to ensure that quality standards are driven up, there is little encouragement for those house builders who produce a poor quality product to raise their game.

Research indicates that investment by these companies should be targeted at skills. They build thousands of units each year—thankfully, they built somewhere in the region of 220,000 to 230,000 units last year—but they directly employ very few skilled workers and are largely reliant on subcontractors across the industry, where the whole basis is to drive down costs rather than concentrate on quality. An acute shortage of good site managers compounds the problem, yet they seem reluctant to train and to ensure quality and delivery. Worryingly, the industry estimates that to carry on building in the same way we would need to double our workforce. My question to the Minister is why we are not building construction training schools at the heart of large sites—even those sites subdivided between different house builders—so that individuals can earn while they learn and be proud of the homes in which their communities live.

It is not an industry into which young people will be encouraged to go, given the working in all weathers, the cyclical nature of the industry and the prospects it holds. The difficulty for small builders and subcontractors in accessing and providing employment for training over the course of a national vocational qualification period means that, if work dries up and they have apprentices, they potentially fail to enable them to complete their training. There is no co-ordinated thinking. If someone is on a price for a contract, they are less likely to spend time training employees—they will be looking to optimise their income.

Large house builders take much of the gain from others' training, but do not always feed back down the supply chain, nor do they incentivise or reward the benefit they ultimately get from others. That is short-sighted, since it is those skilled craftsmen who will ensure continuity of supply in the future. Having an independent clerk of works or similar who would look at the quality of the work as the construction is going up is one solution. Currently, there are some 700 inspectors in the industry, which equates to their inspecting some 317 units each year. We know that houses are not being inspected properly.

What about the consumer? Unless there is a challenge to the system to ensure that quality standards are driven up, there is little encouragement for those house builders who produce a poor quality product to raise their game. Some large producers concentrate on quality, but that is often reflected in the price. Should quality be a question of either/or? Snagging on new house builds ranges from issues such as backfilling cavity walls with site rubbish to splicing broken roof trusses, leaky roofs, poor electrical work, insufficient insulation and the repointing of joints on walls where purposeful demolition and reconstruction should have happened. My hon. Friend the Member for Hornchurch and Upminster alluded to the problems she had.

Julia Lopez: One of the interesting phenomena I have noticed in recent years is that the quality of homes developed by local authorities is substantially higher than the quality of homes developed in the private sector, for which consumers are asked to pay very high sums. Does my hon. Friend think we should be applying similar standards in the private sector to ensure that people are not short-changed?

Jo Churchill: That is interesting to a point, but there are also quality problems in the housing association and local authority sector. It is an overall raising of standards throughout the industry that we should be seeking.

People purchase a home, full of hope, pride and expectation that it has enduring quality and performs to the requisite levels of maintenance, costs and energy efficiency, which the hon. Member for Strangford (Jim Shannon) alluded to. Giving peace of mind to those who are working hard for it should be a given. It should not be possible to build new homes without the fourth utility, broadband, and every home constructed in the UK should be as energy efficient as possible, lowering the cost of heating but also the environmental impact. The building industry has high waste costs, which add to the build cost. The highest levels of insulation should be a basic standard; grey water collection, battery storage, solar panels, triple glazed windows and a plethora of modern, energy-efficient building materials could be used. That is often not the case, because it is argued that
new and ever-better things will come along and will need to be retrofitted. That means that the industry never moves forward.

Looking ahead, there is a quality gap between customer demand and industry delivery. I applaud the Department for Communities and Local Government for getting the Home Builders Federation to look into the voluntary ombudsman scheme, but perhaps the time for any such voluntary scheme has passed. We are sitting on the cusp of the largest construction delivery ever: some 300,000 new homes, the biggest expansion in the construction of homes since Macmillan. It is imperative that we get the quality right. The domination of the market by a handful of large developers is part of the problem. It used to be the case that 60% of new homes were built by small and medium-sized enterprises, often local, which had a vested interest in the build quality and were more conscious of the vernacular and the local environment. Currently, that figure is less than 30%. Although the £1.5 billion of short-term loan finance from the Government is welcome to drive activity in that market and the modular market, there must also be quality.

Quality in the modular, or modern methods of construction, market should be easier to achieve, as should speed, but I ask the Minister what build standards are being driven into this new area of house building from the start. Organisations such as the Federation of Master Builders, the Royal Institute of British Architects, the Chartered Institute of Building, the RIBA, the Construction Industry Training Board and others have an important role to play in ensuring that quality is a given and not a “nice to have”. From a quality design to a first-class finish, including national space standards and the right regulatory environment, it is essential.

The practice of retention in the industry is currently under consultation at the Department for Business, Energy and Industrial Strategy, but it also has a part to play in quality, restricting the cash flow of small businesses. As we develop new models of finance and business for delivering homes, we need to understand how they affect type, tenure and quality.

It is of concern that large house builders set aside enormous contingency funds for what they call customer service problems—that is, poorly built houses. That has a detrimental effect on the bottom line and productivity. If they constantly have to revisit a building to address its defects and snagging, they are not building the next home. It is also much harder to put faults right once a family has moved in. I have been contacted by numerous people listing incidents and faults that caused them misery, from lintels to crib walls, from foundations to roofs, for which they cannot get redress. The letters often state that all they want is an acknowledgment of the problem, a pathway to a solution and someone to say sorry.

There is a feeling that large house builders are happy to trouble the profit and move on, and are not interested in the long-term reputation of their product. We might regularly replace our white goods; our homes we do not. They should be right the first time. We need a single, transparent, accountable body, with a remit covering the whole housing industry. Currently, someone housed by a charity would go to the Charity Commission, someone in social housing would go to the Housing Ombudsman Service and someone in private housing would go to the National House Building Council or a similar guarantee scheme. We know that in areas with a single ombudsman it is much easier to get it right.

Customers need to be aware that the guarantee often covers far less than they assume, and neither building control functions nor warranties provide any form of comfort that finishings and fittings will be defect-free. Many new homebuyers fail to appreciate that, for the first two years after completion, it is for the builder to sort the defects. Little notice is given to the customer about when the clock starts to run, or the amount of procrastination the builder is allowed in rectification. For the remaining eight years, warranties cover purely structural matters. Individuals often go to the local authority building control, but that carries no jurisdiction.

In conclusion, I would like the Minister to say whether the Department keeps records on the number of defects and on dissatisfaction rates for individual house builders, so it can benchmark them and drive up quality. I would like him to say whether the Department recognises the need for more on-site inspections by independent organisations and individuals to achieve that. A minimum number of inspections would cover both the customer and warranty, say at two, five and 10 years, as argued by RIBA. The responsibility for constructing a defect-free home should rest with the house builder. Consumers need greater leverage—the under-supply in the housing market means that normal market forces do not come into play, as the house builder has the upper hand. We saw that recently with the issue of selling on leaseholds.

House builders must put purchasers at the heart of what they do. They should aspire to deliver a zero-defect construction, make consumers more aware of the construction and warranty process, and develop quicker forms of redress to solve disputes. The next inquiry of the all-party parliamentary group will look into the primary recommendation of our last report: that an ombudsman be set up. We will take evidence from across the sector, including from ombudsmen that currently exist, builders and failed consumers.

Some simplification of sales contracts should arguably be a priority, and those contracts should be standardised, so that people know what to expect and are not blind-sided by a smart operator. A buyer should potentially have the right to inspect a home before completion—consumers can have an MOT on a car but not on £230,000-worth of house. If snagging issues are found, repairs should be carried out prior to completion, preferably in a given time period. If after inspection the buyer or surveyor deems the property is not capable of occupation, the final financing should be delayed at the builder’s cost, which might speed the job up.

An easy win for builders would be to improve the transparency of the design, building and inspection process, and as part of the conveyancing for a new house, written information should be provided to enable buyers to take issue if what they purchase is materially different from what they are sold. That information could include a version of building regulations, designs, details of the warranty and who the builder is and how to contact them.

I would like to understand whether DCLG is working on a thorough review of the warranties that exist in the marketplace. Homebuyers have said that they may well be prepared to pay for the guarantee of a worthwhile warranty, rather than continuing in the somewhat opaque
market that currently exists. Warranty providers are currently covered by the financial services ombudsman.

We need to establish whether warranties are currently adequate and look into clear and transparent ways in which house builders can set out, at the time of conveyancing, what the warranty actually covers, to stop the misery of individual lives being wrecked by poor housing.

Solving these issues will see an increase in trust between house builder and homebuyer. We need to see houses of improved construction, and one way for that to happen is for house builders to ensure that their annual customer satisfaction surveys are more independent, with their being obliged to publish the number of reported defects, which may well focus them on building better houses. I offer the Minister the support of the all-party parliamentary group in ensuring that the homebuyer is the most important person in the system.

JOHN MCDONALD (Falkirk) (SNP): It is always a pleasure to serve under your chairmanship, Ms Ryan. I congratulate the hon. Member for Bury St Edmunds (Jo Churchill) on securing the debate. She made some excellent and knowledgeable points.

As we all know, anyone who wants to change the world has to get busy in their own little corner—and where better than in their own home? There is no better way of improving quality of life and changing the world we live in, particularly for our communities that we represent, than by improving the quality of the built environment that we spend most of our daily lives in.

The quality of the built environment is intrinsically linked to the wellbeing of the local community. Land is a finite resource, and we should all recognise that the modern day built environment must be multifunctional, meeting society’s cultural, aesthetic and community health needs, as well as contributing to a vibrant local community. Access to green-space opportunities for biodiversity to flourish and sustainable urban design to manage environmental risks are no longer nice-to-haves—they are absolutely essential elements of our towns, villages and cities.

Achieving a high quality built environment requires good planning, imaginative design and, importantly, forward-thinking investment. However, it also requires a policy framework that not only encourages but expects local authorities and developers to take proper account of those essential elements in building for the future, in construction, design, management and planning.

All have the highest responsibility to deliver a quality built environment for communities. Our communities must be involved in planning and what affects their wellbeing. Community empowerment is a great vision, and it should mean just that. Empowerment is to have a say in the decision-making process—for communities to be their own architects of choice. In my own area of Falkirk, the communities of Denny and Dunipace were deeply involved in the decision-making process for a new town centre investment when I was a councillor in that community.

There were many difficult conversations, but we had them, and I think that our participation, as well as that of many other Scottish communities, helped the Scottish government to introduce the Community Empowerment (Scotland) Act 2015. That came into force this year and will benefit local organisations across Scotland to the tune of some £8.6 million of funding this year. That investment says everything about our values and our inspiration, and it means that communities are active—and developers now know that. That is extremely important.

Providing everyday access to the natural environment and working with natural features to manage risk, such as flooding or poor air quality, should be a requirement, not a choice. I am the chair of the all-party parliamentary group on flood prevention and have undertaken visits to various places—one as a member of the Environmental Audit Committee and four to other villages and towns around the UK. Following the storms of December 2015 and January 2016, we spoke with community leaders and residents affected by flooding and reported the challenges that their communities faced and how those challenges were being tackled.

Differences between Scotland and England emerged during those visits. For example, it is worth highlighting that the Scottish planning system severely restricts development on floodplains, while the English system is more permissive. English planners often have little choice, and many of the country’s larger population centres are located on floodplains. If planning permission is granted for a development that later floods, local authorities in Scotland are legally accountable, while English ones are not. That is quite a staggering discovery.

Sustainable urban drainage systems—SUDS—are mandatory in Scotland. It should be remembered every time housing provision is considered that one in six homes is at risk of flooding, and up to £1 billion of flood damage is incurred every single year. Flooding, water quality, access to green space and biodiversity are all affected by the way homes and communities are planned and delivered. There is extensive evidence that demonstrates how healthy local environments drive healthier economies and healthier people, so in aspiring to solve one crisis, we have an opportunity to solve many more and deliver multiple benefits to communities, for little or no additional cost.

We have found that well-designed SUDS can be built affordably and without delay in nearly all kinds of developments, and can be retrofitted in existing developments. Arguments for not developing SUDS on the basis of site constraints may be overstated; the range of options available means it is nearly always possible to incorporate some measures. SUDS are a cost-effective alternative to conventional drainage when included early in the planning process; the failure to consider SUDS from the very start of a development’s design is a significant barrier to their efficient delivery.

SUDS are enablers of climate resilience and support healthy and economically vibrant communities. The value of those benefits is considerable. However, because the benefits accrue to local communities and are not valued by conventional markets—as I think the hon. Member for Bury St Edmunds was referring to earlier—with costs initially borne by one party, particularly the benefactors, they require effective policies to correct the market externalities involved.

Our analysis, underpinned by the findings from a survey, provided some clear indications. First, at the majority of sites, the costs and, particularly, the benefits of implementing SUDS are not being assessed. Secondly, physical site constraints are frequently cited as reasons...
A great deal of influence from communities would be of great advantage to the people who will live in those houses and to the communities, because of the overall impression they create, as well as to the house builders, who would produce exactly what someone wants.

That deals a bit with the big picture stuff. I completely agree that there is still a need to get the details of the housing right, but I want to continue on that in my role as co-chair of the all-party parliamentary design and innovation group. That is particularly relevant to the points I made about the use of neighbourhood planning for people to decide what sort of houses they want to get involved with.

I was very pleased to see that the Design Council has produced a guide to neighbourhood planning. When a body such as the Design Council gets involved in neighbourhood planning, it represents a significant shift in the attitude of communities to taking advantage of the principles we set out in neighbourhood planning, to talk about and have influence over the design aspects of what they are trying to include in their neighbourhood plan. Having some influence on design and being able to participate in the design process is fundamental to the success of the neighbourhood planning process.

Mrs Miller: My hon. Friend is right to bring up the issue of design. Does he share my concern at how often new houses and new settlements are designed without any thought for disabled people who might live in those settlements? At the moment, an office block is being converted into a new community in my constituency. The local authority is not able to insist on disabled access in that office block because it is a conversion, which means the rules on disabled access do not apply.

John Howell: My right hon. Friend raises an interesting point. The conversion of buildings is largely permitted development, and therefore the community has no ability to get into that. I go back to my fundamental point, which is that the community’s involvement in the process at the beginning should take account of what will be required for disabled people. That should feed into the design parameters that should be being discussed with the house builders, to get the design of the house right.

I echo the Design Council’s comment that embedding good design in a neighbourhood plan is crucial. The sad thing is that very few neighbourhood plans include design. They are mostly concerned with where the housing should go, and they do not look at design. Even within my constituency, there is a community that forgot to look at design criteria when producing its neighbourhood plan. Later, when it tried to object to a particular design format being used for an area, it did not have anything to rely on to make that change. It is of no consequence to that community now that it missed the boat, but that serves as a good lesson for communities looking at producing a neighbourhood plan that they should include some design features.

Overall, I completely agree with my hon. Friend the Member for Bury St Edmunds in her concentration on problems with individual houses, but I urge communities to go back one stage in the process. They need to include design in their neighbourhood plan and ensure they have really got to grips with what they want to see, so that they can influence the type and design of buildings from the outset.
5.6 pm

Justin Tomlinson (North Swindon) (Con): It is a pleasure to serve under your chairmanship, Ms Ryan. I was initially only looking to intervene, so my contribution will be short.

I want to offer my total support for my hon. Friend the Member for Bury St Edmunds (Jo Churchill). I cannot think of a speech I have agreed with more than the one she made. I say that as someone who represents Swindon, which has been one of the fastest growing towns year on year for some time. I was a councillor for 10 years in Swindon and have been an MP for seven, so I have had 17 years of representing new build areas. My maiden speech was dedicated to this subject, and I brought forward a private Member’s Bill in the early days of my political career to offer some solutions—they were wholeheartedly rejected, but I had a go. I have had countless public meetings and an incredible amount of casework. There is clear frustration, anger and despair from the residents who have made their single biggest purchase and from myself, on behalf of the Government, because I am desperate to see us fulfil our commitment to 300,000 houses being built.

This poor, shoddy and shambolic work is all too often putting people off and, frankly, ripping people off. My hon. Friend the Member for Bury St Edmunds summed it up well with her reference to a kettle. It is a given with every other purchase that we are protected by trading standards and all the various Acts, but when it comes to our single biggest purchase, we are at others’ mercy. Members have rightly highlighted build quality and the excuse of a lack of skills. Why on earth do people sign houses off if they are not fit? Cars are another big purchase, and at Honda in my constituency, nothing leaves the factory unless it has been robustly tested. If there is a problem, which is rare, it is dealt with swiftly. That is not the case with houses.

There is frustration about change of plans. People buy houses based on the layout and the scheme proposed, but for a variety of reasons, that often changes, and people have no recourse. There is all too often a lack of maintenance of roads and open space, particularly, perhaps by coincidence, at the point that the final house is sold before the road is adopted. One of the tactics is—

Joan Ryan (in the Chair): Order. The Front-Bench spokespeople need to limit themselves to six minutes. I call Alison Thewliss.

5.9 pm

Alison Thewliss (Glasgow Central) (SNP): It is good to see you in the Chair, Ms Ryan. I will try to be brief. I might pick up where the hon. Member for North Swindon (Justin Tomlinson) left off, with unadopted roads, which are a serious issue. My mother-in-law has spent many years fighting with her local council in an attempt to get her road adopted, and it is a real challenge if those things are not done as they should be.

In Scotland, we agree about the need for better guarantees for consumers. In general, we believe that the communities that we build and invest in today say everything about our values and aspirations as a country. In particular, community empowerment and people having a say in their local communities on how developments are built and the facilities that go in, along with housing on its own, are really important.

The hon. Member for Bury St Edmunds (Jo Churchill) made an excellent speech. I agree that it is entirely concerning that a kettle has more guarantees than the place that someone wants to stay in for the rest of their life with their family. The Government ought to be addressing that urgently. In thinking about what she was saying, I was reflecting on my own experience. When my parents moved into the house that I grew up in, they had to take up numerous snagging issues with the developer. Many of those issues were addressed. Further down the line, there was an issue with the roughcast falling off, and they had to go to the NHBC to get that dealt with, but even when it was a very simple thing, such as getting the cap on the cold tap fixed, they could not get that piece of snagging done, and eventually they had to deal with it by pinching one out of the show home, because they knew that the show home would be fixed. A very simple thing such as that proved to be very difficult to get fixed, and that just should not be the case—snagging issues should be dealt with. That was more than 30 years ago, so the problem has been around for a very long time and deserves to be addressed with great seriousness.

The hon. Lady raised issues about the ombudsman and the gaps that exist. People ought to have a very clear pathway. They should be able to say, “This is an issue. How do I get it fixed? If it’s not fixed, where do I go?” That is crucial.

The hon. Lady’s point about broadband and energy efficiency is very pertinent to my constituency, as residents in Torrylen have been missed in the various stages of broadband roll-out and infill later on. People move into smashing, brand-new houses, marketed as being close to the city centre and for young professionals, yet the broadband service that they get is wholly inadequate. Getting it retrofitted in those properties is proving hugely frustrating, both for the residents and for my office.

In a number of different areas, there need to be standards whereby quality can be assured. The hon. Lady mentioned modular developments. I have visited the factory of CCG, which is next to my constituency. It built the Commonwealth games village in Glasgow, along with many other developments. The Commonwealth games village in Dalmarnock was a mixed development of private homes for sale and homes for social rent. Residents had some issues with snagging and still do, but the fact of being able to guarantee the quality going out of the factory was important. CCG prides itself on producing a product that can be quality-assured before it leaves. It does a number of checks to ensure that what it is sending out of the factory is fit for purpose. The company is very innovative.

Looking at the wider context, my hon. Friend the Member for Falkirk (John Mc Nally) talked about ensuring that the whole of a development is of good quality and is future-proofed in relation to flood risk. A SUDS scheme runs through the Commonwealth games development in Dalmarnock. That was an integral part of it. It would not have been built had that scheme not been part of the development—it was a requirement.
Looking at things ahead of time in that way is best practice. What is the environment more broadly going to look like in a number of different years? How can people ensure that the house that they have bought and paid for will not be flooded? I would suggest that people can have more than just snagging problems when water is coming through their door.

The point made by the hon. Member for Henley (John Howell) about design quality is crucial. When people are building something, they want it to be theirs. When people are moving into a home, they want to have ownership of it, and not just in the sense of having the keys to the door. They want to feel that they are investing in something of good quality, and embedding good design is a hugely important part of that. The Scottish Government have a very useful place standard tool, which the hon. Gentleman may want to look at. It looks at all the different aspects not only of a house but of a whole development, to ensure that all the aspects of quality—the transport infrastructure, the roads, the facilities, and a walkable, liveable, safe and secure neighbourhood—are in place. The house should not just stand on its own as part of a wider development, but be connected to other things, so that people are not just building a house but having a home, and one that is in a community.

In Glasgow, the East Pollokshields charrette carried out a very interesting exercise in that regard. In my constituency, there is less new build and lots of existing properties, but where new build comes in, we want it to be integrated well into the community. There is a big gap site in East Pollokshields that is going to be developed, and they took the time to get money from the Scottish Government to have that charrette, which involves the whole community in the area coming together and seeing what the facilities are, what they would like to have in their area, what does not quite work and what the opportunities are for change. I very much recommend that wider approach both to the Government and to other hon. Members. I look forward to hearing what the Minister has to say on all the excellent points that have been raised.

5.15 pm

Tony Lloyd (Rochdale) (Lab): May I, too, congratulate the hon. Member for Bury St Edmunds (Jo Churchill)? She will have to go home blushing tonight, because she made an excellent speech and set out the terrain very well. Indeed, all the contributions had real merit in their different ways.

We know that we have a housing crisis in this country and that we have to build at levels not seen previously, but the hon. Member for Henley (John Howell) is absolutely right: this is not just about houses; it is about people’s homes. It is about people’s homes in communities that are both safe and sustainable, and that means things such as flood prevention. The hon. Member for Falkirk (John Mc Nally) talked about building that in, and, as far as we can, future-proofing.

The right hon. Member for Basingstoke (Mrs Miller) spoke about the need for facilities for people with disabilities. In fact, we should be building homes that can be retrofitted where appropriate, so that people can, if they choose to, spend their lives in those homes. The windy staircases of the past are simply not consistent with the future. The hon. Member for North Swindon (Justin Tomlinson) also made very valid points on how we ought to move forward. I was attracted by the comments of the hon. Member for Henley about neighbourhood planning. Yes, we have to see design as a central part of the changes that we want to make.

One of the realities is that we have a serious infrastructure backlog that will prevent us from moving forward quickly. Building 300,000 new homes means an awful lot of construction workers. We have an ageing construction force in this country, and half the construction workers in the national capital are EU nationals. I know not where they will go post-Brexit, but there is a good chance that many will disappear. That will, if nothing else, create shortages in London and suck in construction workers from elsewhere. With those twin problems, we have to be serious about training the next generation of construction workers. They will not necessarily always be young people; they may be less than young people.

I say to the Minister that under this Government, we have seen the hollowing out of both planning and building control in our local authorities. That simply is not consistent with the demands that the hon. Member for Bury St Edmunds has rightly made. We have to see the public weal protected, and in the end it is our local authorities that can do that best, if we are to make it meaningful. I will not repeat everything that the hon. Lady said about the housing surveys. I will simply repeat the point that we know that many people—a disproportionately high number—are dissatisfied with the homes that they get.

There is a house in my constituency that was referred to in the report by the all-party parliamentary group for excellence in the built environment. It is owned by Elizabeth and Stephen Watkins. The house was built in 1998, and they have been involved in a dispute ever since. It has never been lived in. It is a disgrace that there is no process for reconciliation. We must have not a nice, cosy, industry-led ombudsman, but an ombudsman process that has real teeth and the capacity to make a material difference. I have to agree again with the hon. Member for Bury St Edmunds, because yes, that would be good for the private sector.

Grenfell Tower, we know, was retrofitted. We will probably have to do a serious retrofit to something like 27 million homes that already exist in Britain, but the work on Grenfell Tower was very recent. We have to ensure that there is an ombudsman capacity that has real teeth and can protect people, whether they are living in social housing, in owner-occupation or, very importantly, under private landlords. We know that private landlords will play a disproportionate part in the building of the future.

I will finish on a couple of issues. The hon. Member for Henley said that he does not want to see little boxes. We have to do something about the space standards. There is a consultation out, and I say to the Minister that we have to bring that to a conclusion. Secondly—this will be my concluding point—we know that we are not hitting our targets for moving to carbon neutrality by 2050. Probably 1 million homes in this country will be retrofitted to those carbon standards. The Committee on Climate Change said that it should be something like 4 million over the same period. I say to the Minister that the Government have now got to do an awful lot more.

Congratulations to the hon. Member for Bury St Edmunds. This has been a great debate and it is an important one for the future.
5.20 pm

The Minister for Housing and Planning (Alok Sharma):

It is a pleasure to serve under your chairmanship, Ms Ryan. I congratulate my hon. Friend the Member for Bury St Edmunds (Jo Churchill) on securing this vital debate on delivering quality in the built environment. I know that her contribution is based on first-hand experience, with her expertise in the sector. We heard excellent speeches from my hon. Friends the Members for Henley (John Howell) and for North Swindon (Justin Tomlinson). The hon. Member for Falkirk (John Mc Nally) made some very pertinent points, as did other Opposition Members.

The one thing we all recognise is that our country urgently needs many more homes. The Government are delivering them. There were 217,000 net additions in England last year alone. That is the biggest increase in housing supply for almost a decade. The housing supply package announced in the Budget takes the total financial support for housing up to at least £44 billion over the next five years. Alongside the planning reforms that were also announced, this package will enable us to deliver 300,000 net additional homes a year on average by the mid-2020s.

Just as important as building those homes is the need to ensure that they are of good quality, well designed and respond positively to their local context, as all hon. Members have agreed. We believe that we can build not only more homes, but better homes. This is something I care deeply about, which I emphasise every time I talk to representatives from the sector, particularly the large developers. There are some great examples of house builders who are making quality and design a priority, but as my hon. Friend the Member for Bury St Edmunds has said, too many new homes still fall short.

The all-party parliamentary group for excellence in the built environment, which my hon. Friend chairs, has led the charge. It is thanks to its work that we are taking forward many of the measures to bring about improvements.

My hon. Friend made reference to a number of statistics, but let me throw in another. According to the latest Home Builders Federation survey, 84% of new homebuyers would recommend their builder to a friend. That figure has fallen steadily from 90% over the last four years. That means that 16% of new homebuyers would not recommend their builder. That simply is not good enough and must change. My hon. Friend will be pleased to hear that I am committed to addressing that by putting the focus squarely on better quality and design at every stage: planning, design and construction.

Our housing White Paper launched in February this year set out our proposals to amend the national planning policy framework. We want to increase the emphasis on design and community engagement in local neighbourhood plans and other development plan documents. My hon. Friend the Member for Henley spoke with great clarity—he is a champion of neighbourhood planning, and it is right that design should be reflected at the neighbourhood planning stage. We want to strengthen the importance of early pre-application discussions with local communities about design and the types of homes being provided. We want to make it clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans. We also want to recognise the value of using a widely accepted design standard, such as Building for Life, which is from the Design Council, in shaping and addressing basic design principles.

To ensure we achieve those high standards in planning, we must ensure that the right skills are available. Last week, I announced a £25 million planning delivery fund, which will provide ambitious local planning authorities with funding, to ensure they have the skills, capacity and capability they need to deliver high-quality housing at scale. One of the streams of this funding is the design quality fund, which is all about increasing design skills in local authorities.

The hon. Member for Rochdale (Tony Lloyd) talked about the Government hollowing out the planning system of the local planning authorities. I would just point out to him that I am grateful for the support of his party in our passing regulations to increase planning fees by 20% earlier today. That will have a positive impact for planning departments up and down the country.

My hon. Friend the Member for Bury St Edmunds and other hon. Members raised the issue of skills. There is a commitment by the industry—we are encouraging it—to work to deliver another 45,000 skilled workers by 2019 through the Construction Industry Training Board. The Chancellor announced another £34 million for construction skills funding. On apprenticeships, I agree we should be looking to do more, but I have been pleased to visit sites up and down the country where apprentices are on site and being trained up.

On our work on design with the industry, early this year I launched a design quality symposium at the Royal Institute of British Architects. On Monday, the Secretary of State announced that in the spring we will be following that up with a national design conference to raise the bar even further.

Yesterday I launched a new modern methods of construction working group—the hon. Member for Glasgow Central (Alison Thewliss) mentioned modern methods of construction. The working group comprises key stakeholders from across the house building sector. It will be tasked with looking at issues such as the availability of finance, warranties and insurance to encourage people to consider using modern methods of construction, which will enable us to build good-quality homes more quickly.

On the core of the speech of my hon. Friend the Member for Bury St Edmunds, as well as championing better quality and design, the Government want to make it easier for people to get redress when things go wrong, which her all-party group has rightly highlighted. Residents currently have to navigate four different redress providers to make a complaint. Research in other sectors has shown that redress works more efficiently for consumers when there is a single ombudsman. It is right that we explore the need to consolidate processes and look at the options to improve redress. Therefore, we will be consulting on the potential for a single housing ombudsman in the new year. I welcome the inquiry into the potential for a new homes ombudsman that the APPG for excellence in the built environment has announced, and which my hon. Friend referred to in her speech. I can assure her that we will consider the findings closely.

I have a few minutes left, so let me respond to a couple of other points. My hon. Friend talked about improving the redress scheme. We will look at that as
part of the consultation in the new year. There was
discussion about how independent the national house
building guarantee is. She asked whether the Government
keep records on the number of defects and the
dissatisfaction rates. We do not but, as she pointed out,
wa rranty provision and the handling of cases can be
raised with the Financial Ombudsman Service.

My right hon. Friend the Member for Basingstoke
(Mrs Miller) asked about inspection records. They are
available for homeowners for building works that started
after 1 April. Of course, we are committed to ensuring
that the system performs to the best level that it can,
and we will continue to assess that.

The hon. Member for Falkirk rightly raised the issue
of flooding risk. The national planning policy framework
sets out that flood risk areas can be built on only if they
pass an exception test and no other areas can be built
on. On the flood risk assessment process, there must be
very clear consultation with bodies such as the Environment
Agency.

In conclusion, we are taking action across all fronts
to drive up not only quantity, but quality. We do not
have to choose between the two, quite rightly, as my
hon. Friend the Member for Bury St Edmunds said. I
thank her and congratulate her on raising this issue
and on the valuable work that she and her all-party
group do.

Question put and agreed to.

Resolved,

That this House has considered delivering quality in the built
environment.

5.29 pm

Sitting adjourned.
Westminster Hall

Thursday 14 December 2017

[David Hanson in the Chair]

Asylum Accommodation

1.30 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I beg to move,

That this House has considered the Twelfth Report of the Home Affairs Committee, Asylum Accommodation, Session 2016-17, HC 637, and the Government Response, HC 551.

It is a pleasure to serve under your chairmanship, Mr Hanson.

The Select Committee on Home Affairs asked for this debate because we believe this is an immensely important issue. Our country has an obligation under the 1951 refugee convention to provide shelter and sanctuary from conflict and persecution. The Committee found serious failings in the provision, quality and management of asylum accommodation across the country. The Government took nine months to respond to our report. Everyone understands that there was an election in that period, but given the time it took the Government to respond, we had hoped for more considered and detailed responses to some of our recommendations. I was certainly disappointed by some of the responses we received.

This is a crucial time for Parliament to consider this issue, because the contracts for asylum accommodation across the country are open for tender—I understand that some of those pregnant women were consequently made as fast as possible. We heard from the inspectorate that some of those pregnant women were consequently trapped for longer in inappropriate asylum accommodation. I received a letter from the Home Secretary today, which I welcome. She says that she is looking further at the seriousness of those growing delays and set out what action he is taking to address them.

I raised with the Home Secretary the issue of pregnant women being categorised as “non-straightforward” just for being pregnant and, as a result, not being treated under the accelerated processes for getting decisions made as fast as possible. We heard from the inspectorate that some of those pregnant women were consequently trapped for longer in inappropriate asylum accommodation. I received a letter from the Home Secretary today, which I welcome. She says that she is looking further at the seriousness of those growing delays and set out what action he is taking to address them.

I recognise the point that the Minister made in response to our report that some local authorities may be providing extensive support under the Syrian vulnerable persons resettlement scheme or to unaccompanied child refugees. Nevertheless, I do not think that gets us around the point that asylum accommodation is still hugely unequally distributed across the country. The Government have not really recognised the seriousness of our point that concentrating asylum accommodation in a small number of the poorest local authorities is really challenging. That undermines consent for the whole system, and it is just unfair on communities—often the most deprived communities—that support is not distributed evenly across the country. All areas should contribute.

I welcome the Government’s announcement that there will be additional provision in the new contracts for funding for the south-east, which should not be exempt
from doing its bit to provide asylum accommodation. We recognise that accommodation costs are different across the country, but we would like more to be done to ensure that accommodation is properly distributed.

We recommended that local authorities be given more say and more control over where asylum accommodation goes in their areas. We heard from local authorities that did not want to engage with the Government’s system because, once they signed up, they would lose all control over where accommodation was provided in their area. There is only a 72-hour window for local authorities to respond, which is just not long enough. Most local authorities know that putting accommodation in an area with no support services, or in a ward that has experienced challenging community problems, may not be appropriate, whereas there may be a much better location with much better services on the other side of the district. As long as local authorities feel that they are vulnerable and do not have a proper say, many of them will say, “We can’t take the risk of signing up to the Government’s scheme.” That is counterproductive, because we want as many local authorities as possible to sign up.

Yvette Cooper: That is exactly right. A whole range of additional services might be needed, such as specialist support for those who have fled sexual violence, those who have been through family bereavement and separation, and those who need additional support for children or from education services. A whole range of different kinds of support might be needed, including different sorts of housing support. I was going to come on to this point later, but I will mention it now: there is also a need for proper support once refugee status is granted, to ensure that people can find a future in the local community, settle and get the support they need.

In response to that point, the Government have set up a handover pilot. I welcome that and would like to see the results of the pilot; that would be very welcome. As I understand it, the concern of some of the charities working with asylum seekers and refugees is that it is quite sporadic and it has not worked effectively in some places. I would be interested to know the Minister’s assessment of how that work is going, because if we can swiftly help people into work and help them to be embedded in their local community, that is extremely important. It is another good example of what has happened in the SVPRS and, again, something that should be provided more widely. I flag up the concern that the delays in the universal credit scheme, which have been widely discussed in other debates in this House, could make things worse for the settlement of refugees once they have successfully claimed asylum.

Returning to the point about commissioning contracts and providing accommodation, the Committee made a series of recommendations that the Government have not engaged with, including the recommendation that local authorities be given more say and control over where in their area asylum accommodation should go. Alongside that, we should be prepared to oblige local authorities to do their bit. If we give local authorities more flexibility and ability to shape the services, then we should also ensure that there is an obligation on them, so that they cannot just turn their backs and walk away without doing their bit for any of the difficult refugee and asylum schemes in place. Everybody has to do their bit.

We also recommended looking at devolving the commissioning of contracts, rather than having big, national contracts that end up being divorced from local communities, centrally managed and therefore not responsive to local circumstances. For example, we recommended handing commissioning over to the regional strategic migration partnerships that have played a central role in the SVPRS. Why not let them do the commissioning? Why not allow for more flexibility in local areas, so that in some areas the accommodation could be provided by local authorities or charities, rather than it all being done through a small number of national companies—particularly given the challenges we have had over the last period with the way those contracts have worked?

It is disappointing that, instead, the Government have stuck to basically the same contract model, rather than learning from an alternative scheme that is working or looking at alternative ways of doing this. Given the challenges and problems, I am also concerned at the
idea of locking in those contracts for 10 years, seemingly with no review period built in during which we could change, adapt or get out of the contracts. We also argued for local authorities to be given a role in inspecting the contracts, because we identified that some of the problem—and this was the evidence we heard—was that the quality inspection regime is not working effectively enough. Giving local authorities that role, and the resources that must go with it, might make for more effective inspections.

Sir Edward Davey: I am sorry to intervene on the right hon. Lady again. She is talking about contracting; does she think it is an interesting idea to open it up to local authorities, perhaps working through strategic migration partnerships, so that they could compete? We might even see several different types of contract with several different types of provider, so we could learn lessons.

Yvette Cooper: I do. Giving responsibility for commissioning to the strategic migration partnerships would give us the ability to look at the links between accommodation and broader services, and allow those partnerships to take decisions on a mix of different kinds of accommodation provision within a region. Those could include local authorities bidding to provide accommodation themselves, or working in partnership with other local authorities, charities, housing associations or different kinds of organisations. That allows for wide variety, and for different kinds of bids and proposals to come forward. That was our recommendation in the report.

The remainder of my remarks will be on perhaps the most troubling and distressing part of the evidence we took and of the conclusions we came to in our inquiry. This concerns the quality of the accommodation provided. In our report, we warned that some of the accommodation that we saw or took evidence on was just not fit for human habitation. Committee members visited accommodation, and we certainly saw some that was good quality, but we also saw some that really was not adequate.

In one initial accommodation that I went to, I talked to a woman who had I think three very small children. She and her husband had to take it in turns to come down to the communal room to eat because they could not manage to get all the kids down the stairs. They had been put in an upstairs room that was not appropriate for them, and they basically had not taken the kids out of a small room in weeks. That was clearly not appropriate accommodation for that family, who had been through very difficult experiences.

Our report listed serious failings, such as infestations of bugs or cockroaches, unsafe accommodation and inappropriate sharing of accommodation. Our conclusions were that some of the accommodation is a disgrace, and it is shameful that some very vulnerable people have been placed in such conditions. There are different bits of the Government’s response that I disagree with, and we will have disagreements about the policy way forward, but the bit of the Government’s response that troubled me most was in response to our conclusion about the serious inadequacy of some of the accommodation. It simply said:

“The Government does not agree with this conclusion”.

Had the Government said that they recognised that some of the accommodation falls below acceptable standards, and told us the action they were taking to resolve the problem, we would of course have pressed them on their progress, but we would have welcomed the commitment to action.

I am quite disturbed by what appears to be the Government’s failure to recognise that there is a serious problem with the quality of some of the accommodation. We have a responsibility to make sure that the accommodation that people are in is fit for human habitation, but the conditions that some people are stuck in are inhumane. I will give hon. Members an example that I received from the Red Cross since our report and the Government’s response came out:

“My furniture was very old. Some had blood on them. I couldn’t sleep on the bed; there was blood on the bed, like menstruation blood. They gave me new sheets but no duvet. I couldn’t use it. I used my own clothes/ wrap as sheets until I got the first money as an asylum seeker and I used this money to get new sheets.”

It is really troubling that somebody is being put in accommodation with that kind of quality problem.

Chris Stephens: Does the right hon. Lady agree that any accommodation provided to asylum seekers should be from a registered social landlord? Is she aware of instances in my city of Glasgow in which landlord accreditation has been taken away from providers, but Serco has still used them to provide accommodation to asylum seekers?

Yvette Cooper: I am not aware of the case the hon. Gentleman refers to, but I will certainly be troubled if the companies involved continue to use providers who have failed to meet basic standards. The quality of accommodation is immensely important, as is a swift response when facilities or services are inadequate. We need to recognise the importance of providing adequate standards of accommodation.

In another example, a mother and baby were forced to stay in the same accommodation, even though the child had been bitten by bed bugs. This is another example:

“I was not allowed to live in the same accommodation as my heavily pregnant wife and was put into a house more than 3 miles away from her when I first arrived. Despite repeatedly asking to be moved to a house together as the situation was affecting her health, we were not given our own house until the baby was 3 months old.”

Somebody else said:

“it eventually took 5 months for someone to come out and fix the cooker. The G4S officer said we should ‘just eat salad’ in the meantime.”

Those are examples received from the Red Cross and other refugee charities, and they are very troubling. While I recognise that there will always be a programme of work in order to raise standards, I urge the Minister to recognise that some of the accommodation that asylum seekers are being placed in is really not fit for habitation and needs urgent improvement. More action needs to be taken, because if we do not recognise the problems under the last contract, how can we be sure that the issues will be recognised in the new contracts and the new system, and make sure that the problems do not continue?
The Committee also made recommendations on making sure that asylum seekers know how to complain if there are problems and are not prevented from complaining about the quality of accommodation by the fear that it will affect their asylum case, and also on sharing rooms. Serco and Clearsprings do not allow the sharing of rooms, but G4S continues to do so. That is a serious problem. Will the Minister reassure us that, as part of any new contracts, that will not happen?

I will finish where I started. The Government have done some really good work in the last few years with the Syrian vulnerable persons resettlement scheme. I applaud the Government’s work in making sure that that quality support continues, and I hope they will be able to extend and continue not only that scheme for those who have fled the conflict in Syria, but a refugee resettlement scheme for people more widely. However, that good work is being undermined by the lack of quality, standards and safeguards, and the lack of an effective commissioning process around the wider asylum and refugee system.

I urge the Minister to respond in more detail to some of the Committee’s recommendations, and to set out what action the Home Office is taking in response to those recommendations, and how it is making sure that we do not lock in for the next 10 years the problems that have blighted some accommodation over the last few years. Some of the most vulnerable people in the world are dependent on us for accommodation and support—those who have fled torture, trafficking, rape, violence and persecution, and those who have lost their homes, families, friends and countries. We are already doing more for some groups; we can do better for those who really need our help.

Thangam Debbonaire (Bristol West) (Lab): It is a pleasure to serve under your chairmanship, Mr Hanson. I appreciate your calling me so early in the debate. It is with great pleasure that I follow my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper). I congratulate her and her Committee on an excellent piece of work, which highlights a problem that should concern all of us, because in truth it affects all of us. We all, as taxpayers, pay for asylum accommodation, and we should all therefore, as taxpayers, be concerned about its quality.

The Home Affairs Committee has done the Government a great service in highlighting some of the problems with some of the accommodation. My right hon. Friend has been incredibly fair and patient in stating quite clearly that not all the accommodation is bad, and that some is of a different standard. The Committee has been thorough in its recommendations and I urge the Minister to revisit them, because they are very clear and some of them are worthy of again receiving proper scrutiny.

I speak as the Member for the constituency of Bristol West, where we have asylum seeker accommodation, but also as the chair of the all-party parliamentary group on refugees. Earlier this year, the APPG published a report, “Refugees Welcome?” which is about refugee integration. I am grateful that the Minister read that report and met me to discuss some of its findings. I am grateful to him for giving that time, but I want to remind him of some of the findings relating to accommodation.

The Home Affairs Committee referred to the Government’s review of “the 28-day grace period for people granted refugee status and the Department of Work and Pensions’ ability to manage applications for support from people transferring out of the asylum system.” I discussed that with the Minister, and he was keen to address it, so I welcome the comment in the Government’s response to the report that the Home Office has worked with the Department for Work and Pensions to establish a new process to address that. I will be grateful if the Minister updated us on how that process is progressing, particularly in relation to the issuing of national insurance numbers. That relates to accommodation, because refugees told us during our inquiry that they had difficulties if their 28-day move-on period, when they have to move out of their accommodation, was over before their national insurance numbers had arrived. Refugees spoke to me about having to try to hang around outside the accommodation they had previously lived at in order to wait for the postman to arrive, but not being able to take the post off them because that is not allowed. Those things were problems and continue to be, and they are related to accommodation and having to move out of it.

Our recommendation was that the 28-day move-on period should be extended. I understand why the Minister does not want to do that, but our counter-recommendation is therefore that, if we are going to stick to 28 days, that 28 days has to work. It has to mean that a national insurance number and a biometric residence permit are with that person in their asylum seeker accommodation on the day that they receive refugee status, otherwise we will create further problems for refugees down the line.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Does the hon. Lady agree that there will be significant problems owing to the roll out of universal credit, given the long waiting times involved in applying for that benefit?

Thangam Debbonaire: I completely agree, and I thank the hon. Gentleman for making that point for me, because universal credit is a great concern. Again, I am grateful to the Minister for having allowed me to discuss that with him. I understand that the Government are trying to push the idea that nobody should be out of pocket because they can get an advance, but an advance is a loan. Refugees, by definition, do not usually have other family members to call on who have other funds that they can draw down. They are going to struggle, particularly if they have the compounding problems of a long wait for the first proper payment to come in and a 28-day move-on period, which means they will have often left the accommodation from which they made the application before that has been sorted out. The 28-day period does not marry up with the wait for universal credit, so yes, I agree with the hon. Gentleman.

My experience of some asylum seeker accommodation in my constituency—not all—and the evidence that the Home Affairs Committee has presented makes it hard for me to see why many refugees would feel welcome. The question in the title of our APPG’s report, “Refugees Welcome?” would have to be answered: maybe not all
the time. This is a fixable problem. I reiterate that, as taxpayers, we should be concerned when our money is paying for accommodation to protect people who have the legal right to apply for asylum in this country, but that accommodation is costing us a lot of money and is not fit for purpose. I urge the Government to revisit the Committee's recommendations.

We have some fantastic organisations in Bristol West working with refugees, with some great volunteers and paid staff alike who are going the extra mile to help people to integrate and cope with often very difficult and unsatisfactory accommodation that sometimes just about meets the Home Office's key performance indicators but really skirts up against the edges.

On visits that I made following the publication of the Home Affairs Committee report and during the course of the APPG on refugees inquiry, I came across accommodation where there are serious problems. I contacted Clearsprings, which is the provider in my area, to ask if I could make an announced visit. I wanted to give the provider a chance to show me its best stuff. The Clearsprings manager who took me round some of the accommodation—some of which I had seen before—did, to be fair, show me a mixture. Some of it was adequate—I would not call it great, but it was adequate—but some of it was not. I was concerned that action was taken only when an MP intervened and said to the Clearsprings manager, "This draught here, this rotten window frame, this problem here, which has clearly been a problem for the tenant for some time, needs to be fixed." What about all the people in other accommodation—accommodation that we are paying for—that is substandard, unhealthy and unlikely to make refugees feel welcome or in any way integrated, and gives very bad value for money? An MP cannot make refugees feel welcome or in any way integrated, and gives very bad value for money? An MP cannot.

I saw some accommodation in which damp or heating were really problematic. In one home where a family was living, the mum had a very serious long-term health issue, and the home was making life miserable for her and severely impeding her chances of a safe recovery from that serious illness. Her husband was terribly upset by the fact that he felt he was failing to care for his wife at a time of serious illness. To be frank, the house was unheatable due to the fact that it had not been maintained.

I believe that home was unsuitable for long-term use, but the family had been there for a long time because their case had been deemed complex—or non-straightforward, as my right hon. Friend the Member for Normanton, Pontefract and Castleford said. That particularly worried me because children were living in some of the accommodation that was supposed to be temporary. I applaud the Home Office's determination to stick to the six-month turnaround time, but once we have gone beyond that because a case is complex, people are still living in accommodation that is supposed to be temporary and is anyway substandard. There are real questions as to what we are doing to people who have fled war and conflict and to whom we have a legal obligation.

Tim Loughton (East Worthing and Shoreham) (Con): I apologise that I was not here for the speech by the Chair of the Home Affairs Committee, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). I am trying to juggle my time with another debate in the main Chamber at the moment.

When the Home Affairs Committee looked into this and went to inspect some of the properties, we too noticed some obvious deficiencies. We were assured that the providers have regular inspection programmes that will reveal all those things, which clearly they do not. More needs to be done there, and I am sure the right hon. Lady mentioned that. Also, some tenants are afraid to report problems because they fear they will be penalised for doing so, so they suffer in silence.

Thangam Debbonaire: My right hon. Friend did refer to those points, but I would like to reiterate them. That subject particularly worries me, because the Government's response to the Home Affairs Committee's recommendation about property inspections was:

"The Home Office does not agree that property inspection should be handed over to local authorities as it would reduce the accountability of the Home Office and the ability to hold Providers to account."

That would be fine if it was happening, but the evidence that the Committee found, and certainly my subjective and selective experience, was that that is not happening consistently. It may well be happening some of the time—I understand from the Committee's report that there was sometimes evidence of good inspection, or at least good accommodation. However, given that the Committee and I were able to find accommodation that would not pass an inspection, even though I had asked to see the accommodation and therefore was expecting to see Clearsprings’ best offering, I question the Home Office's confidence that it is able to hold providers to account. Will the Minister tell us what evidence there is that the Home Office is satisfactorily holding providers to their key performance indicators?

I also came across instances where there were clear problems with damp. When I raised that with the Clearsprings manager, he said that it was due to tenants hanging their clothes to dry on radiators. I asked where they were supposed to dry their clothes; the homes were very difficult to heat anyway, and there was no outdoor space or launderette nearby. I said, "They're a family with children. They've got to dry their clothes somewhere. What is your solution? You can't tell them not to dry their clothes, particularly in winter."

The complexity of the asylum process is compounding these problems, and the fact that an increasing number of cases are being deemed complex adds to the delay. I would like the Minister to address some of the problems with deeming cases complex. In my experience as an MP, the asylum seekers I am supporting through this process ask, "Why is my case deemed complex?" and it is often impossible to work out why. One wonders whether the decision-making process is taking so long that it is easier to deem a case complex than to get it sorted. I urge the Minister to look at what is going on in the nether regions of the process, because it is not good for any of us—the Government, MPs and especially asylum seekers—to have endless delays built into the process, and it is certainly not good for asylum seekers' experience with accommodation.

As I said, the 28-day move-on period pushes asylum seekers into serious difficulties. The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East
The work was taken over by Serco, which for a time subcontracted the work to Orchard and Shipman. I have had to be involved in cases in which polythene bags were being used as windows. Constituents were living in properties where there was blood on the walls and where wires were clearly not complying with health and safety and were sticking out. We have had instances of women who are making claims, having fled sexual violence, being placed in tenement buildings where the other five properties are inhabited by five single men. We have had instances of shared accommodation in which there has been a clear clash of cultures, which has been very unhelpful, and instances of people being placed in accommodation and then provided with a card whereby they could shop only at Asda, even though the nearest Asda has in some cases been 4 miles away. Those asylum seekers have had to walk to get access to food and so on. Recently, I had a constituency case in which it was clear that the accommodation was unsuitable. There were no carpets, there was inadequate heating, and inadequate bedding was provided.

I want to make a number of points on the report and some of the themes that I touched on in my interventions. Who is providing this accommodation? It is not housing associations, although some housing associations in Glasgow are providing accommodation. It is not the local authority. It is mainly private sector landlords. I would probably go further and say rogue private sector landlords, because recently Glasgow City Council took the decision that when it was awarding landlord accreditation under the Housing (Scotland) Act 2014, those decisions would be taken in front of a panel of elected councillors, and we have found that they have removed the accreditation of landlords, some of whom have been providing housing to asylum seekers.

I want a real commitment today from the Minister that if private sector landlords lose their accreditation under the Housing (Scotland) Act, those landlords will then be removed as providers of asylum seeker services. If they are deemed unsuitable to provide services to anyone as landlords, that should include asylum seekers. There should be no opt-out in relation to that.

There are devolved Administrations who have different housing standards. I would argue that the Scottish housing standard is a lot better than the decent homes standard, which has been referred to, in the asylum seeker contract, so will there be a commitment to meet the Scottish quality housing standard? As you will know, Mr Hanson, representing a constituency in Wales, the Welsh Assembly will have different regulations for housing. I therefore hope that the Minister will commit today to looking at the housing regulations and laws across the UK and under devolved Administrations.

Another bugbear of mine is that when I, as a Member of Parliament, ask a question of any provider of services, I am told, “I can’t provide you with that information under data protection.” It pains me to say that Serco did that to my office recently when I raised the complaint about housing to which I have referred. I wrote to the Secretary of State on 22 November, but have not yet had a response. I hope that the Minister is listening carefully, because I want specifically—I also want a guarantee in this regard—why the Home Office is supporting Serco’s view that MPs’ offices need the permission of the person making the complaint.
Data protection law is clear when it comes to Members of Parliament. We are not required to obtain that, as I hope the Minister will confirm, because we all as Members of Parliament represent every single constituent, no matter where they come from or how they voted. We are here to represent everyone who lives in our constituency, and I will always do that to the best of my ability. It pains me to see Serco trying to frustrate that process. I will continue to represent constituents who are here seeking asylum from other parts of the world. I regard it as an honour to do so.

I want to make a couple of comments about the announcements about the new contract before I conclude. Will the Minister tell us how many welfare officers there will be? There is now a commitment to fund additional welfare officers. It would be useful if we could get a figure for that. I say that as a member of the Select Committee on Work and Pensions, where we have asked Atos and Capita how many qualified doctors there are in those services. It was incredible to find out that there were two qualified doctors in Atos and two in Capita. That perhaps says a lot about our assessment system. It would be useful if we could get a number. It would also be useful if we could get a number for the welfare officers who will be placed in Glasgow, because there is a real issue there with some of the providers. In particular, when Orchard and Shipman had the contract, it was using the police to help to evict asylum seekers. That, I would suggest, was inappropriate, given that a man in uniform means something different to someone who has just arrived in the country and is fleeing persecution from what it means to the rest of us.

I welcome the fact that there will be further dispersal. I have continued to raise that issue in various debates in relation to asylum seeker support services. I hope that the Minister can confirm that he will ensure that funding for local authorities is inadequate. Can he also respond to the letter that has appeared in the press over the past couple of days from 35 organisations working with refugees and asylum seekers? Can the Minister make a commitment that the contract will be independently reviewed within three years of its operation, that there will be independent oversight and accountability to local authorities and that services will be fairly and fully financially resourced across the UK?

It has been a pleasure to speak in this debate and I look forward to the Minister’s response.

2.17 pm

Sir Edward Davey (Kingston and Surbiton) (LD): Again, I welcome the report. I will start my brief remarks by talking about the Government’s overall approach to asylum seekers and refugees. I want to ask the Minister whether he will say on the record that it is a different approach, a different philosophy, from that for dealing with illegal immigrants. The Government have developed what they call the “hostile environment” approach to illegal immigrants. We can debate the wrongs and rights and the shape of that, but the hostile environment policy would clearly be wrong if applied to asylum seekers and refugees. Our country should be adopting an approach of welcome and caring. I invite the Minister to say that that is the Government’s policy and approach. I am sure it is, but it would be very helpful to have it on the record that the approach is very different from the hostile environment approach seen elsewhere in the immigration system.

That is important as we approach the issues raised by this excellent report. There has been some discussion about how we organise asylum accommodation in the future. The report goes very much in the right direction, away from a centralised, private contracting approach to a different model. In many ways, the report could have gone even further, but its stress on involving local authorities is absolutely right, and the idea of strategic migration partnerships at the heart of the system is vital. Those partnerships are beginning to bear fruit. They were a good policy innovation, but they need to be developed further, because they will solve many of the Government’s problems, as well as making the experience of asylum seekers and refugees far more acceptable and improving quality.

I think there is a huge appetite in local authorities and local communities to do more and be involved, but at the moment they are excluded. That is not sensible policy, is it? If there are people out there who want to get involved and play an active, positive role, we should try to facilitate that. The current contracting model militates against that—it excludes. I do not think it increases accountability, far from it, it is the reverse. Accountability is not direct through the Home Office, but to the people and the communities. If they are more involved it will be a much better system.

We all know that civil servants in Whitehall like to have one organisation to deal with. They do not like lots of organisations, as that is all too time-consuming and complicated. I am sorry, but they are going to have to get used to dealing with more than one organisation. Given that we have these 12 strategic migration partnerships, at least they have a model that means they do not have to deal with every single local authority in the country.

I want to stress the point about involving people in civic society. I recently visited Lancaster where I met a wonderful lady called Mo Kelly from the local Quaker movement. She was looking at how refugees were welcomed in her city. She found that there was no real provision of accommodation or services, because the local authority had not thought that it should volunteer. Given that the Government are seeking more local authorities to step up to the plate, her experience, and what she did with others, is quite telling. They went out and petitioned in the streets. They asked the people of Lancaster, “Would you like to see Lancaster as a city, and our overall community, welcome asylum seekers and refugees from Syria and elsewhere?” Although, of course, a few people did not want to sign the petition—you will not be surprised by that, Mr Hanson—the vast majority of people did. The people in Lancaster—I do not represent it—said “Yes, the local authority and our community should be moving forward and offering to the Government that we should be part of it.” That is the point I am trying to make: if we give that opportunity to people out there, they will be far more welcoming than, say, the Daily Mail.

There is a big point about how we change the nature of the discussion, the debate, about foreigners in our country. I am really worried, not just because of Brexit, but because of other things we see, that we are seen as an uncharitable, unfriendly and unwelcoming country, which is completely against British traditions. If we reorganise many aspects of policy, and this is a good one to start with, we can begin to change that.
That brings me to my final two points. I know this point is not directly within the remit of this report, but it links to it, and the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) mentioned it. The point is the right of these particular asylum seekers awaiting decisions to be able to engage in work and voluntary work in the community. My experience of asylum seekers, and I deal with quite a lot in my surgery, is that they want to be involved, to give and to contribute, and when they are stopped from doing that, they are frustrated. Guess what? It does not help anybody.

Sir Edward Davey: I do. I can give an example from my own constituency. A few years ago of a gentleman from Kosovo who, with his wife, had suffered terrible trauma in that country during the troubles. It took me three years to get him the right to work. When he got it he went off very happy. He came back the next week in tears, because he had applied to work as a bus driver and the bus company wanted him to be there for 12 months to justify the training. I had to ring up the bus company and say, “I will personally guarantee your training costs, just give him a job!” He got a job. He was one of their best bus drivers; he took all the overtime, and helped old ladies on and off with their shopping. He then set up a business and now employs other people. He pays more tax than I do. His wife, having had huge mental health problems, is now working in our NHS. If we engage with people as human beings—guess what—they want to give back and act as human beings, and be part of our society. We have to do everything to enable human beings to be human.

Chris Stephens: I agree wholeheartedly with the right hon. Gentleman. In my constituency, asylum seekers have approached me who have waited years for a decision. They are qualified in health and I am sure they could make a contribution to our national health service by working. That would not only help their mental health, but help them to be part of that community. At the moment they feel that people in other areas of the community who are also poor look at them as if they are getting something special, but they are not. Does he agree that the right to work should be looked at as a matter of urgency?

Thangam Debbonaire: The right hon. Gentleman is making an excellent point, particularly about mental health. Does he agree with me that one thing that asylum accommodation needs to do better is ensure that people who have come from traumatic experiences and are possibly further traumatised by the conditions in which they find themselves have access to good quality, appropriate mental health support?

Sir Edward Davey: The hon. Lady is absolutely right. We have been talking about mental health for all people in this country, but the people who have been traumatised and tortured, escaping violence and persecution, suffer the most.

I will end on one further point, which is not about asylum seekers, but about failed asylum seekers, specifically those failed asylum seekers whom the Home Office rightly does not want to send back to their country, because their country is benighted. It is a very odd class of people, but they exist in quite large numbers. I had a lot of cases of people from Zimbabwe in this situation in years gone past. They did not meet the Home Office tests as an asylum seeker, but we were not sending them back, because of our concerns about what Mugabe and ZANU-PF would do to them. Those people were in limbo. They had no support, no right to work, but they existed as human beings. We need to think about that group of people, because they are the most destitute and vulnerable people living in our country today. I do not know whether they can be included in a new approach to asylum accommodation, but I think they should be considered as the Government review this area. I thank the right hon. Member for Normanton, Pontefract and Castleford and her Committee for this report, and I hope the Government respond positively to it.

2.27 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship again, Mr Hanson; you have evidently had a busy week. I welcome the opportunity to debate the Home Affairs Committee report, “Asylum accommodation”. I was pleased to have been involved in that inquiry. I thank my colleagues and the Committee Chair for all their work on that project, and for securing this debate.

In this debate I speak as the Scottish National party spokesperson, rather than as a member of the Committee; happily, from both perspectives, I fully endorse the Committee’s report and recommendations. Indeed, I pretty much endorse everything that every right hon. and hon. Member has said. Their critiques of the system have been knowledgeable, and there is absolutely no point in me repeating those powerful and damning criticisms.

Instead, let me address what needs to be done to resolve the problems that have been highlighted. Implementing the recommendations in our report would obviously be a significant start, but ultimately we need a radical rethink of how we approach asylum accommodation to address two overarching concerns.

First and foremost, we need to recognise that we have a system that demands that accommodation fits the budget, rather than ensuring that accommodation fits the asylum seeker. Secondly, the system drastically fails to address much more than provision of a roof and four walls—and even that, as we have heard, is often not up to scratch. There is so little in the system that takes into account broader issues of community cohesion, integration, or health and welfare concerns. In some instances, those other concerns are neglected absolutely; in others, local authorities and health boards have to pick up the pieces, and indeed the tab. “Savings”, as they are called under the COMPASS—commercial and operational managers procuring asylum support services—contracts, are almost certainly just part of a cost-shunting exercise.
As other right hon. and hon. Members have said, if the Minister really wants to make savings, he could consider letting those asylum seekers who have been waiting more than three months for a decision take up employment, pay for their own accommodation and pay tax. That would be good for asylum seekers, the communities in which they live, and the taxpayer.

As right hon. and hon. Members have suggested, there is a strong case for providing local authorities, perhaps in combination with other local service providers, with overarching responsibility and, crucially, proper funding for providing asylum accommodation in their locality. They are best placed to know in which areas accommodation would be appropriate, to link it with other necessary services, and to ensure accountability for standards. Of course, that would include the continued use of private accommodation. For all I know, it could continue to include the use of private contractors to assist in sourcing accommodation. Whereas private contractors now call the tune, that would place local authorities in control, but funding would have to match the cost of appropriate asylum accommodation, rather than accommodation matching a cut-price budget.

Glasgow City Council has a long track record of housing asylum seekers, under both the previous Labour administration and the new Scottish National party city government, which I am delighted to learn is determined to continue that tradition. In fact, that new SNP administration has intimated an interest in bidding for the new asylum accommodation contract in Scotland, but as right hon. and hon. Members have said, the odds are stacked against it. Most obviously, the contracts are divided up into huge chunks—this one is Scotland-wide—making it far from easy for a local authority, or even a combination of local authorities, to bid. A key concern is that the funding involved will not allow local authorities to deliver to the standards that they seek.

In fact, the new proposals seem so little different from the current contracts that they are more like COMPASS 1.1 than COMPASS mark 2. The system is set up in such a way that the current providers are absolutely odds-on favourites to win. It would be wise to pause and reflect on who we are talking about here, because along with the Home Office, those providers have to share the responsibility for the mess of the current contracts. One of them is also responsible for the scandal in the Medway secure training centre and the shocking scenes recorded at Brook House detention centre. Another provider was previously banned from tendering for standard contracts. Will the Minister therefore meet senior representatives of Glasgow City Council when he is next in Scotland—if I understand correctly, that will be very soon—to discuss how such a public sector bid can be facilitated, so that we can at least ensure a level playing field?

I want to address what I understand to be the announcement of new move-on support to be provided to local authorities in 20 dispersal areas in England. Don’t get me wrong: any sort of support for local authorities that are taking a disproportionate share of asylum seekers is absolutely positive and very welcome, but a number of concerns have arisen. This comes just four days before the deadline for intimating interest in the contracts. For a start, that suggests that the Home Office has not for a moment contemplated that local authorities might want to bid for the new contracts. Otherwise, why would such a material consideration not have been made public many months ago?

Furthermore—perhaps the Minister can clarify this—I understand that most of the funding comes from an underspend at the Department for Communities and Local Government, and that it is essentially one year of funding with local authorities expected to fund year two. As this is an England-only scheme, it will not be open to significant asylum dispersal areas such as Glasgow, Cardiff, Swansea, Newport and Belfast. Cumulatively, those five councils alone account for more than 6,000 asylum seekers.

Will the Minister confirm what discussions he has had with the devolved Administrations about that issue, and whether there will be Barnett consequentials? I assume that there must be, because if there are not, it signifies that the Home Office does not see this as really being about the reserved issue of asylum. Will he also confirm whether the money comes with any strings attached, such as obligations to share information with the Home Office? Although I welcome the additional funding, it does not yet seem to represent a joined-up, holistic approach to the challenge that local authorities face in housing asylum seekers.

I am a realistic person; I know that the Home Office has a lot on its plate, and is struggling to cope with what it does at the moment, never mind the prospect of Brexit, so let me focus finally on two changes that I hope it will consider, even in these difficult circumstances. First, as other hon. Members said, it would be totally unacceptable to sign up to 10-year contracts that bind our hands even if the mess continues, so there must be some sort of review or break clause after three or five years. Secondly, local authorities must be given genuine power, and resources to play a far more significant role in how asylum seekers are housed. Those two small but significant asks are crucial for asylum seekers, local authorities and their communities, and I very much hope that the Government will listen.
the current contracts are coming to an end, but so far the Home Office has not been listening. Now is their chance.

The Committee highlighted in its report that demand on the asylum system has increased and that the Home Office has not been able to keep up. The backlog is significant. The chief inspector of borders and immigration said of his recent report:

“Given the life-changing nature of asylum decisions, the Home Office’s performance needs to improve.”

When the Home Office takes too long to decide a claim, real people suffer. When it makes inaccurate decisions, people suffer.

Research by Refugee Action found that on average, people spend 37 days in initial accommodation, waiting for their claim to be assessed, despite the fact that the Government have recognised that such accommodation is not suitable for long-term stays. The temporary nature of initial accommodation prevents people from registering with GPs, placing their children in school or appointing a legal representative to progress their asylum claim. Will the Minister regularly publish data on the length of time people spend in initial accommodation? Do the Government even collect that data?

I am deeply concerned about the extent to which the Home Office evades transparency and accountability. Contracts to provide asylum accommodation have been granted to private companies and look like they will be again. As complex services are outsourced, they evade scrutiny. The Home Affairs Committee report found that the “current compliance regime is not fit for purpose.”

Will the Minister assure us today that he will provide an independent oversight and accountability role for local authorities, as the Committee recommended?

Asylum accommodation deals with some very vulnerable people. The Committee’s report highlighted deeply concerning reports of unannounced visits. One person came home to find a housing officer going through their phone. The report found victims of trafficking being re-traumatised by officers entering their property with keys, without waiting to be let in, as well as threats of repercussions if people complained, and rude and intimidating behaviour.

I seriously question why the Home Office has granted contracts to companies that have very dubious records in other contracts they hold. Only recently, staff of the security firm G4S were found to be abusing detainees at Brook House. The conduct of the staff was disgraceful, but so was the lack of Home Office oversight. What assurance will the Minister give that companies with such terrible records will not continue to be granted asylum accommodation contracts? Will he confirm that when we find appalling practice, we can terminate the contract? Will the Minister agree that councils are much better placed to manage the service? They already manage the COMPASS contracts. It seems unlikely that they will achieve those savings. The dispersal system has not worked. Instead, asylum seekers are clustering in some of the most deprived areas of the country, which are already at the sharp end of cuts to local government and are now being asked to absorb the significant extra costs associated with housing and integrating high numbers of asylum seekers and refugees.

The report highlights some success stories. The vulnerable persons resettlement scheme has involved local authorities in designing the process to offer holistic support to refugees and facilitated integration. Will the Minister re-examine the dispersal policy and roll out the resettlement scheme’s approach to all asylum seekers in the UK?

Does he agree that privatising that service provided this Government with yet another reason to cut funds from already stretched council budgets? Councils are not being given the opportunity to use such funding to invest in the local area for the benefit of all; instead, it is being used to provide substandard housing to make a profit.

Standards in asylum accommodation are shocking. Nobody should live in a vermin-infested house, or in fear of officers who could arrive at any time. The Home Office’s approach to the issue highlights underlying trends: an inability to deal with its caseload, a lack of transparency and accountability and the pursuit of cost savings above what is best for communities. I encourage the Minister to re-examine that approach and accept the Committee’s recommendations.
with detention for returning people. They are different things, and bringing them together in the way that the Opposition spokesman did is wrong and does a disservice to the position that we take as a country. We try to be clear about how we want to deal with asylum seekers, and I will come to that.

The opening and closing remarks made by the hon. Gentleman on the state of accommodation in asylum were also somewhat misleading. Hon. Members from his own party have said that much of the accommodation is very good. I will come to that point. I do not deny that any property that is not up to the right standard, whether it is social housing or accommodation for asylum seekers, is not acceptable. However, to cast it in the way that he did is simply wrong. Having visited Barry House recently, I disagree with him categorically.

Similarly, I understand the point that the right hon. Gentleman was trying to make about what I always refer to as the compliant environment. Again, it is not helpful to have that in the same conversation, because it does not apply to someone who is gaining asylum. He is right about that. Somebody who is gaining asylum will hopefully play a hugely important part not just in our economy, but in our communities and our society. Much as he described, when I have travelled around the country meeting people who have been resettled, whether they are refugees or people who have gained asylum, I have seen that they play an important part in their local community and are valued by the community. He made a good point about that. I am happy to confirm that the compliant environment is a different thing. It is about people who are here illegally, which is different. Personally, I try to keep them in different conversations, because asylum is different from being here illegally.

Afzal Khan: To ensure that things are clear, I am not saying that all accommodation is poor.

Brandon Lewis: That is what you said.

Afzal Khan: Well, we can check that again. Some of it is appalling. The key point on which I wanted clarification is whether the Minister, in saying asylum and detention are being mixed up, is saying that asylum seekers are never detained.

Brandon Lewis: I am saying that confusing the completely unacceptable and abhorrent scenes that we saw in the “Panorama” programme on Brook House with somewhere like Barry House and the work done by organisations around the country on asylum accommodation is simply wrong. It is a mistake to go that way. It gives the wrong impression and confuses two very different things.

Ultimately, the United Kingdom has a proud history of providing an asylum system that should look to protect and respect the fundamental rights of individuals seeking refuge from persecution. I have always been clear that I personally and we as a Government are committed to continuing to ensure that destitute asylum seekers are accommodated in safe, secure and suitable accommodation. They should be treated with dignity while their claims are considered.

Since the current system for asylum accommodation contracts began in 2012, there have been changes. It is important to be aware that the contracts for the provision of housing for asylum seekers demand high standards of accommodation—in many areas, higher than in the social housing sector. I should also be clear that a third of all properties are inspected every year—more than in social housing—and where it is required, appropriate and requested, that is done in conjunction with local authorities, to involve them in the process. It is a requirement that every property be inspected every month by the accommodation provider. We encourage service users to report defects to their provider as they arise.

The contracts also contain strict time limits within which repairs must be made, and we in the Home Office have an inspection monitoring regime to ensure that those time scales are met. The vast majority of accommodation provided has been maintained at a good standard, but as with all housing, property defects and issues can and do occur. Where they do, our providers are required to rectify them. If any hon. Members have examples of where that has not been done, I want to know about them so that we can chase them through the system.

Stuart C. McDonald: Does the Minister understand that despite this apparently significant sanctions regime, the fact that so many problems still seem to arise repeatedly and routinely across the country has utterly undermined faith in the inspection regime? Is that not all the more reason to hand the inspection role to an independent organisation or to local authorities?

Brandon Lewis: I was just going to say that since the Committee published its report almost a year ago and started its inquiry two years ago, a number of improvements have been made to the contracts and services provided. We must be cautious about accepting some of the things that we read and the stories that we hear. That is why, if somebody raises an issue, I always want to look into it to get the detail. For example, if there is a complaint about accommodation, I will want to chase it further, and I encourage Members to give me details.

We need to be cautious about some of the examples. An hon. Member mentioned a case involving blood on the walls. Members should be aware that we have investigated that allegation, which has been repeated a few times. When questioned about it, the service user who was living there confirmed that the marks on the wall turned out to be not blood at all, but spilt fruit juice. We need to ensure that we are clear that the issues are issues; if they are, we should deal with them.

My right hon. Friend and predecessor informed Parliament last year of a number of changes made to the contracts already in place, including the provision of additional funding to increase the number of housing officers. Members have asked about asylum case working and welfare. We are increasing the number of asylum caseworkers. In particular, we are focusing on non-straightforward cases to reduce the number of people awaiting a decision. The Chair of the Committee referred to the letter that she received from the Home Secretary outlining the work that we will be doing and delivering on, particularly relating to pregnant women. As the letter outlines, there are some complications, but that highlights why we should not have a blanket approach; we should look at every person’s individual needs. We are looking at changes such as additional funding for increasing the number of housing officers, providing more funding to allow providers to procure properties for the increased number of service users, and exploring
different commercial models to encourage providers to procure additional accommodation. Those changes build on feedback from stakeholders, including people who provided the evidence found in the Committee’s excellent report.

As well as those contractual changes, the Home Office has continued to inspect properties to ensure that the accommodation is of the right standard. Interaction with service users has increased by asking questions about their treatment and by ensuring that they are aware of their rights and of how to raise any concerns that they might have. We will continue to meet non-governmental organisations to discuss housing issues formally at an advisory board that we run, and informally by providing avenues for them to raise issues with senior officials.

Chris Stephens: Can the Minister assure us that the providers of housing services to asylum seekers are accredited properly and are registered social landlords? Will the contractor or the Home Office keep a register of social landlords, so that if anyone loses their accreditation, they will no longer be allowed to provide housing services to asylum seekers?

Brandon Lewis: I am happy to liaise with the hon. Gentleman further on that, but I encourage him to look at the changes that we made in the Housing and Planning Act 2016, which I am closely aware of after taking it through Parliament. We made a lot of changes in terms of requirements for housing providers, including the private rented sector. It is worth him having a look at that because it partly covers what he outlined, but I will take his points on board.

That links to the hon. Gentleman’s point about welfare officers. It is worth noting that in the contract extension, we agreed to put in an additional £1 million to support additional welfare officers.

I recognise that there will be issues with asylum accommodation at times as defects arise. With over 40,000 people accommodated by the Home Office, it is important that we deal with issues where we find them. I believe that the standards required by the contract, the inspection regime and the avenues through which people can raise issues and concerns, should they have them, mean that things can be resolved at an early opportunity. As I said, however, I encourage all hon. Members to contact me about any specific allegations, so that we can follow them up.

Since autumn 2016, we have undertaken work to design and develop a new model for asylum accommodation and support for after current contracts expire. We have undertaken extensive engagement with local government, non-governmental organisations and potential suppliers in a range of sectors to understand their experience of the current arrangements and their aspirations for the future.

Hon. Members have touched on the length of the new contracts. We must find a balance between ensuring that the contract is robust, reliable and delivers the services that we want, and ensuring that it is long enough for organisations to make the investments that we want to see, which are backed up by a good business case and by confidence about their future business model.

Stuart C. McDonald: Given that those companies were all willing to sign up to a five-year contract plus a two-year extension, surely that should be the most that we consider? There is no need to sign us up to a 10-year contract this time round.

Brandon Lewis: I am sure the hon. Gentleman appreciates that there is a difference between the business model and the kind of investment that people make on a longer contract compared with a shorter contract. That does not change my point about wanting to get the balance right to ensure that we have a contract length that encourages and requires organisations to make good, solid investments.

With those contracts, we will make a number of improvements as a direct result of stakeholder feedback, which I will outline before I give the right hon. Member for Normanton, Pontefract and Castleford a chance to reply. I will respond more fully to the Committee on the points that I have not been able to cover. It is important to note that we will require more proactive property management and will continue to operate a rigorous inspection regime. We will stipulate more standardisation in the initial accommodation estate—the full-board accommodation that many asylum seekers enter if they have an immediate housing need. That will ensure that there are dedicated areas for women and families and more adapted rooms for people with specific needs, including pregnant women.

The new contracts will improve service user orientation to help them live in their communities and access local services. Underpinning that will be better data sharing with relevant agencies so that they are in a better position to join people to the services they need, which covers the point that a number of hon. Members made. Building on enhancements to safeguarding that have been put in place across the immigration system in recent years, other changes will focus on safeguarding and supporting vulnerable service users. They include the introduction of standardised health checks to identify people with specific physical and mental health needs, and more uniform training for providers’ staff on safeguarding best practice.

Alongside the new accommodation and support contracts, we will introduce a national contract to provide users with advice and assistance for completing applications. It will support service users through the end-to-end asylum support system, help them to co-ordinate the issues and problems that they encounter, and ensure that they are referred to the right people so that those problems can be resolved.

The advice, issues resolution and eligibility contract will provide a single contact point for service users to register complaints—thereby building a relationship—and to report problems. It will build on the work that we in the Home Office have undertaken with the Department for Work and Pensions to ensure that newly recognised refugees can swiftly access benefits and employment support services. We will commence procurement for that contract in 2018.

I am grateful for hon. Members’ interest and input in the debate and for the passion and clarity with which they made their cases. That shows a common view that in principle, we want to ensure that we provide for people seeking asylum. That experience means that when they gain asylum, they can take part in and make
a valuable contribution to society and have a valued life of their own. That is something that we should be proud of as a country and I am determined to continue that.

2.57 pm

Yvette Cooper: I thank all hon. Members from the Select Committee, the Back Benches and the Front Bench who have contributed to the discussion, which I hope has been helpful. I welcome some of the points that the Minister made about the specific provisions they will put into the contracts to try to improve quality. I also welcome his commitment to ensuring that there is proper, respectful and quality support for all asylum seekers and refugees in this country.

I press the Minister on a series of additional points. First, will he or the Home Secretary come back to the Committee in a couple of months to discuss the progress of cases, specifically of pregnant asylum seekers, to ensure that they are being dealt with? Secondly, will he further consider the action needed on the issues of quality that have been raised by many hon. Members and on the individual cases of substandard quality and conditions that are not fit for people to live in, for example in the constituency of my hon. Friend the Member for Bristol West (Thangam Debbonaire)?

Thirdly, will the Minister reconsider the contract structure? I understand his point about the impact that a long contract can have on costs, but evidence across the public sector shows that those long-term contracts often need to be adjusted, which adds costs because circumstances change. I am not convinced that a 10-year contract is in any way a good thing for a service such as this where demands change so substantially.

Fourthly, in addition to restricting the time length and adding an additional inspection, I ask the Minister to look again at the role of local authorities. He is missing a trick and missing the opportunity to bring in the positive commitment from people in communities who want to provide support and to be part of the process of providing help for people fleeing persecution, but who, because of the way that the current system is designed, see it simply as a private sector contract and a professional process that has nothing to do with them or with communities.

The Minister referred to partnerships working together and data sharing. Data sharing is a minimum, but it is not sufficient. Local authorities have to have some responsibility and funding in place to get those partnerships in place. There needs to be a different approach that allows the positive commitment that so many communities have to supporting refugees and asylum seekers to be part of the process.

I hope the Minister has listened to the points that have been made. I welcome the fact that he has moved and responded to some areas. I hope we can continue this dialogue.

Question put and agreed to.

Resolved,

That this House has considered the Twelfth Report of the Home Affairs Committee, Asylum Accommodation, Session 2016-17, HC 637, and the Government Response, HC 551.

UK Victims of IRA Attacks: Gaddafi-supplied Semtex and Weapons

3 pm

Dr Andrew Murrison (South West Wiltshire) (Con): I beg to move,

That this House has considered the Fourth Report of the Northern Ireland Affairs Committee, HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons, Session 2016-17, HC 49 and the Government response, HC 331.

It is a pleasure to introduce the debate. If I may, I will start with the words of Colonel Muammar Gaddafi. In 1972, he announced on Libyan radio:

“We support the revolutionaries of Ireland, who oppose Britain and who are motivated by nationalism and religion…There are arms and there is support for the revolutionaries of Ireland…We have decided to create a problem for Britain and to drive a thorn in her side so as to make life difficult…She will pay dearly.”

Well, we did pay dearly; specifically, the victims of Gaddafi and of the IRA paid dearly, and continue to do so to this day. From the early 1970s to the 1990s, the Gaddafi regime provided many tonnes of arms and ammunition, millions of dollars of finance, lots of military training and bucketloads of explosives. A series of shipments in the mid-1980s delivered up to 10 tonnes of Semtex, an explosive synonymous with the bombings in Enniskillen, the Baltic Exchange, Warrington, the Docklands and elsewhere that we are all familiar with—all of us who saw them night after night throughout the troubles, on our television screens or more directly.

I was not a member of the Select Committee on Northern Ireland Affairs when evidence was taken, but it is very clear from reading the report that the most powerful witnesses were the victims. If I may, I will read out some of the accounts given in the report, because it is important to put our debates in this place, which are often rather academic, into a personal framework:

“Mrs Hamida Bashir, whose son was killed in the Docklands bombing in 1996, told us: ‘My words are sadly not sufficient to express the tremendous pain I feel as Inam was a lovely and kind boy’. Mrs Gemma Berezzag, whose husband was left blind, paralysed and brain-damaged in the same attack, told us: ‘My Zaoui is now very ill and getting…worse…but I will do my best to care for him as I love him and can’t imagine my life without him’. Mrs Berezag passed away in 2016, having provided daily care for her husband for 20 years…Colin Parry, whose 12-year old son, Tim, died following the Warrington bombing in 1993, told us: ‘Describing the final moments of your child’s life is beyond words…because, as a parent, there is no greater pain or loss than the death of your child’.”

I do not think that it is possible to have taken evidence from those victims, or from others whom I have met in my current role, without being overwhelmed by their dignity, stoicism and patience. They are the politically inconvenient, the ignored, the sidelined. They deserve better.

The Committee had hoped that its report, published on 2 May, would encourage the next Government to adopt a fresh approach. What we got was this Government’s flat rejection of all 12 of our recommendations. To put it mildly, the Committee was disappointed.

Let me go through some of the background. In April 1984, PC Yvonne Fletcher was murdered outside the Libyan Embassy. Our diplomatic relations with Libya,
which had always been strained, were—of course—severed. On 21 December 1988, PanAm flight 103 was blown up; it crashed into the town of Lockerbie and 270 people died. The Libyan convicted, one al-Megrahi, was jailed for life, released by the Scottish Government on compassionate grounds and welcomed as a hero in Tripoli. He died three years later.

After sponsoring 25 years of mayhem in the UK and elsewhere, by 1995 Libya was said to have started coming in from the cold: it confessed to the scale of support that it had been giving to republican terrorism, and it appeared to have stopped giving assistance to the IRA. That led to Sinn Féin-IRA realising that the game was up, and thus to the negotiations that eventually led to the Good Friday agreement of 1998. Mr Blair restarted diplomatic relations with Libya in 1999, and compensation was paid to the relatives of Yvonne Fletcher and the victims of PanAm flight 103.

There followed something of a love-in between Gaddafi and Tony Blair. Mr Blair said of the man responsible for wholesale murder and butchery in the UK: “He’s very easy to deal with. To be fair to him, there’s nothing that I’ve ever agreed with him should be done that hasn’t happened.”

No doubt he was as pleased as Punch that Shell signed an agreement at around that time for half a billion dollars-worth of gas exploration rights and that BP resumed its investment in the region. That was great for business, but it did nothing for Gaddafi’s victims. I am left wondering whether those are the British values that Tony Blair was so pleased to espouse. Well, they are not my values, and I hazard a guess that they are not the values of right hon. and hon. Members gathered in the Chamber, either. It is clear from the evidence given that the then Government missed a vital opportunity to act on behalf of IRA victims at a time when Libya was seeking a rapprochement with the west.

Of course, the UK was not the only country with Gaddafi victims among its citizens—and this is where the UK Government’s position starts to look especially shameful. The US was much more proactive, amending legislation to allow access to the frozen assets of terroristic countries and of the companies that were doing business with them. Libya then settled, but President Bush deleted the UK co-litigants from the deal. Evidence heard by the Committee suggests that the Government of Gordon Brown decided to get involved at a very late stage and that any pressure on Washington was purely tokenistic. That approach continues under the current Administration. I am sorry to say: in a letter of 20 November, the Foreign Secretary ruled out even the threat or intimation of accessing or continuing to freeze terrorist funds. That stands in stark contrast to the United States’ policy.

In 2004, Libya agreed to pay compensation to the French Government for the 170 people killed in the bombing of UTA flight 772 in 1989. The previous year, the French Government had done what the UK Government would not and still will not do: they threatened to use France’s position as a permanent member of the UN Security Council to block the lifting of sanctions in order to extract rightful compensation. The Foreign Secretary’s letter of 20 November makes it plain that the UK still will not use its influence in the way that the French Government, with their more muscular approach, have done to good effect.

The German Government secured $35 million in compensation for the German victims and families of those killed in the 1986 bombing of the La Belle discotheque in Berlin. It was clear to the Committee that the UK Government did not pursue compensation for UK victims with anything like the determination and vigour of the Governments of France, Germany and the US, and UK victims are entitled to ask why not.

In the early years of the coalition Government, post-Gaddafi, it seemed from the Committee’s analysis that a more robust approach was being taken. David Cameron was quite upbeat about it in his first days and weeks in office. He said:

“We need to be clear that this will be an important bilateral issue between Britain and the new Libyan authorities. Clearly we have to let this Government get their feet under the desk, but this is very high up my list of items.”—[Official Report, 5 September 2011; Vol. 552, c. 33.]

However, nothing transpired. No leverage was placed on de facto Governments. I visited Tripoli three times as a Defence Minister between 2012 and 2014. If victims featured at all, they were in the margins. I very much regret that and am sorry about it. Why have consecutive UK Governments taken such a laissez-faire approach to victims, in stark contrast with the US, France and Germany?

In the previous Parliament, Lord Empey’s private Member’s Bill placed a statutory duty on the UK Government to take every step they could to prevent asset release until a compensation package from Libya was agreed. That most reasonable and moderate Bill was passed by the House of Lords, but there was not enough time for it to be considered in the Commons before the end of the Session. Lord Empey’s Bill would not have challenged EU or UN strictures on seizing assets, but would have been a sign of Government intent to lever justice for victims. I commend it to the Minister and seek his advice on its further progress.

My Committee’s report put various points to the Minister. He is a good man and I know he did his very best to answer them fairly, frankly and openly. However, we are left wanting more. We need to know why the Government consider claims for compensation to victims to be a purely private matter when the US, France and Germany actively espouse the causes of their citizens. In the Minister’s view, will Libya ever offer financial compensation or are we simply kicking the can down the road? Although it is not an option I personally personally favour, why precisely is a UK reparations fund to give financial compensation to victims not a viable option in place of extracting reparations from Libya, a course of action the Government seem reluctant to take? What exactly will the Government do to be “more visibly proactive on this file in the future”, as stated in the Minister’s recent letter to the Select Committee?

The Committee that I chair is completely resolved that we will move on this matter and that justice will be done for victims. We will call the Foreign Secretary before the Committee on a regular basis to explain what progress has been made. Although our sessions are always cordial, he cannot necessarily be assured of an easy ride until this is resolved.
In discussion with the Foreign Secretary, colleagues from Northern Ireland expressed the view that there was a need for a new institution there to treat the various health issues, especially mental health issues, faced by victims. I do not want to disagree with that—I see the hon. Member for Strangford (Jim Shannon) here—and I do not know whether that is needed, but those parliamentary colleagues know their area much better than I. My point in respect of that as an issue for the Foreign Office is that it does nothing for my victims and is therefore not a complete solution.

The second point is whether the Government should fill the vacuum until the situation in Libya stabilises, after which we might be able to reach agreement on what is owed by whom. Again, that was raised by the Chair of the Select Committee. This would include the £9.5 billion of assets frozen in London and mentioned in recommendation 9 on page 5 of the report. What is most upsetting for victims is that other countries have secured compensation as outlined in the report, but our Government have not, as is mentioned in recommendation 12 on page 8.

That brings me to the third point of misunderstanding. Other countries have been able to secure payments from Libya. When we met the Foreign Secretary, I understood him to say that in the case of American victims, for example, the Libyans paid up under the threat of legal action—a threat that the USA then waived. Perhaps that is my misunderstanding of the discussion that we had with the Foreign Office, but the bottom line is that US citizens, and those of other countries, received compensation, whereas our victims are dying, or struggling to live, without any.

The correspondence of 20 November from the Foreign Secretary to parliamentary colleagues who attended the meeting mentioned by the hon. Member for South West Wiltshire clearly highlights the misunderstandings I have referred to. In the letter, the Foreign Secretary said:

“I was also pleased we were able to agree that...we should not call on UK taxpayer money to establish a compensation fund...we concluded that UK Government discussions with the Libyans should focus on exploring the possibility of a fund to focus on community support, rehabilitation and reconciliation, and not on monetary compensation for individual victims”.

Colleagues who were at that meeting did not agree that we should not call on the UK taxpayer. The Government might think that it is not appropriate to do so, but some of us believe that it is. As for the focus on community support, some colleagues in Northern Ireland want some community support, as I mentioned, but that was not the focus for many of those representing mainland victims.

The Foreign Secretary went on to say:

“At our meeting, we discussed the feasibility of the UK using its veto in the UN Security Council...to prevent the unfreezing of assets until the Libyans had agreed to pay compensation to UK victims.”

He went on:

“The Foreign Office’s assessment is that it is extremely unlikely any other members of the Security Council would support such action to block the unfreezing of Libyan assets”.

I thought that the essence of a veto was that we did not need the other members of the Security Council. If the UK imposes a veto, it applies to everyone. That is one of the most powerful weapons that we have for reaching an
agreement in our negotiations with the Libyans. I know that the Libyans say that we owe them money for other aspects of foreign policy, but it is a negotiation, and so far we do not seem to be entering into it.

Finally, the letter clarifies the position:

“In the US, an exception to the defence of dispositive foreign immunity was provided to enable victims to sue foreign States who are designated as being state sponsors of terrorism...the UK has no such exemption for state sponsored terrorism”.

The question that some of us were asking was why we do not have the same power in the UK, for our victims, as US citizens have for theirs. If that would take Government regulation, or legislation, I should think it would command support across the House.

In concluding I want to quote the words of Matt Jury of McCue Law, which has been involved with colleagues, in supporting the victims over many years. I think that what he says applies to the majority of those campaigning on the issue:

“Most of us involved continue to oppose the Government’s policy on this. The Government should be espousing the victims’ claims rather than obliging them to fend for themselves. The Government should be taking proactive steps to use the leverage it has to force a resolution. Payment of compensation directly to the victims is the only satisfactory resolution...Assessing victims’ eligibility for such compensation is no barrier and can be readily done. If Libya will not settle the victims’ claims now then, as recommended by the NIAC, the Government should do so in lieu and recover such monies itself from Libya at a later date. The Government should give further consideration to the use of its veto at the UNSC to prevent the unfreezing of assets until Libya has paid compensation.”

The campaign continues. There is renewed interest from the Foreign Secretary and Home Secretary, and the Government are demonstrating much keener interest in the issue than any UK Government have done for years; I hope that indicates that they are more interested than they were in a resolution, in spite of the misunderstandings I have mentioned—on which I do not place huge importance, because everyone can take different things from different meetings. I hope that the Minister can give us some encouragement and say that the report of the Northern Ireland Affairs Committee takes us further along the road.

3.25 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to contribute to a debate on an issue that greatly affects us in Northern Ireland. I thank the Chair of the Northern Ireland Affairs Committee, the hon. Member for South West Wiltshire (Dr Murrison), for raising the issue and setting the scene so well, and my colleague the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), who outlined the case on behalf of his constituents.

It is important to have a Northern Ireland perspective on the matter, because the report was produced by the Northern Ireland Affairs Committee. I was not a member of the Committee when the report was produced; I have been on it only a short time, and am pleased to serve under the chairmanship of the hon. Member for South West Wiltshire. I make no apologies for rising to speak again on the issue. Indeed, instead of an apology I make a promise, along with the rest of my colleagues in this place—those who are not here but would have liked to attend and speak—that we will keep on raising the issue until our constituents receive some form of recognition and justice.

I am pleased to see the Minister in his place, as well as the shadow Minister, the hon. Member for Bishop Auckland (Helen Goodman). The Minister knows that everyone in the House has the utmost respect for him. It goes without saying that I do. However, there are things that must be said today, and I do not want him to feel that I am in any way attacking him; I am not, but I have to make my points clearly. I want to say that before I begin, because it has never been my way to attack people. I do not do that in the House; it is not my form.

There may be some who think that we have heard it all before and do not need to hear the details of the atrocities again: we know it was terrible. However, I will repeat what was done with Libyan-sponsored Semtex and arms, to remind the House that what we are discussing is not simply statements of support, which are bad enough, but action that caused horrific deaths and injuries that have lasted until today. Many people carry and share those burdens of injury and trauma: families who are without parents, without children, and without loved ones. At present they are also, I am sad to say—with great respect to the Minister and the Government—without a Government who are determined to put oil interests aside and put the interests of justice and their people first. I hope I am wrong in saying that. I look kindly towards the Minister and want him to prove me wrong, please.

I read a summary in The Guardian that set the scene well, and will quote from it to give a wee bit of perspective on where we are, among the passionate contributions that have been made to the debate so far, and those that will follow:

“In the early 1970s and later in the 80s, Muammar Gaddafi’s regime supplied the Provisional IRA with tonnes of weapons including semtex explosive, which was made in the Czech Republic. The odourless semtex was used as a powerful booster for bombs that devastated parts of the City of London”,

as the hon. Member for Poplar and Limehouse mentioned, “as well as other British cities during the latter days of the Troubles.”

The Gaddafi regime also supplied more than 1,000 assault rifles to the IRA—enough to arm two infantry battalions. On top of the guns the then Libyan regime also smuggled flame-throwers, Soviet-made grenades, mines and anti-aircraft weapons to the IRA to take down helicopters. Those were weapons of war to murder people across the country of Northern Ireland—men, women and children.

I suppose we all watch war films, but that was not the stuff of “Rambo” or “The Expendables”. It was about the lives of people in my community, members of my family and, indeed, members of other communities across the whole of the United Kingdom of Great Britain and Northern Ireland. People’s lives have been torn to shreds, and that was facilitated by Gaddafi and his regime. Today we in this House are charged with the responsibility of making the point clearly and as strongly as possible, and of looking to the Minister for a comprehensive and helpful response.

Libyan-supplied Semtex was used in bombings that included the Harrods department store attack in 1983, the Warrington bomb in 1993 on the mainland, which has been referred to, and countless atrocities in Northern Ireland—almost too many to mention. We could do a
roll-call, but it is not about that; but we need to encapsulate the issue and the strength of feeling. As we stood around cenotaphs in Northern Ireland, we thought not only of the men who died in the world wars and the more recent wars, but of the service personnel who lost their life in the troubles. Even more poignantly, this year we marked the 30th anniversary of the Enniskillen bombing, when 11 people were murdered at the cenotaph on Remembrance Sunday. That murder was carried out by way of a bomb made up of products supplied by Gaddafi. There is no argument about that; it is what the facts of the case say.

Thirty years later, while Americans who were injured or bereaved in this way have seen their country secure a form of restitution, our people who lived through some of the most horrible atrocities day in and day out, and who saw entire communities shredded to pieces, are still asking for some form of recognition. Quite clearly, our point of view has to be heard.

I have said it in this Chamber before, and I will say it again, as other right hon. Member and hon. Members have done: no amount of money can heal a broken heart, but it can help to pay the bills of those who are left behind, such as the one-parent households where there should be two parents. Money cannot walk a daughter down the aisle when her dad is not there, but it can take off some of the burden and stress of paying for the wedding, which will not be the same. Money cannot bring mothers home, but it can allow a dad to work less, so that he can do more elsewhere. My constituents deserve recognition, as do yours, Mr Gapes, and the constituents of all of us in this Chamber. The Government must do their part to provide it.

It is for that reason that I feel particularly disheartened by the response of the Government up until now; I am almost grieved to say that I feel so annoyed about this issue, as many others do. I am particularly disheartened to find that the call by the Northern Ireland Affairs Committee for a reparation fund—I sit on the Committee now but did not at the time it made that call—has been summarily rejected, and that there is to be no use of the UK’s influence regarding its political or financial support to Libya as leverage to secure reparation. How frustrated are all three of us who have spoken today and those who will follow afterwards? There are people in the Gallery who are victims, or supporters of this cause, and they feel equally burdened and let down.

I constantly ask Ministers to use whatever diplomatic pressure they can to bring about changes in human rights in countries that we give financial aid to and trade with. That is part of my job as the chair of the all-party group on international freedom of religion or belief; the Minister speaks out forcefully on those issues, as we all do. I am given assurances that we use that influence in those cases, so why is this situation any different? Why are we making this point in the House today? Why is it not in the UK’s best interests to use what influence we have to get justice for our own? Are we a second-class nation, compared with the USA? I certainly hope that we are not. The USA secured a $1.5 billion compensation fund for American victims of terror attacks that were blamed on Libya, including the Lockerbie bombing, which many of us vividly remember.

Are our deaths less important than those US deaths? Do we care less for our own than the US does? Are we the poor relations to Americans and their rights? Quite clearly, the answer to that is: no, we are not, and neither should we be. We need to address this issue. We are the greatest seat of democracy in the world, and what a privilege it is to sit in this House and a Member of Parliament and to speak on behalf of our people. Why are we not able to use that influence to help our people who have been hurt by an evil man who was set on destroying British people by any means possible?

The hon. Member for South West Wiltshire gave the real thrust of what Gaddafi was about. These were attacks on our democratic process, our British way of life, and our right to stand up for freedom and democracy. That is why we speak out on behalf of the victims today.

The response of the Government to the Northern Ireland Affairs Committee’s report is—may I say so, Mr Gapes?—insulting at best and at worst could be classified as neglectful. As I have said, it was not statements by Gaddafi that led to these atrocities; it was actions. It is not statements of sympathy by this Government that will lead to healing; it is action. With respect, it is not platitudes or words that we want; it is actions and compensation for the victims of Libyan terrorism.

The refusal of the Government to step up and move out for our people cannot be accepted. That is why we are today again talking about the Libyan state sponsorship of IRA terrorism. We demand more from our Government and from our Minister. Please give us no more words of sympathy; give us action. Stand up and use what we have to say to people, “Your—our—loss is important enough for us to take real and meaningful steps. You are as important to us as the US citizens are to their Government.”

We can understand how frustrated, angry and dismayed people are when they see what is happening. We are expressing those feelings on their behalf in a small way—not with the same personal feeling, because we were not part of those events, although some of us served in uniform so perhaps were, in a small way, part of the process in which those around us lost their lives.

Minister, here are some direct questions that I feel I must ask and that we need a response to. Taking into account the indisputable fact that the Libyans played a massive, direct, deliberate, murderous and brutal part in a campaign of murder of hundreds of people UK-wide, why is a UK reparations fund for victims not a “viable option”? What does “not a viable option” mean? Do the Government not understand the issues? Why is it not in the UK’s national interest to use political or financial support for Libya as leverage to secure compensation for victims? As the hon. Member for Poplar and Limehouse said, why not use the funds that are frozen in British bank accounts? If we have them, let us use them for our people and make sure that they are looked after. To whom is our responsibility? To our people, so let us have answers that grasp the importance of the issue, and the nettle.

My conclusion is simple. I say to my Government, my Prime Minister and my Minister that if we wanted to take back our sovereignty—that is why we are leaving Europe—it is because we wanted as a nation to stand on our own. What kind of a nation would we be if we did not stand up for our own? What kind of people are we when we do not look compassionately at lives decimated by evil, and do not offer more than sympathy? That is not the country that I believe we are; I believe that we are better than that, and we need to prove it. We must act in this matter in a very British way, which is supporting
the rule of law and justice, standing up and speaking out for what is right, and championing the underdog, which is what many of us do in this Chamber on a regular basis.

Minister, we look to you, because you are the Minister who will respond, and I urge you to do the right thing. Provide the support; take steps to see moneys released; and send this statement to those who target our citizens for whatever reason: “Target us and we will not take it lightly, but will instead respond”—not necessarily militarily, but in a way that is financially helpful to the victims. The sun never set on our nation; that was something I learned at school, which was not yesterday. Our nation abolished slavery, championed the right to live a free life, and promotes the most basic of all human rights: the right to life. That is the nation that I am proud to be a part of—the United Kingdom of Great Britain and Northern Ireland. All of us in this Chamber are part to be proud of it, and are of the same mindset.

Renew our pride, remind other nations exactly who we are, and let us do what we should have done years ago: get recognition and financial help for those who have been bereaved or injured by Libyan-sponsored state terrorism.

3.37 pm

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Gapes.

I welcome the work of the Committee and its report, and I commend the Chair, the hon. Member for South West Wiltshire (Dr Murrison), for a very powerful contribution setting out the Committee’s findings, as well as its response to the Government’s response. I note the cross-party and consensual basis on which the Committee has operated, both before and after the election. It is one of the few Select Committees of the House on which the Scottish National party does not have representation, but I have read the Committee’s conclusions and the Government’s response with some interest.

The delay in the Government’s response is perhaps yet another regrettable consequence of the general election, but I am glad that following its publication we now finally have the opportunity to debate both it and the Committee’s report.

I think that it is pretty clear—from the report itself, from the Government response and from the contributions that we have heard today—that successive United Kingdom Governments have been found wanting in this area. There has been a series of missed opportunities, dating back at least to the time of Tony Blair, to sort out the issue of compensation.

It is also clear that there must now be renewed efforts, dialogue and fresh thinking to ensure that the victims receive the support and compensation that they deserve. I note in the findings of the report—the Chair of the Committee also emphasised this—that for some of these victims and their families time is beginning to run out, and we must make every effort to make sure that justice delayed does not turn out to be justice denied.

I accept that there is a range of diplomatic and legal challenges, which have already been set out and covered. Of course, there are serious issues about the stability of Libya, including the efforts to establish a functioning Government with which we could have any kind of diplomatic dialogue. As an aside, I note that the UK Government have spent much more time bombarding that country than they have done trying to rebuild it and restore some kind of stability. I also understand that there might well be legal hurdles in releasing frozen assets, but the question has rightly been asked about whether every legal and diplomatic option is being pursued. What support can the Government provide for efforts such as Lord Empey’s Bill, which was mentioned?

We welcome the support available for victims and their families, and the Government’s response lists various trusts and funds that victims can turn to. We need to ensure that everyone who might have cause to access those things is aware of the opportunities. I pay particular tribute to the work of the Tim Parry Johnathan Ball Peace Foundation. I had the privilege and honour of visiting the Peace Centre in Warrington earlier this year. I have a number of constituents who have been affected not by IRA terrorism, but by terrorism overseas and, sadly, the growing terrorist threat leads to a continuing need for the work of that centre. I was deeply moved and inspired by the innovative work that goes on there, and I had the privilege to meet Colin Parry briefly in passing while I was there. I pay tribute to the work that is going on, but more clearly needs to be done.

We recognise the importance of and sensitivities around this issue. We hope that progress will continue to be sought on a cross-party basis and as consensually as possible. It is clear from the contributions to this debate and from the report that the UK Government must leave no stone unturned in seeking compensation and providing victims with the support they need and deserve.

3.41 pm

Helen Goodman (Bishop Auckland) (Lab): It is a pleasure to serve under your chairmanship, Mr Gapes. First, I bring the apologies of my hon. Friend the Member for Ealing North (Stephen Pound). He has an engagement in his constituency and I am standing in for him.

I begin by thanking the hon. Member for South West Wiltshire (Dr Murrison) for his work and that of the Northern Ireland Affairs Committee. He made a powerful speech. Excellent speeches have also been made by my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) and the hon. Member for Strangford (Jim Shannon).

We in the Labour party are proud of the role we played in bringing about peace in Northern Ireland. We believe that we have a duty to protect that legacy and move it forward. We in this House must never forget the pain, hurt and destruction that the troubles brought to many people in Northern Ireland and throughout the United Kingdom. The debate focuses our minds on that.

The Labour Government worked to move the Gaddafi regime away from the production of weapons of mass destruction and towards acceding to the chemical weapons convention in 2004 with the hope of providing greater stability in the region. I accept the disappointment expressed by the hon. Member for South West Wiltshire about the treatment of victims by Governments of all stripes.
The Select Committee’s report concerns an important issue. The Committee took evidence from victims and victims advocacy organisations along with their lawyers. The report, “HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons”, makes some recommendations on what the Government can do to support victims.

The potential use of an estimated £9.5 billion of frozen Libyan assets to provide compensation to victims is mentioned on page 23, where paragraph 62 states: “The FCO told the Committee that the EU Regulation prohibited the release of frozen assets in the UK without a licence from HM Treasury.”

The hon. Member for South West Wiltshire is lucky that I am responding to this debate, and not my hon. Friend the Member for Ealing North, because I am the Opposition Front Bencher responsible for the Sanctions and Anti-Money Laundering Bill that is coming down the tracks. It is currently in the Lords and will come to our House in February. I accept what the Foreign Office says about the legal framework provided by the EU regulations and the United Nations Security Council limiting the room for manoeuvre, but either in the other place or when the Bill comes to us Ministers could consider the scope for making amendments to the regime to make some progress in the way the Select Committee suggests. I am not saying that that will happen, or that is possible, but Ministers should certainly make an undertaking, because there is clearly a potential legislative vehicle for this.

The Committee is calling on the Government to do more to negotiate a settlement with the Libyan Government and broker compensation arrangements similar to those made by the United States Government. We accept the Foreign Office’s assessment that that cannot be handled speedily and ultimately might not be successful. At the same time, Her Majesty’s Opposition hold to the view that in the immediate term the Government should provide a special pension to all those who were seriously injured as a result of troubles-related incidents, as advocated by many groups that represent the interests of victims.

The Government know they have a duty to ensure that those individuals receive the right assistance and support in coping with life-changing injuries. A victim’s pension would provide for those who may not have been able to build up an occupational pension over the years and may have additional and complex care needs due to their injuries. That should cover not only the victims referred to in the report, but all victims. The Government should consider that now. As the years go by, more victims who have been affected pass away. As the hon. Member for Glasgow North (Patrick Grady) pointed out, the issue is becoming increasingly urgent as time goes on.

It is only right that the Government stand up for the victims of all atrocities that occurred throughout Northern Ireland’s troubled and painful past, both internationally and here at home. We welcome the Committee’s report and the work it does in standing up for people in Northern Ireland and beyond. It is time for the Government to take more action.

3.47 pm

The Minister for the Middle East (Alistair Burt): It is a particular pleasure to serve under your chairmanship in a debate such as this, Mr Gapes, knowledgeable as you are of foreign affairs. You will know the issue extremely well, so it is good to see you in your place.

I thank all hon. Members for their contributions. I particularly thank my hon. Friend the Member for South West Wiltshire (Dr Murrison) for securing the debate and, through him, all the Members of the Northern Ireland Affairs Committee for their continuing commitment to supporting the victims’ cause in Parliament. I thank other colleagues for their pertinent contributions today, which give plenty of food for thought.

As the hon. Member for Bishop Auckland (Helen Goodman) was gracious enough to acknowledge, when we look back at the past and the opportunities that might have been missed, this is not a great chapter for any Government, but it is important to remember that these events were not brought about by the British Government; the report refers to a period of time when Gaddafi was supplying weaponry to the IRA. I gently say to my hon. Friend the Member for Strangford (Jim Shannon) that it was not the Libyan people taking action against the people of Northern Ireland or the United Kingdom. It was Gaddafi following his own determination and his political beliefs at the time, and that makes it difficult when we are talking about a retrospective balance between those who were victims of Gaddafi in Libya and those who were victims of Gaddafi here. I visited Abu Salim jail. I have seen the place where Gaddafi machine-gunned about 1,200 people in an act of revenge for some attack on his regime. Part of the instinct behind the communal fund, which we will come on to, is to recognise that the people in both places suffered under that man. That is why attempting to find a way to recognise that in a manner that benefits all victims has been so important.

Jim Shannon: All Members who made a contribution mentioned the conversation that the United States Government have had. They made a very clear distinction. Why can we not make the same distinction? I respect the Minister greatly, and he knows that, but I have to speak on behalf of my constituents in Northern Ireland. The US Government have done it. Why do we not do the same?

Alistair Burt: Perhaps I can come on to the United States situation a bit later. Distinctions between types of victims are difficult, and I will come on to that a little later on. First, let me put something on the record in relation to our current policy. I recognise the force of today’s debate, of the conversations that the Foreign Secretary has had in my presence, and of the discussions that I have had as well. This is a difficult area of policy, and it may not be finally settled.

I would like to take the opportunity once again to express on behalf of the Government sincere condolences to all those who have suffered as a result of the horrific attacks carried out by the IRA, and to all victims of the troubles. The Government want a just solution for all victims of Gaddafi-sponsored IRA terrorism, and we will continue to do all we can to make progress on that important but difficult agenda. The Government have raised the plight of victims of Gaddafi-sponsored IRA terrorism with the Libyan authorities at the highest level. The Foreign Secretary raised their cases with Prime Minister Sarraj during both of his visits to Tripoli, most recently in August this year. I intend to follow up on those conversations when I next travel to Libya.
Between 2010 and 2013, when I travelled to Libya I always raised the issue of compensation because it was a live issue back then. I raised it with either the then Attorney General or the then Solicitor General in Scotland—I cannot remember which—whom I got to know in relation to this matter. It was always on the agenda in the period of time after the fall of Gaddafi. The Libyan Government were obviously in a state of flux at that time, which of course has continued, hampering all our efforts, but it was important to put the claims on the record right the way through, and I sought to do so.

The Foreign Secretary and I welcomed our constructive recent discussions with parliamentarians, and I have recently met with victims groups to discuss their thoughts and concerns face to face. I very much hope that we can continue to engage openly and frankly, and I am sure that we will. That will give us the best possible chance of securing justice for the victims of these terrible attacks.

Clearly, the Libyan Government have a responsibility to deal with the legacy at the heart of the Gaddafi regime, as part of a broader process of national and international reconciliation and justice. The UK Government continue to impress upon the Libyan authorities the impact of Gaddafi’s support for the IRA, and we emphasise the importance we attach to separating one fund would be extremely difficult. Some of us have concerns about putting victims in front of a high-level politician and diplomat, given the imbalance in terms of strength. However, I understand that the emotiveness of it might create a breakthrough. I just raise the concern about exposing the victims in that way.

The second point—sorry, Mr Gapes; I will be very brief—is about identifying the entitlement for individual victims and having community assets. Other countries seem to have done it, and I do not understand why we cannot. I totally support colleagues from Northern Ireland who are asking for a centre or an institution for trauma, mental health, mental welfare and so on, because that would be useful for them. It would not serve a purpose for the people in Tower Hamlets who were direct victims, and that is where there is a distinction between the two.

Alistair Burt: Let me respond as best I can to those two comments. I take the hon. Gentleman’s point about the meeting, but my sense is that there would be sufficient victims and victims’ representatives who would be prepared to take part in such a meeting. It would not be an unmoderated meeting and, of course, I would expect us to be there in some form, whether through embassy officials locally or senior officers from here; in those circumstances, there would probably also be a Minister. I do not think it would be appropriate to ask a Minister from another state, unconnected with all this, to deal with the issue without one of our Ministers being prepared to support those who had come from the United Kingdom. I am sure that we could handle that, but I accept his point that for some people such a meeting would be too difficult and not possible.

In relation to the hon. Gentleman’s other point, there is no suggestion that because the fund has not yet been created or put together, it would be confined to one place rather than another. If the point is to find something that will benefit victims wherever they have been, it must of course apply to mainland UK as well as Northern Ireland. I do not think that those in other countries have had to make an individual distinction between a victim of Gaddafi-sponsored terrorism and a victim of
a terrorist atrocity from another source. That is something that we find difficult and, as we have discussed, we all understand those difficulties.

Jim Shannon: To follow on from the point made by the hon. Member for Poplar and Limehouse (Jim Fitzpatrick), it is quite clear to me, and I suspect to everyone in the Chamber, that if someone was blown up by Semtex, or there were an explosion in which Semtex was used, it was Gaddafi-inspired and sponsored terrorism. If they were shot with a bullet from an AK47, that was Gaddafi-sponsored terrorism. If they were shot by a self-loading rifle, an SA80 or something different, that certainly was not Gaddafi-sponsored terrorism. If we want a factual, historical way of collating what has taken place, I suggest that the weapon or bomb used is an indication of where it came from and its intention. It is therefore easy to diagnose. Forgive me, but I see it very simply. If someone was blown up with Semtex in London or shot by an AK47 rifle in London or anywhere else, that is Gaddafi-sponsored terrorism.

Alistair Burt: I understand the hon. Gentleman completely. It is not difficult to make a distinction based on cause of death, but is he saying that there would be a different system of compensation, and that someone who lost their life in circumstances identifiably traced to Gaddafi would have access to one fund, but those who died in other circumstances would not? That is what successive Governments have found difficult, because the impact of the loss of life due to a terrorist incident is the same, whatever the cause was. It would be difficult to have a fund that distinguished victims and gave some victims and their families access to something that others are denied.

Jim Fitzpatrick: It is patently unfair that some victims may not get compensation and others would. The distinction we are drawing, in the absence of a UK fund to compensate victims of terrorism per se, is that the Libyans have paid other Governments in other countries money to compensate their victims. Apparently, we have not been making the same efforts to get Libyan compensation for our victims. If we can get that for the victims, then it can be identified, let us get them compensation. The British Government ought to be looking after the other victims of terrorism, as I hope they do, from whichever source the terrorism outrage comes.

Jim Shannon rose—

Alistair Burt: I am happy to take the other intervention if it is on the same topic.

Jim Shannon: The hon. Member for Poplar and Limehouse (Jim Fitzpatrick) has clearly hit the nail on the head. The United States Government made the distinction. There is a way of making the distinction. They did it and have shown us how to do it, and I suggest that we do the same. They have done it, and so can we.

Alistair Burt: Of course, in the particular case of the Lockerbie victims, the UK Government intervened directly to secure compensation. However, as we have discussed, individual attribution is being pursued through private claims, and we have sought to facilitate that work through our contacts and everything we have done in relation to that. We still believe that that is the most appropriate thing to do, and that is why we deal directly with the Libyan authorities. We have approached individual compensation differently. The allocation of the compensation fund illustrates the difficulty of individual compensation, but of course if such claims are successful, that deals with that issue. However, as successive Governments have done, we have supported the individual pursuit of claims rather than doing it on a Government basis. That is different from those who have chosen to do it another way—that is quite right. That is the process we have chosen, and that is the process we are continuing to support.

Dr Murrison: I am following what the Minister has to say closely. He is making a convincing argument, but the central fact remains that our closest allies—the US, France and Germany—have secured substantial reparations from the country responsible for those acts. The legal entity, notwithstanding the Minister’s remarks about Gaddafi, is Libya. We have failed to do that, and it is about time that our victims got a better deal. I am sure the Minister agrees with that. The only debate is about how we are going to achieve it. How we dish the money out is a second-order issue. It is important that we get the money in the first place.

Alistair Burt: My hon. Friend is absolutely right. We are continuing to pursue this process by working with the existing Libyan Government and the future Libyan Government to secure that support. That is why a meeting with the Libyan Minister for Justice has been suggested. That is why the Foreign Secretary and the Prime Minister raised this issue, and why I shall raise it.

Hon. Members and victims have understandably asked us to demonstrate even more effort to secure compensation than we have already put in. The ultimate aim is to ensure the Libyan Government is able to respond to the understandable request for compensation for the victims of Gaddafi. That is the position we want to reach. The UK Government, like all of us, are determined to make sure that happens. That is the process we are pursuing.

There are a couple of other things to say. I want to deal with the issue of frozen assets and sanctions. There is no lawful basis on which the UK could seize or change the ownership of any Libyan assets. The UN Security Council resolution under which those assets were frozen, which the UK supported, is clear that they should eventually be returned for the benefit of the Libyan people. To breach that resolution would be a violation of international law. We set that out in our response to the Committee, and that position has not changed.

A veto is an individual response that the United Kingdom could produce, but it would then be used to stop the return of assets. As the Government rightly said, we get no sense from other states that they would support that. Of course, they do not have to do anything—it is our veto—but they would not necessarily understand our vetoing a policy that is designed to return moneys to those who would then be in a position to compensate the United Kingdom and the victims the United Kingdom is pursuing that for. To apply a veto may not be the most appropriate thing. The point that the hon. Member for Poplar and Limehouse and others made is that it is a form of pressure on Libya, which must be correct. We must find other ways of putting pressure on the Libyans.
so that when they are in a position to respond, they understand that they need to make that response. Our contact with the Libyan Government makes it clear to us that they understand that need, but the money is not there at the moment because it is just not there. We must continue to pursue that.

On the sanctions, when the European sanctions rules are changed, we will have to see whether that provides an extra opportunity. I was interested by what the hon. Member for Bishop Auckland said, and that will form part of a further discussion in the future. I noted what she said about pensions. As far as I am aware, that is something new, but we may come back to it in due course.

That is what we are doing in the immediate future, and as far as the future is concerned we will pursue a twin-track approach. We will continue to help victims engage directly with the Libyan Government, as appropriate, to help them pursue their campaign. That is the policy we have followed. As I said, I have previously informed victims that we are exploring the possibility of a meeting for them with the Libyan Minister of Justice. Our embassy in Tripoli has raised this with the Minister several times, and he has agreed in principle to the proposal. I recently wrote to him to welcome that, and to stress our desire to press ahead with arrangements. Such a meeting would demonstrate the Libyan Government’s genuine desire to address the legacy of the Gaddafi regime. In addition, we will explore with the Libyan authorities the possibility of establishing a communal fund for victims, although I should be honest with hon. Members that the current political and economic crisis in Libya means that progress on that is likely to be slow, as the hon. Member for Bishop Auckland said.

There are complex questions at stake with regard to compensation, such as which groups of victims would be eligible, and what type of compensation and support would be right. We discussed that during the course of the debate. Discussions about what a fund would look like are still at an early stage, but we anticipate that it would focus on community support, rehabilitation and reconciliation, and as I said earlier would be accessible to all victims throughout the United Kingdom. I welcome the recent engagement of Democratic Unionist party colleagues on this issue, and I look forward to further constructive discussions in the future. We recognise victims’ frustration at the slow rate of progress. I fully appreciate that although that is an easy sentence for a Minister to say, it cannot in any way cover the pain and suffering that people have been through, but the political, economic and security realities in Libya are making progress on the issue extremely difficult.

The Prime Minister, the Foreign Secretary and I have all made clear the Government’s support for change in Libya and for the UN process being led by Ghassan Salamé. We are actively engaged in that because the sooner the process can be successful and the sooner Libya has stabilisation and a new Government, the easier it will be to press such matters still further.

I repeat the Government’s sincere commitment to help the victims of Gaddafi-sponsored IRA terrorism make progress. I express my gratitude for the positive way in which colleagues from across the House have engaged with the Government on this issue and my sincere desire for that to continue. I recognise that the slow process is deeply frustrating to all those who represent the victims, as well as to those victims themselves, many of whom have campaigned tirelessly for many years to achieve justice. Today’s debate and the determination of my hon. Friend the Member for South West Wiltshire and other hon. Members in the Chamber make an impression. Clearly, this is an issue on which the Government are committed, but the determination and the desire of the House is plainly that we have to do more, to be seen to do more and to explore further ways in which we can redress the balance.

I am grateful as always for the kindness with which colleagues treat me, and hope that I can play my part in resolving the issue. I take that to heart.

Jim Fitzpatrick: I have one last question for the Minister. As has been mentioned by the Chair of the Northern Ireland Affairs Committee, obviously there have been efforts in the other place to help move things along. Has the Minister had a chance to look at that, and will he comment? I am not asking him to compromise or undermine those efforts in any way, but they were mentioned by several colleagues and it would be useful if the Government had words on that aspect of the situation.

Alistair Burt: No. I am aware of the private Member’s Bill going through the Lords. I have no particular response. This is something at the moment—in relation to frozen assets—that we do not currently have being considered. But the Department is considering it very carefully, as well Ministers.

Let me conclude and again thank my hon. Friend the Member for South West Wiltshire for bringing the matter forward. I am fully aware that it is not one that will be dealt with in an afternoon and then go away. Victims and those who represent them have my commitment, and the Foreign Secretary made it clear at his recent meeting with colleagues how important this is to us. It is difficult to unblock but it is clear that we have an imperative from the House to do just that.

4.12 pm

Dr Murrison: I will be as brief as possible, Mr Gapes.

Libya is potentially an extremely wealthy country. It has governance issues, to put it mildly, with which the United Kingdom is assisting. Governance falls into this piece nicely, since compensation for victims is certainly a governance thing. I hope very much that, as we continue to put considerable resource into Libya, we will remind our interlocutors at every available opportunity that they have duties to us as well. I am pleased to hear from the Minister that he is renewing his commitment to getting for victims the justice that they deserve.

I am also pleased that the Minister acknowledged, I think, that the legal entity in this debate is Libya. I fully appreciate that the Libyan people, broadly defined, are not responsible for the actions that we associate with Gaddafi; nevertheless it is Libya to which we have to look for retribution in this particular case. It seems to me odd, if we are improving the governance of a country, as we are in Libya, that we do not make that very apparent to the Libyans. Clearly we need to do so.

I very much hope that the Minister takes note of the noble Lord Empey’s private Member’s Bill. It seems to me to have merit, and there may be a way of advancing
the issue so as not to conflict with European Union law as long as that applies in the United Kingdom, or more particularly, with United Nations rules, which will continue to apply to the United Kingdom.

The Minister will have read paragraph 61 of the report that we are debating and will have noted that on a significant number of occasions, frozen assets have been accessed, notably President Marcos’s Swiss bank account in the interests of rectifying human rights abuses in the Philippines, the assets of Colombian paramilitaries and, most relevantly, frozen assets in the US in respect of Saddam Hussein’s victims and the victims of Iranian and Cuban terrorism. There is precedent; it is clearly not impossible to access those sums, and it is certainly not impossible to threaten to access those sums.

My concern and perhaps that of the members of my Committee is that the Government at the least give the impression that this subject is not a top priority for them. I will accept the reassurances of the Minister and I note that in his comments in response to the report he agreed that there needs to be a better perception of Government’s efforts—but there also need to be better efforts underpinning that perception.

I hope very much that in the months ahead we will redouble our efforts when dealing with our Libyan interlocutors to impress on them how important this matter is to the British people. It is just not acceptable to wait, as happens at the moment, for victims to age and pass on, as too many have, without getting the justice that is their due. British values have to do with justice. They are about getting what is right for victims. Clearly, the victims of Gaddafi-sponsored IRA terrorism have not had justice, and I look to the Minister to ensure that they do. I look forward to him or the Foreign Secretary appearing, in the not-too-distant future, before my Select Committee to report on progress.

Question put and agreed to.

Resolved,

That this House has considered the Fourth Report of the Northern Ireland Affairs Committee, HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons, Session 2016-17, HC 49, and the Government response, HC 331.

4.16 pm

Sitting adjourned.
Westminster Hall

Monday 18 December 2017

[Mr Charles Walker in the Chair]

Enslavement of Black Africans (Libya)

4.30 pm

Paul Scully (Sutton and Cheam) (Con): I beg to move.

That this House has considered e-petition 205476 relating to the enslavement of black Africans in Libya.

It is a pleasure to serve under your chairmanship, Mr Walker. I would like to read the petition into the record. It reads:

“Put pressure on Libya to take action to stop enslavement of Black Africans.

CNN has released video footage of black Africans being sold into slavery in Libya. I am asking the UK government to put pressure on the Libyan government to take immediate action to stop these criminals from selling more people, to set current prisoners free, arrest the criminals and end this.”

I am delighted to welcome the petitioner, Constance Mbassi Manga, who has done a fantastic job in raising this issue and getting so many signatures in such a short space of time. I am delighted that she is able to join us today.

As of this morning, 265,272 people had signed the petition within only about three weeks of it going live, which is a real testament to people's strength of feeling. It is interesting: the likes of Cara Delevingne, Naomi Campbell and Rihanna, and a whole load of rappers who are far too cool for me to even know who they are, have taken up this issue, put it on social media and shared it. All of that, including the petition system, is the IOM reported.

Paul Scully: I understand my hon. Friend's expertise and knowledge of the area and totally agree with him. There is a real risk. We can tackle the atrocities of the slave trade in Libya, and Libya's power vacuum, but ultimately the biggest threat to that part of the world and many others is migration—and not necessarily just migration through conflict. Economic reasons, climate reasons and any number of other reasons are moving such a mass of people, which causes other situations.

Royston Smith (Southampton, Itchen) (Con): On the power vacuum in Libya, the UK Government continue to support the Government of national accord, yet we hear that these things are becoming very much worse. Would it not be right for the UK to consider whether the Government of national accord are perhaps not the answer?

Paul Scully: I am grateful for the intervention. I will be interested to hear from the Minister on we can do to work towards democratic elections, and to create a mainstream Government in Libya, which clearly has not had one for many years. It is only by having a mainstream, democratically elected Government that we will be able to have a long-term view, whichever party makes up that Government. It will not necessarily
be for us to pick a horse, run the country or tell it what to do, but we can help support it. We can work with the African Union and a local offering to help Libya create its own destiny and future, which hopefully will be much safer and a lot more secure.

Let me get back to SC. He was bought, and then brought to his first prison. The IOM said it was “a private home where more than 100 migrants were held as hostages. He said the kidnappers made the migrants call their families back home, and often suffered beatings while on the phone so that their family members could hear them being tortured. In order to be released from this first house, SC was asked to pay...about $480...which he couldn’t raise. He was then ‘bought’ by another Libyan, who brought him to a bigger house—where a new price was set for his release...about $970...to be paid via Western Union or MoneyGram to someone called ‘Alhadj Balde’,” said to be in Ghana.

SC managed to get some money from his family via mobile phone and then agreed to work as an interpreter for the kidnappers, to avoid further beatings. He described dreadful sanitary conditions, and food offered only once per day. Some migrants who couldn’t pay were reportedly killed, or left to starve to death.

SC told IOM that when somebody died or was released, kidnappers returned to the market to ‘buy’ more migrants to replace them. Women, too, were ‘bought’ by private individuals—Libyans, according to this witness—and brought to homes where they were forced to be sex slaves.”

It was Nima Elbagir and CNN’s groundbreaking report, and those pictures, that really brought the situation home to so many people in the west. CNN heard from its contact that two auctions were going on at the same time. Some people in the Libyan Government would say that those things happen only sporadically, but on this occasion there were two at the same time, and the one that was filmed was an overflow auction, because there were so many people to be sold. There was also a big buyer in town wanting to buy people—that is what I said: “buy people”—as commodities or merchandise, to work on farms. It is atrocious, and while I am speaking I am reflecting on the words I use. That episode brought the matter home. Officers from the International Organisation for Migration said:

“What we know is that migrants who fall into the hands of smugglers face systematic malnutrition, sexual abuse and even murder. Last year we learned 14 migrants died in a single month. They are effectively in a cage. That brings me back to what I said when I began my speech: they are treated worse than animals. How can we have reached a situation where that is anywhere close to the case?”

The 450,000 people who come through Libya, seeing it as part of their migration route, go to the north coast, to a crossing point, pay another trafficker to get them into a boat, and go predominantly to Italy—to Lampedusa, a small island that simply cannot cope, I went, as a member of the Council of Europe, to Lesbos, to see some of the hotspots there where the Syrian refugees come from. There were a number of north Africans there and some were protesting and throwing things at the bus I was on, wondering why the Syrians were getting preferential treatment. Having seen what they go through to get there, it is possible to understand their concern.

We need to look at how the Italy-Libya deal is framed. I understand that it is a bilateral arrangement supported by the EU, but that it is being contested in the Libyan courts by human rights organisations based in Libya. I want to ask the Minister how robust the memorandum of understanding between the countries is, when there are reports of Libyan coastguards taking bribes to release migrants to traffickers. A second question leads on from that. The Department for International Development is doing fantastic work, as it tends to do. It is a world leader in the aid and support it gives. However, it is supporting more than 20,000 emergency interventions, involving healthcare, psycho-social support, hygiene kits and safe shelter. Can we be sure that we have robust accountability, to ensure that any support we give is not being fed into and supporting the cycle of trafficking, and that it is focused absolutely on the things I have specified?

It is good to hear that the IOM has managed to up its repatriation flights. The target originally was for 1,000 people a month to be taken back to their place of origin; that has gone up, and it is expected that 15,000 people will be repatriated to their original country this month alone. That is a good sign of the direction in which things are going.

I wonder whether DFID can get involved, either directly or through leverage of support from elsewhere, in trying to get accurate numbers. Together with the power vacuum, a problem that hampers what is being done is the fact that no one really knows the extent of the problem. There is work using various methodologies, but there is more to be done to get accuracy. Can we, for example, build up a phone network so that families from around the relevant part of sub-Saharan Africa can report in and talk about their loved ones—where they are, what has happened, the last time they saw them, and so on—so that we can begin to get more accurate figures?

Of course the UK Government will have a competing agenda. We want accountability, clearly, but as my hon. Friend the Member for Southampton, Itchen (Royston Smith) says, there is a need for stability and preparation for elections; we need to give support on the route towards elections, to get rid of the power vacuum. It is only a question of enforcement—everyone knows that slavery is illegal already and we need to work to change the rule, but someone is needed on the ground to arrest the people in question and hold them to account, bringing them to court and applying the full
force of the law to them. If, for any number of reasons, there is no one on the ground to do that at the moment, it will not happen.

Royston Smith: Slavery these days is completely different from the way people would have imagined it some years ago. Many of the people who are trafficked get themselves to the traffickers to get somewhere else. Should we be looking at the possibility of DFID or others educating people in their country, village or town of origin, so that they do not embark on the journey in the first place? Does my hon. Friend agree that that would be helpful?

Paul Scully: I absolutely agree, because it is a matter of pull factors, and stopping people having to make the choice to migrate over such a treacherous route. They have so far to go: there are human traffickers; people may just be ditched at the side of the road as I have described, or sold out of a bus in the back of a car park, and then sold on again and beaten with wires; they may then be on the Mediterranean on a boat—and the technique used with those small boats is that as soon as a navy cutter comes to the rescue, they are deliberately capsized to tip the people in the water. The rescuers have to pluck them out of the water; they cannot just pull the boat somewhere. To return to the Greek example, while I was there I met a Yazidi Christian—one on a different migrant route—with a 10-day-old child. They had gone through that whole process. How the child, who by then was aged three months, was still alive, I shall never know. Those are the most treacherous circumstances, so anything that can be done to stop the migration in the first place must be the only course of action.

John Howell: I want to pick up on the previous intervention. I think that there is a huge role for British companies in educating people in their country. I went to see Unilever in Nigeria; it has eradicated modern slavery from its whole supply chain, and that has had a big effect in the effort to convince Nigerians that they should stay and make something of themselves in their own country. Unless we do that, we shall run into a lot of problems.

Paul Scully: My hon. Friend makes a typically insightful point, and it is right to use some of our big companies working in the areas in question to provide education and secondary industries. As we move into looking at trade agreements with Africa but while we are also a member of the EU, we could seek tariff reductions as well. Obviously a big concern is tariffs on the least developed countries, but with the slightly better-off countries such as Nigeria, the “Everything but Arms” rules do not apply. They are charged a lot in tariffs on coffee and chocolate and similar things, and cannot build up the secondary industries that would help to develop gainful employment, so that people would have a stake in their own area and not feel the need to leave to find a better life.

I have talked about the Modern Slavery Act 2015, and it is nearly 200 years since the Slavery Abolition Act 1833 that William Wilberforce worked for. Only last year there was a remake of the seminal television programme of the book “Roots” by Alex Haley. I watched the original version, but the one I watched last year seemed to be of a time gone by. There have been other fantastic films about slavery that have also really hammered their point home, but they give the sense that “This happened so long ago; isn’t it wonderful that we have stamped it out?” We have not; that is the news. It is still going on every day. Could we ask the Minister to answer my questions. Finally, what more we can do as a country to support Libya, improve conditions and ultimately end the need for detention camps there?

4.50 pm

Lyn Brown (West Ham) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker. As we heard in the extremely powerful opening remarks from the hon. Member for Sutton and Cheam (Paul Scully), there is incontrovertible evidence that slavery—that brutal and dehumanising exploitation—is taking place in Libya today. As we know, modern slavery is shamefully common in our world and exists in our country. However, the images and words that have come out of Libya in recent weeks are shocking and have historical resonance: the victims are black Africans and the people who have enslaved them are not. The people who have been bought and sold in Libya have been violated in so many ways; they have experienced much violence and they have been betrayed and cheated at every step of their journey.

The personal stories make clear that the victims have paid, borrowing and scraping together money to start a journey to Europe because they believed an evil deception—but that was only the start of their exploitation. They are left utterly alone, terrified and without support in an unstable foreign country and under the control of people who care only about extracting every penny that they can from their “merchandise”. Foka, a Cameroonian, described the beatings he witnessed and endured at the hands of the traffickers, as he and others were cowed and forced to submit:

“There was torture like I’ve never seen. They hit you with wooden bats, with iron bars…They hang you from the ceiling by (your) arms and legs and then you throw you down to the floor. They swing you and throw you against the wall, over and over again.”

Foka’s injuries were still visible when he made that statement.

The traffickers are not only exploiting young migrants through slave labour but making money from ransoms, as we have heard. Sometimes, to coerce a ransom payment, a migrant is forced to call a parent or relative and then beaten while the relative listens. The story of Victory, a young Nigerian man, is illustrative. First, he paid people smugglers, who lied and said they would get him to Europe. He then endured weeks of slave labour in Libya once he could no longer pay them, and he was then forced to find a ransom payment to set him free. His mother had to beg and borrow the money to save his life. Victory’s ransom was more than 1 million Nigerian naira, which would take 56 years to earn on the local minimum wage. Victory had already spent his life savings to pay the people who exploited him, and now his family may literally face a lifetime of debt while his exploiters continue to escape justice.

As we have heard, Mohammed Abdiker, of the United Nations migration agency, said that migrants who fall into the hands of smugglers face “systematic malnutrition, sexual abuse and even murder…14 migrants died in a single month in one of those locations, just from disease and malnutrition. We are hearing about mass graves in the desert.”
[Lyn Brown]

The UN estimates that there are anything from 700,000 to 1 million migrants currently in Libya, with 70% from sub-Saharan Africa. Evidence shows that 30% of adults and 40% of children have been forced to work against their will. That is a massive number. So many people enslaved—so many children.

I would like the Government to outline what we are doing to stop the enslavement and sale of human beings in Libya and the trafficking of people towards the Mediterranean. I understand that France is to work with the UN’s sanctions committee for Libya to identify individuals or organisations involved in trading human beings. That committee can require UN member states to freeze assets owned or controlled by individuals on its list and can impose a travel ban. Does the Minister support that proposal, and will he work to ensure that that committee has all the information it needs?

Action against slave traders must be the priority; they have to be shut down. However, there is obviously a broader context. Large numbers of desperate people from sub-Saharan Africa are stuck in Libya. That was not their intended destination, and it is getting harder and harder for them to move on, partly because of the actions taken by our Government, in concert with many other European Governments, to make it harder for migrants to cross the Mediterranean.

Those actions have generally been taken with good intentions, motivated by a desire to shut down trafficking routes. However, shutting down the traffickers who run routes up and down the Mediterranean is clearly only half done at best: the terrible re-emergence of slavery in Libya is testament to and a consequence of that. If we want to reduce harm by closing those routes, that strategy cannot stop at the shores of north Africa—action needs to be taken in Libya and, equally, in countries to its south.

Social media is a critical tool for the perpetrators of modern slavery. It is how traffickers advertise, spread lies and recruit victims, and it enables them to run their amoral trade. Social media companies, whether they like it or not, have a role to play in disrupting this trade, and I hope the Minister will comment on any conversations he has had with those companies in his remarks.

Paul Scully: The hon. Lady rightly raises social media. However, does she agree that social media has also played a positive role in getting this petition out and this issue raised? The one caution I urge is that some of the photos doing the rounds to raise awareness of the issue raised? The one caution I urge is that some of the photos doing the rounds to raise awareness of the slave trade are actually not related to the slave trade. It is important that, when we share photos, we share accurate photos, which is not always easy to do.

Lyn Brown: I am sure the hon. Gentleman is absolutely right: social media can play a very useful role in our society. However, we need to understand that it can be used by completely unscrupulous people to lure others into slavery and ultimately, possibly, to their deaths. Social media companies have to accept responsibility for what they do and find ways to help us to close down those traffickers.

The UN has understandably requested urgent funding—I presume the Government are considering that request—and 1,300 new resettlement places across the world for the most vulnerable African migrants in Libya. Niger has offered to take that number temporarily before the end of January, but a more permanent solution has to be found. The current situation is simply dire—so many people are vulnerable to slavery and all the abuses that go with it. Those people matter. African lives matter, and they need us to be their allies by taking action to end this today. This is not a situation that we can simply take note of and move on from.

Who these hope-filled, naïve, ambitious, desperate migrants were before they fell prey to the traffickers is no longer important. All are refugees now, needing help and a route out. We could and should do more to help them. I look forward to hearing from the Minister on how we plan to do just that.

4.59 pm

Eleanor Smith (Wolverhampton South West) (Lab): It is a pleasure to serve under your chairmanship, Mr Walker. I want to thank the hon. Member for Sutton and Cheam (Paul Scully) for introducing the debate and the 265,272 members of the public who signed the petition, who include 663 people from my constituency.

I was disturbed to see in November’s CNN footage that two black men were being sold as slaves—I could not believe that that was happening in this day and age, in the 21st century. As black descendants of slaves, we thought that that had been abolished. The footage showed a detention centre where rescued and escaped slaves were staying, and a young man explained his story. I am aware that the Minister has raised concerns with the Libyan Government about the human rights situation in Libya, but how can we be sure that the Libyan Government will do something about it given that they are struggling to establish their own authority?

Afzal Khan (Manchester, Gorton) (Lab): I have been listening to the debate, and I thank the hon. Member for Sutton and Cheam (Paul Scully) for introducing it. What we have seen is shocking and horrific. At the heart of it is what is happening in Libya. Where we are now is due to poor planning. Does my hon. Friend agree that the Minister needs to do a lot more to help stabilise the situation in Libya? In our various institutions we have a lot of expertise—and we have a special duty, in the light of the role we have played in Libya being where it is.

The other issue is that our friends in the middle east are playing around with their rivalries, and innocent people are paying the price. Again, we should be using our influence to tell them to stop playing rivalry games in Libya. We need to see more stability in Libya and to stop what is happening.

Eleanor Smith: I totally agree. That was not in my speech, so I am glad my hon. Friend added it.

Although the Prime Minister has made tackling modern slavery a foreign policy priority, my question to the Government is: how will they actively tackle human trafficking and modern day slavery in Libya?

5.2 pm

John Howell (Henley) (Con): The number of refugees in the world is colossal; I think it is in the region of 60 million people. It is certainly more than the population
of Britain. We need to remember that when we discuss the refugee situation and how to stop making it worse in the future. We have the opportunity in Africa to get the situation right the first time, and I hope we will take that opportunity.

In my intervention, I mentioned that I spend a lot of my time in Nigeria as the Prime Minister’s trade envoy. That is not just about trade; it goes right across the spectrum of political and DFID-related activities that occur in that country. I would like to say a little bit more about the conversations I had the last time I was there, because it is a very good example of how we can get it right if we try.

Nigeria has enormous problems with a terrorist group in the north-east and has contributed hugely to human trafficking in Africa. It has the potential to make an even bigger contribution, which I would not wish to encourage. Why would that occur? Why would people leave their homes and move away from where they live to entrust themselves to unscrupulous people traffickers on the coast of Libya? There are several reasons. One is clearly the terrorist situation in the country. The only way we will deal with that is not a military option but by ensuring that the growth we want to see in the country is shared out across it to the people who are participating in generating that growth. That goes to the heart of the second group of people involved, which is the population at large.

Unless we help to get sub-Saharan Africa right, which means contributing to the activities that Governments want to carry out to improve their countries so that growth can spread more evenly and more people can participate in it, the effect on Europe could be colossal. I mention Europe in that context because that is where we are and the perspective from which we are looking at the situation. We have to redouble our efforts as a Government and with companies there to ensure that that happens.

Many British companies are looking at the market in sub-Saharan Africa, and the Prime Minister’s emphasis on tackling modern slavery is providing an enormous competitive advantage to those companies. They can turn up in the Nigerian market and say, “We fully subscribe to the Prime Minister’s modern slavery agenda.” The people in Africa absolutely rise to that challenge, and it is really heart-warming to see.

As I mentioned, I have been to discuss this issue with Unilever, which is part-Dutch but principally a British company. It has been very successful in stamping out modern slavery from its entire supply chain. That company works, among other areas, in the agricultural sphere, in which many poor people are in need of something to live for and aspire to. It is a great triumph to have got rid of modern slavery, because that is just the sort of thing that will make the country right and ensure that people there have something to live for when they get up in the morning and go to work. I am very pleased to have been able to help with that.

I know there is a lot to do in the world in this area. For instance, there is a crisis that I do not think we have ever talked about in this Chamber: the second largest group of displaced people in the world is actually not in Syria or in Africa, but in Colombia.

I do not underestimate what we have to do to tackle this problem, but unless we are prepared to put the effort into tackling it and making sure our companies do the same, we will never solve it. That will not only be to the loss of Africa, which is an immensely rich and opportunistic continent—I mean that in the nicest possible sense of the word—with so much going for it, but it will also affect us. We all ought to bear that in mind. There is an element of self-interest in this, as there always has to be. By putting the emphasis on this issue and getting it right, we will help to make sure that the African situation does not extend into mass migration, with many millions of people putting themselves into the hands of unscrupulous people traffickers.

5.9 pm

**Marsha De Cordova** (Battersea) (Lab): It is a pleasure to speak under your chairmanship, Mr Walker. I pay tribute to every single individual who has signed the petition. It is also a pleasure to speak in the same debate as my hon. Friends the Members for West Ham (Lyn Brown) and for Wolverhampton South West (Eleanor Smith).

The recent news coverage of slavery in Libya and the slow and steady stream of harrowing footage emerging from the region, including cameraphone images, have shocked many of us. I have been contacted by a number of my constituents, many of whom identify as being from the African diaspora, who are outraged at what is going on. This is modern-day chattel slavery, and a window into practices that form part of a particularly traumatic collective memory for many communities.

That human beings are again going through such horrific violence and injustice in 2017 is deeply concerning.

There has been an international spotlight on these practices since CNN broadcast its footage, but the reality is that they are not new. As more and more migrants make their way towards the Mediterranean, criminal elements have sought to exploit vulnerable migrants. That is of course not unique to north Africa. The trafficking of migrant women and children takes place in Europe as well as on the shores of Libya, but what Libya shows is how such wickedness and criminality can grow amid political turmoil.

The conditions that lead to migrants being exploited will not go away any time soon. Demographic changes on the African continent and climate change will see more and more migrants looking for opportunities in Europe. Just as “Fortress Europe” relied on Gaddafi to detain migrants, we now see a complex partnership between the EU and the Libyan authorities that seems to prioritise protecting European borders over the human rights of refugees and migrants.

Amnesty International has made some key demands to end these practices—demands that I support. I hope that the Government act on them and support Amnesty in its approach to the crisis. First, there is a clear demand by Governments that the arbitrary detention of refugees and migrants in Libya arbitrary. The second demand is that international partners work together to investigate all allegations of torture and other ill treatment of refugees and migrants in Libya, and to ensure that the suspected perpetrators are prosecuted in a transparent and fair trial to put an end to the vicious cycle of abuse. The other demands are for EU states to review how they co-operate on migration policies; to prioritise protecting the human rights of refugees and migrants instead of trapping people in Libya; and to recognise formally the United Nations High Commissioner
for Refugees and allow the organisation to carry out its full mandate, including the protection of asylum seekers and refugees.

The stories and images from Libya are shameful, and I hope that the Government act to end these practices. In the words of my hon. Friend the Member for West Ham, African lives matter.

5.13 pm

Chris Law (Dundee West) (SNP): It is a pleasure to speak under your chairmanship, Mr Walker. I begin by thanking those who initiated the petition and have secured over a quarter of a million signatures—an incredible feat. It is vital that we bring this hugely important issue to the forefront in Parliament today, and from what I have heard in the previous speeches, all of us in this Chamber feel very passionate about this matter.

As we have heard today, the world’s most vulnerable people, fleeing war and poverty back home, are being abused and auctioned off as slaves in Libya. According to reports, the trade works by preying on the tens of thousands of vulnerable people who risk everything to get to Libya’s coast and then across the Mediterranean into Europe. That has been described as the deadlest route on earth. The International Organisation for Migration, which provides services and advice on migration to refugees, estimates that there are up to 1 million migrants in Libya, and more than 2,000 have died at sea this year attempting to travel that route.

Most of the migrants in Libya are fleeing armed conflict, persecution or severe poverty in sub-Saharan Africa. Their journey usually begins with a deadly trek through vast deserts to Libya and then involves either braving the Mediterranean sea on rickety boats headed to Europe or struggling to survive in one of the overcrowded detention centres in Libya, many of which are run by smugglers. As a result, many of those detention centres are the scene of widespread torture, rape and forced labour, according to the United Nations. When they get too crowded, people are sold off like goods in an open market. Testimony from the International Organisation for Migration states that

“they get off the bus and they are quickly put into a kind of murder machine, an extortion machine. They are robbed of their possessions...They are forced, they are tortured...And then they are sold. Unbelievable, but they are sold in open, public auctions: $400 for a labouring man, maybe a bit more for a woman who can be put in the sex trade. And this is what’s happening across the country.”

As we have heard today, recent news footage of scenes reminiscent of the 19th century, when the slave trade was rife, shows auctioneers advertising a group of west African migrants as “big strong boys for farm work” and referring to the migrants in Arabic as “merchandise”. That disturbing footage has served as a wake-up call for the world. The stories and images from Libya are shameful, and I hope that the Government act to end these practices. In the words of my hon. Friend the Member for West Ham, African lives matter.

Libya is by no means unique: modern-day slavery is widespread around the world. It is happening in developed as well as undeveloped countries. There are estimated to be—wait for it—more than 40 million people in modern-day slavery in the world today. Forty million people: that is just under two thirds of the population of the UK. What is particularly shocking is that it is happening in the open, particularly in Libya, where people can go to a farmhouse, place a bid and end up “owning” a fellow human being.

The UK Government’s response to modern slavery has been slowly improving in the past few years. An example of that is the passing of the Modern Slavery Act 2015, which of course is very welcome. However, it is time for the Government to go further, with concerted, co-ordinated global action, and to lead from the front. Tackling forced labour, modern slavery and human trafficking should be an absolute priority for the UK Government, both here and abroad. I ask the Minister to tell us here today what further steps the UK Government will take in order to lead the international approach to tackling this crisis.

Experts say that reports of slavery coming out of Libya from human rights groups and non-governmental organisations have been falling on deaf ears for a very long time. The UK Government must put pressure on Libyan leaders to stop the illegal markets, and those committing these unspeakable crimes must be brought to justice. We would like to see all UN member states working together to implement and enforce a protocol against human trafficking and slavery. That is not just a moral duty for the UK; it is a duty based on the active role that this Government has played in recent years and in conjunction with NATO in Libya.

This slavery did not come about in a vacuum. The atrocities revealed in the recent footage are the direct result of NATO’s military intervention to topple Gaddafi, which created a lawless society. There are now three Governments: one in the east, one in the west and one backed by the UN, none of which are able to govern. The UK Government had next to no strategy to support and reconstruct post-Gaddafi Libya. Indeed, a report by the Select Committee on Foreign Affairs stated that those failures led to the country becoming a failed state on the verge of all-out civil war. It is against that backdrop that the slave trade is booming. The human rights situation in Libya can be improved only under the stability of a united and representative Government, and the UK Government must work alongside international partners to support UN efforts towards that goal.

Furthermore, the EU goes to great lengths to stop migrants coming into its territory. That even includes training the Libyan coastguard to stop boats reaching Italy. As a partner of the EU, the UK is complicit with the EU as it has pushed to tighten its borders and has not provided alternative safe routes for migrants and refugees.

Amnesty International, in relation to its report published last week, said:

“European governments have not just been fully aware of these abuses...they are complicit in these abuses.”

In other words, it is nothing short of a policy of containment. Amnesty International went on to say:

“European governments have shown where their true priorities lie: namely the closure of the central Mediterranean route, with scant regard to the suffering caused.”

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“European governments have shown where their true priorities lie: namely the closure of the central Mediterranean route, with scant regard to the suffering caused.”
The reality is that that has led to hundreds of thousands of refugees and migrants finding themselves trapped in Libya and exposed to horrific abuses, some of which we have heard about today. We will not be able to put an end to the tragedy in the Mediterranean if we do not create significant legal migration routes. It is also important to address the root causes of the crisis if it is to be resolved. We must ensure that people can find a dignified future in their home country. The UK Government need to work with the international community to co-ordinate efforts to tackle the root causes of large movements of people, including forced displacement, unmanaged migration, human trafficking and, of course, the ever increasing slave trade. Will the Minister therefore illustrate in some detail what steps the UK has taken to influence its EU partners to develop safe routes for people fleeing war, armed conflict and persecution?

In short, what we have heard today is that the reports coming from Libya are of violations of human rights and human dignity on an unthinkable scale, and I am sure that all of us in this Chamber agree that they have no place in our world. It goes without saying that the UK cannot stay silent or stand by in the face of such inhumane atrocities, as it has done in the past and continues to do. It is therefore time for the UK to join the international community and act now through multilateral diplomacy with the EU, NATO and the UN Security Council, where the UK still has significant influence, and to take all measures to end slavery in Libya and help to rebuild and reconstruct a stable and secure country.

5.20 pm

Fabian Hamilton (Leeds North East) (Lab): It is a pleasure, as always, to serve under your chairmanship, Mr Walker.

I would like to start by congratulating, as other hon. Members have, those who organised the petition that has prompted this very important and timely debate, especially Constance Mbassi Manga. I understand that as of 2 pm today, 265,278 signatures had been received, of which 666—I do not know whether that is significant—were from my constituency.

I also want to congratulate the hon. Member for Sutton and Cheam (Paul Scully), who opened the debate. He read us the text of the petition, and it is important to remember what is in that. He talked about the Modern Slavery Act, which other hon. Members have referred to. It is a very important piece of legislation that I hope will help to pave the way for this country being a prime mover in the abolition of slavery worldwide. He also pointed out that what is happening in Libya is not hidden, and it has to stop—all hon. Members have agreed with that. He mentioned the role of the International Organisation for Migration, which I will speak of again in a minute, and talked of the inhumane treatment of human beings who are being bought and sold as commodities. Sadly, 200 years since Wilberforce and the abolition of slavery in the UK, slavery still exists in other parts of the world. The hon. Gentleman also asked what more we can do for Libya.

My hon. Friend the Member for West Ham (Lyn Brown) talked of her shock, and the violence towards and the betrayal of those cheated by an evil deception and left utterly alone and terrified in a foreign country, where they suffer torture, beatings and violence by traffickers. She also talked of the systematic abuse of those migrants and of their murder. The UN estimates that there are about 700,000 migrants in Libya at the moment. It is estimated that 40% of the children are forced into labour, as she mentioned. What are the Government going to do? She said something that has been echoed by many speakers this afternoon: “African lives matter.” All lives matter.

We then heard from my hon. Friend the Member for Wolverhampton South West (Eleanor Smith), who mentioned her shock, as a black descendant of slaves, that this can still be happening in the world. There was also an intervention from my hon. Friend the Member for Manchester, Gorton (Afzal Khan), who said that we have to do something about the state of Libya.

The hon. Member for Henley (John Howell) talked of his role as the Prime Minister’s trade envoy to Libya and, I imagine, the Maghreb countries as well—I do not know.

John Howell: Just Nigeria.

Fabian Hamilton: Just Nigeria; okay, sorry. The hon. Gentleman asked why people would leave their homes and trust themselves to unscrupulous traffickers in Libya, but we have had the answer this afternoon from many hon. Members who have contributed. He said that unless we get sub-Saharan Africa right, the effect on Europe could be colossal. I agree with him, but it is absolutely vital that we destroy this appalling practice of slavery not just because of the effect that it will have on us in Europe, but for the sake of the welfare of our fellow human beings on that continent.

John Howell: I did make it clear in my speech that we need to get rid of slavery both for the sake of Africans’ lives, and for the sake of our lives. It is a win-win situation.

Fabian Hamilton: I entirely accept that. I do not think that any hon. Member in this room or in this House would condone what is going on, not just because of the effect on us but because of the effect on those individuals, families, communities and nations. I totally accept that.

My hon. Friend the Member for Battersea (Marsha De Cordova) made a very powerful contribution. She talked of the harrowing footage that CNN showed, which shocked us all. She said that her constituents were extremely upset because many of them have that collective memory of slavery, and that she was shocked it was still happening in 2017. She said that these practices are, of course, not new and that this exploitation of the vulnerable has grown under the political turmoil. She also mentioned that climate change had a role in migration, as other hon. Members have done. She asked whether the Government could make their feelings felt on ending the arbitrary detention of migrant children in Libya, and also talked of a vicious cycle of abuse.

I am sure that, like the petition organisers, everyone in this House was utterly appalled at the video footage of the apparent slave auction. That was something that we felt had been left behind in the world in a previous century, but sadly and tragically it is very much still with us today.

On its website, CNN talked about the United Nations-backed Libyan Government of national accord, or GNA, who apparently say that they are keen to address violations
against illegal immigrants but call on regional and global partners to provide assistance. The website says:

“Libya is going through difficult times which affected its own citizens as well. It is, therefore, not fair to assume responsibility for the consequences of this immigration, which everyone unanimously agreed that addressing this phenomenon exceeds the national capacities,” the GNA statement read. “We affirm again that the practical solution is to address the real reasons that drive people to leave their home countries, treat them and develop final solutions for them,” it continued.

CNN went on—this was back in November—to say:

“On Tuesday, Libya’s Ministry of Foreign Affairs reiterated that a committee has been established to investigate the auctions but asked ‘the international community to intensify in a spirit of responsibility and joint co-operation to assist Libya.’”

It says, as we know and have heard this afternoon from many hon. Members, that:

“In recent years, Libya has been flooded by migrants hoping to travel to Europe. The United Nations estimates there are now between 700,000 and a million migrants in the country. Those who have crossed the Mediterranean have shared stories about beatings, kidnappings and enslavement. The UN Secretary-General António Guterres said Monday”—

I guess that is Monday last week—

“he was ‘horrified’ at reports of migrants being sold as slaves, which could amount to crimes against humanity.”

They certainly do, from what we have heard this afternoon. The website continues:

“Guterres called on the international community to unite on the issue and said the auctions were a reminder of the need to manage migration flows in a humane manner that addresses the root causes, increases opportunities for legal migration—

which has been referred to by many hon. Members this afternoon—and, most importantly,

“cracks down on smugglers...Mohammed Bisher, head of the government’s Anti-Ilegal Immigration Authority, said detention facilities are overwhelmed and he urged countries from which migrants travel to take more responsibility. ‘We are 278 million Libyan dinars (nearly $210 million) in debt. We have to provide food, medicine, transportation... If the African Union wants to help, they can help,’ Bisher told CNN. Bisher said Italy has been providing some assistance, co-ordinating with Libyan officials and, in some cases, helping with deportation but more needs to be done.”

The Guardian reports:

“The latest reports of ‘slave markets’ for migrants can be added to a long list of outrages [in Libya].”

It says that Mohammed Abdiker, IOM’s head of operation and emergencies, says:

“The situation is dire. The more IOM engages inside Libya, the more we learn that it is a vale of tears for all too many migrants.”

It continues:

“Even growing international awareness of the problems migrants face is being exploited. IOM has had credible reports of criminals posing as aid groups that help migrants to lure in people who have escaped or bought their freedom and want to return home.”

How horrific is that, Mr Walker?

“The organisation is working to spread awareness across west Africa of the horrors of the journey through the personal stories of those who return. Though most migrants know the boat trips to Europe are extremely risky, fewer realise they may face even worse dangers in Libya before even reaching the coast.

“Tragically, the most credible messengers are migrants returning home with IOM help,” said spokesman Leonard Doyle. ‘Too often they are broken, brutalised and have been abused. Their voices carry more weight than anyone else’s.’

In the short term, it is clear that action is needed from Her Majesty’s Government, including protests and maybe even sanctions. My hon. Friend the Member for West Ham made some suggestions, as did my hon. Friend the Member for Battersea. We must ensure that the Libyan Government stamp out such practices and that humanitarian assistance is provided for individuals from other countries left displaced and destitute in Libya after the civil war, including, where possible, help to return home.

In the medium term, it is obvious that Libya needs stability and order. It needs to move away from its current lawlessness in which life is cheap and human labour is bought and sold—not in the interests of British corporate investors, as the Foreign Secretary has argued, but in the interests of the Libyan people themselves, to whom we owe an enormous debt.

I would like to mention somebody who is about to leave the Foreign Office: our current ambassador to Libya, Peter Millett, whom I am fortunate enough to know extremely well. Just two and a half months ago, I had the opportunity to meet him in Tunis, where he is based because it is too dangerous for him to be in Tripoli. He briefed me on the current state of lawlessness, disarmament and effective lack of any governance in the country to which he is supposed to be ambassador. Tragically, and sadly for me, he is leaving the service at the end of December, but I know that he will carry on being an important factor. He will continue to lobby and talk about the horrors that he has seen with his own eyes and about what he thinks can be done. He will be a great asset to our country long after he leaves the service.

That brings me to the long term. It behaves all of us in this House to reflect on the shocking failure to prepare for the aftermath of our intervention in Libya in 2011. I believe that it was a lesson unlearned from Iraq and repeated even while the Chilcot inquiry was conducting its work. It was as a direct consequence of that failure to plan for the aftermath, and the abandonment of Libya to civil war, anarchy and the scourge of Daesh, that so many Africans from neighbouring countries—whether there as mercenary soldiers, migrant workers or refugees from other related conflicts—were left penniless, helpless and defenceless against exploitation by slavery gangs. We must all take our share of the responsibility for their plight. We must do whatever we can now to alleviate it. That is the very least that we can do.

5.33 pm

The Minister for the Middle East (Alistair Burt): It is a pleasure to serve under your chairmanship, Mr Walker. I thank all colleagues who have taken part in this debate, as well as my hon. Friend the Member for Sutton and Cheam (Paul Scully) for opening it. Like everyone else, I also thank those who have worked so hard to raise the petition. I think we would all say that the fact that so few colleagues are here does not reflect the level of interest in the House; this debate has landed on a particularly busy day in the House. I venture to suggest that almost every single Member of the House of Commons would have wanted to listen to the speeches made today, and probably to make one themselves. Those who have done so much work to raise the petition should not doubt that they have done a great job. The way in which the House has conducted itself in this debate and the speeches that have been made reflect colleagues’ concern.
The hon. Member for Leeds North East (Fabian Hamilton), who spoke for the Opposition, did my job in running through the speeches. I thank him; I will not repeat the process because he summarised extremely well what colleagues said. I am coming to the substance of the debate, but I take issue with the statements about the intervention in Libya and the aftermath. I was there; I was the Minister responsible at the time. The hon. Gentleman praised Peter Millett; I know how hard diplomats worked in the immediate aftermath of the events that removed Gaddafi. There were elections. We worked to create a civil administration out of nothing, because Gaddafi had left nothing. There was an absolute commitment by those in Libya. They wanted no boots on the ground. There was a limit to what they wanted from the outside world. We tried. The circumstances are clear now: the efforts were not successful, despite all the work that was put in.

There was no abandonment of Libya, but the depth of the damage done by 40 years of Gaddafi and the failure to create any institutions left a bigger hole than probably anyone understood at the time. There were a series of consequences, for which it is impossible to pin blame purely and simply, beyond on those who created the misery in the first place and who were overthrown. That is of only partial consequence now. What is important is to deal with what is happening at present, and that has been the substance of the debate.

**Chris Law:** I want to touch on that important point. We learned some painful lessons around Iraq. In terms of our involvement in Libya, was there preparedness and thought about medium to long-term plans and strategies at the end of the conflict, whatever its outcome, or was it a posthumous question at the end of, “Oh God, here we are now—what do we do next?”

**Alistair Burt:** During the conflict, nobody quite knew how it would end, because the circumstances were happening on the ground, militias were forming and so on. NATO played a part after the Arab League made a presentation to the UN demanding intervention because Benghazi was going to be attacked and people were going to be slaughtered. Let us not forget the reasons why the intervention happened in the first place: the determination to save civilian lives in Benghazi, prompted by the Arab League and the UN, was highly significant.

All the way through the conflict, the sense was “What happens next?” That is why people went in afterwards to seek to build a civil administration and prepare the ground for elections. Those took place, and a Government were established, but the fallout since then has been a combination of pressure from Islamist forces that came into the process afterwards and the inability of those who formed the militias to agree among themselves about how to support the politicians in civil Government. It was thought through, but it could not be imposed.

People themselves must create their own institutions. I remember people at the time praising the fact that there were not boots on the ground determined to do it for the Libyan people—they were doing it for themselves. It was thought through, but for every particular conflict and difficulty, it seems that a new adverse reaction is created, and that is what we are living through now. I will come to that and what we are trying to do, because it is most important.

Anyone who has seen the horrific footage of slave markets in Libya cannot possibly have been unaffected by it; it is appalling. I also put on the record our admiration for the journalists who recorded the footage. When I saw the pictures of them going into that place, my first thought was, “They’re going to be killed.” How could anyone go into those circumstances unarmed, knowing that the people conducting the auction were who they were and what the outcome was likely to be. If they treated the lives of those whom they were buying and selling with such disdain, what would they think of reporters who were there to expose them? We thank the CNN crew who did such a remarkable job.

We will always remember some of the things that came out of the footage, such as the talk of merchandise, as the hon. Member for West Ham (Lyn Brown) mentioned. The hon. Member for Battersea (Marsha De Cordova) spoke of wickedness, as did my hon. Friend the Member for Sutton and Cheam. We discussed the fact that once someone has a mindset of treating someone else as not human, there is virtually nothing that they will feel unable to do. That has been the scourge of the region and other parts of the world for too long.

The Government share the deep concern and alarm expressed about modern slavery, the formation of the conditions that have produced the migration, and what migrants face in Libya today. As the hon. Member for Dundee West (Chris Law) reminded us, we must not forget that the men, women and children enslaved in Libya typically began their journeys hundreds or even thousands of miles away. They are likely to have fallen foul of traffickers and organised criminal gangs that pay no heed either to the desperate human suffering caused by their despicable trade or to international borders. That is why our work to help the victims of traffickers, prevent others from falling victim to them and shut down the trafficking networks that exploit migrants must be carried out on an international scale, as all hon. Members have said.

Let me first brief hon. Members on the UK Government’s work to tackle modern slavery globally and then focus on the situation in Libya. My right hon. Friend the Prime Minister has identified modern slavery as

“the great human rights issue of our time”.

She sponsored the Modern Slavery Act 2015, which more than one hon. Member has referred to this afternoon. Eradicating modern slavery is one of our top foreign policy priorities. As we know, modern slavery exists here, too, although not to the degree that we saw on those awful videos. It is everywhere, and tackling it is a cause that unites decent people everywhere.

It is not acceptable that slavery still exists in the 21st century. We reckon that this vile trade generates around £50 billion a year for traffickers and organised criminal groups. As a criminal enterprise, it is second only to the drugs trade. Trafficking of people is horrific and criminal, but it generates huge amounts of money and that is why it goes on.

We are pressing for concerted and co-ordinated global action. We are strengthening the international consensus to support migrants, tackle modern slavery and take a comprehensive approach to migration. The hon. Member for Dundee West asked what we were doing internationally. At the UN General Assembly in September, the Prime
Minister convened world leaders to launch a call to action to end modern slavery. She also committed to using UN sanctions to target people traffickers and strengthening the ability of Libyan law enforcement agents to tackle these criminals. The hon. Member for West Ham is absolutely correct that if the people responsible can be identified individually, there are sanctions that can be applied. Most of us would like very serious sanctions to be used against them.

We are also doubling our aid spending on modern slavery to £150 million. That money will be used to address the root causes of slavery, strengthen law enforcement capacity in transit countries and provide support for the victims of these horrific crimes. Their ordeal does not end when they are released; it goes on in their memory.

The UK is committed to addressing illegal migration across the Mediterranean, including through work in Libya and further upstream. Hon. Members mentioned the need to bring different elements together; the UK supports a comprehensive approach that addresses the drivers of illegal migration and reduces the need for dangerous onward movements. That includes not only breaking the business model of smugglers and the trafficking rings that prey on the desperation of migrants, but providing vital protection to victims. The UK’s National Crime Agency is working with Libyan law enforcement, enhancing its capability to tackle the people-smuggling and trafficking networks.

Our new £75 million migration programme will specifically target migrants travelling from west Africa to Libya via the Sahel. It will provide critical humanitarian assistance and protection; assist those along the way who may wish to return home; give information about the dangers ahead; and offer vulnerable people meaningful alternatives to treacherous journeys through Libya and Europe. It will also include a scale-up of reintegration support in countries of origin, particularly for those returning from Libya.

The UK is conscious of the links between migration, people-smuggling and modern slavery. We are increasingly building modern slavery programming into our migration work. We have also assisted vulnerable migrants with voluntary returns. UK bilateral funding has helped more than 1,400 individuals to escape the challenging circumstances in Libya and return home. The hon. Member for Leeds North East spoke about the voices of those involved; as the recent programme demonstrated, it is those voices that are most powerful in dissuading others from leaving.

If I may make a wider point, a significant amount of our international development contribution of 0.7% of gross national income is designed to be used in countries where we want to support the provision of alternatives for people who feel that their smartphone shows them a different life. We must not neglect how easy it now is for people to find out what is happening elsewhere. There are safer alternatives to leaving, but that can happen only when international development work of the kind that we are engaged in bears fruit.

Lyn Brown: I am sorry to interrupt the Minister’s flow, because what he is saying is really helpful, but two questions emerge from it. First, the UN has asked for additional funding; does he know of any additional money that we are contributing to deal with the slave trade? Secondly, advertisements are encouraging young people in sub-Saharan Africa to leave their homes in search of a better life via traffickers. Has any contact been made with social media companies to get hold of the people advertising those routes and deal with them?

Alistair Burt: The answer to the hon. Lady’s second question is that I do not know. I pick up on what she says as something new, and I am not aware of any specific action we have taken on it; I am confirmed in that view by a brief glance at my officials. However, it is a really interesting point. I am also not aware of what is being done internationally. As we have all discussed, this is not a problem that the UK can deal with on its own, and no one is asking us to. The point about the process of persuading people and contacting social media is very interesting; social media are capable of so much good, but can cause so much ill when used carelessly. I will look into that matter specifically and ensure that the hon. Lady and other hon. Members are aware of what action we might take.

As the Prime Minister made clear last year, we stand ready to support the UN further. I have no new figures, but a £150 million programme was recently announced and additional money is going through. Part of that goes to UN agencies that we work with on enforcement issues and humanitarian support.

Hon. Members also mentioned Libya’s stability. Ensuring Libya’s stability and helping the Libyan Government of national accord to restore unity, take control of their southern and coastal borders, and rebuild the economy is the best way to tackle the organised criminal groups that are making Libya a transit route for illegal migration. Let me update the House on the present state of affairs in Libya with respect to the Government and reconstruction.

I was pleased that the hon. Member for Leeds North East referred to Peter Millett, who will indeed retire quite soon and who has had the most difficult time in recent years, having been unable to work in Libya. Like the hon. Gentleman, I have visited him, both in the compound in Libya and in Tunisia.

The Government of national accord are supported by a UN resolution. We are working with them and with UN Special Representative Ghassan Salamé on the negotiations to move the governmental process forward, which have reached a critical stage. The Libyan political agreement is being adapted and extended. Ghassan Salamé is spending his time trying to bring the various parties together to put the right names into the presidential council and work through a political process that is exceptionally difficult because of huge vested interests and a degree of distrust between the parties. The UN special representative and our own ambassador have worked so hard to address those difficulties. The ambassador was recently in Benghazi; he was able to get into eastern Libya for the first time in some years and talk to people there.

Libya is still a divided country in many ways, and the political process is absorbing a huge amount of time. Of course, that means that law enforcement agencies on a national scale are very difficult to drive and control, because on the ground both money and guns talk louder than a national Government. We would be foolish to think anything else. We therefore have to continue to
strengthen that national Government, so that they have both the authority and the physical ability to enforce what needs to be done about these gangs.

The Libyan Government have indeed been strengthened. I saw Libya’s Deputy Prime Minister recently to explore our concerns about what the television coverage has shown of the auctions. The Libyan Government had committed to establishing a commission to look further into the issue and see what they could do, and the United Kingdom and other countries need to be clear that we will support the enforcement efforts they need to take. Commissions are one thing, but everybody in this Chamber wants to see some action, which can only be carried out with international support for those who are driving it forward.

To achieve further and long-term sustainable progress, we also need to invest upstream in countries of origin and transit. Africa continues to account for the largest percentage share of UK bilateral official development assistance expenditure allocated to a specific country or region. It received approximately £2.9 billion in 2016, or 51% of our bilateral ODA spend, and much of that money is designed to take away the root drivers of migration. I have no doubt that the determination to do that is shared by every Member of the House, including all those who are here today.

The African Union can indeed play its part. The recent summit agreed to establish a joint European Union-African Union-United Nations migration taskforce aiming to accelerate assisted voluntary returns, to bring sub-Saharan nationals back to their own countries from Libya and to provide resettlement for the most vulnerable, including those we saw in the cages and at the auctions. Again, that can be done only by combined work, and we are engaged in that work. The first meeting of the taskforce took place in Brussels just at the end of last week, and the UK strongly endorses ongoing efforts by the EU, the AU and the UN to address the trafficking and exploitation of vulnerable people upstream in Africa, including the declaration on assisted voluntary returns at the recent EU-Africa summit. We also look forward to receiving further information on the new joint migration taskforce, following the agreement reached at that summit.

Colleagues have mentioned support for Nigeria. So far, the UK has committed £2 million to establish a joint border taskforce in Lagos by partnering with the Nigerian Government. That taskforce is designed to identify and protect potential victims of trafficking, and to arrest and prosecute traffickers in line with international compliance standards. The taskforce’s centre will support and expand on the 335 prosecutions that have already been made by Nigeria’s national agency for the prohibition of trafficking in people, and it is linked to efforts to combat illicit financial crime, including through asset seizures.

We have also announced a further £12 million to tackle modern slavery in Nigeria. That funding will help to support victims, build criminal justice capacity and promote alternative livelihoods. My hon. Friend the Member for Henley (John Howell) was right to say that commercial practices can play a part. Just as companies have been concerned in the past to make sure that fair trade was part of their ethos as they worked to provide commodities, so they must be absolutely and completely vigilant about slavery and illegal trafficking, and there must be the harshest sanctions against those that breach those rules; there is no doubt about that.

I will just deal with a couple of further issues. First, I will make clear it again that we do engage the Government of Libya and the Libyan authorities on the issue of migration and modern slavery. In August, the Foreign Secretary urged Prime Minister Ahmed Maiteeq just a few days ago. Again, however, we do not underestimate the difficulties that the Libyan authorities face, which can be resolved only when the political situation in Libya is itself resolved.

Humanitarian support is also vital, because we must also deal with that strand of the issue. Since October 2015, we have allocated more than £175 million in response to the Mediterranean migration crisis, including substantial support for Libya. I mentioned earlier that migrants who find themselves in slavery in Libya come from many hundreds of miles away. That is why we have to take a comprehensive approach to migration, addressing the root causes as well as working to alleviate the conditions that migrants face.

We have a flagship programme to address some of the drivers of modern slavery in Nigeria’s Edo state, which is the country’s trafficking hub. As I said earlier, our work with the joint border force in Lagos and the work that I announced earlier also make a difference. We have a new £75 million programme, as I mentioned earlier, focusing on the route from west Africa through the Sahel to Libya. That includes a new £5 million allocation of support in Libya, which was announced today by the Secretary of State for International Development. That is designed to provide humanitarian aid and protection to migrants and refugees, some of whom are in detention, as part of the work we announced at the June European Council.

Also this year, our aid and development programmes have supported more than 20,000 emergency interventions for migrants and refugees in Libya, as my hon. Friend the Member for Sutton and Cheam mentioned in his opening remarks, providing everything from food to healthcare, from hygiene kits to emotional support and safe shelter. We have also provided tailored services for women and girls, to protect them from the heightened risks that they face of trafficking and sexual and gender-based violence.

At the December European Council, the Prime Minister also announced a further £3 million for the EU trust fund for the north of Africa window, which includes countries such as Libya. The funding will be used to protect vulnerable migrants in north Africa, to tackle the root causes of irregular migration and to create opportunities for people to find jobs.

We are committed to ending modern slavery wherever we find it, in this country or abroad. In Libya, that is a complex task. It requires us to convince migrants to build a bright future for themselves at home, which we will do only by helping to strengthen economies right across the continent of Africa. It also requires a Libyan Government to emerge who control all of Libya in the interests of all Libyans, as well as a concerted international effort to put the traffickers behind bars. We are working to accomplish those goals, so that these shocking slave markets can finally be consigned to the past. It also requires the human heart to be changed, so that people are no longer treated as “the other” and no longer can the wickedness of slavery live.
I remember speaking just a few years ago in the Wilberforce debates, as we discussed the passage of our anti-slavery legislation, and I realised even then, as we spoke to different audiences, that slavery was still going on. Indeed, it was reckoned at the time that there were more slaves in the world then than there had been in Wilberforce’s time. To be dealing with this issue today is especially distressing. African lives matter; all lives matter; and this House says so.

Paul Scully: Thank you very much, Mr Walker, for calling me to wind up the debate, and I also thank the Minister for his typically comprehensive and open response to the questions that have been put to him today. It does not take experiments such as the Stanford prison experiment and other psychological research experiments to see how bestial people can be to other people. We need only look at Rwanda, the situation in parts of Rakhine state in Burma and obviously the slave trade that we are discussing here today to see such bestial behaviour happening every day.

I will also just say thanks again to Constance Mbassi Manga and the signatories to the petition; to the supporters who have raised the issue on social media to bring it to the public fore; and to Nima Elbagir from CNN and her team who, as we have heard, bravely reported this story. I spoke to Nima this morning and she is really fired up for following up the story, to make sure that some action comes out of it.

This has been a very good debate, and I will not go through what has been said, as I must be brief. I will just say that, although there have been calls on our time today from the main Chamber and elsewhere, we have hopefully done what we aimed to do, which was to tell the story of the people in Libya who are on the frontline and who are suffering. We must tell those human stories to raise the profile of the issue and to add depth to the coverage of it, so that we can try to find solutions. I very much thank everybody who has taken part in the debate today.

Question put and agreed to.

Resolved.

That this House has considered e-petition 205476 relating to the enslavement of black Africans in Libya.

5.58 pm

Sitting adjourned.
Westminster Hall

Tuesday 19 December 2017

[SIR HENRY BELLINGHAM in the Chair]

Sector Deal for Steel

9.30 am

Stephen Kinnock (Aberavon) (Lab): I beg to move, That this House has considered the steel sector deal.

It is a pleasure to serve under your chairmanship, Sir Henry, and I thank the House for granting the debate.

Hon. Members will recall that there was a period of time when we had debates about the future of the British steel industry almost weekly. Since then, the media circus has moved on, and with it the Government’s apparent concern, focus and attention. Let us be clear: Government engagement with steel evaporated once the crisis had dropped off the front page of the newspapers. Back then, the Prime Minister was a guy called David Cameron. As we know, he was first and foremost a PR man, so when the steel crisis hit his PR instincts went into overdrive. He needed to manage the story and get it off the front page as quickly as possible. Did he ever have any intention of tackling the underlying causes of the crisis—his Government’s abject failure to push through the policy reforms so desperately needed to create a level playing field for the steel industry? No, he did not. As the debate will show, David Cameron’s successor has simply picked up where he left off.

Just over two years ago, the closure of the Redcar steelworks had a truly devastating impact on the town and community; 3,000 people were put out of work, and of those who have since found work almost two thirds have had to take a pay cut. Many other businesses in the area have struggled, because every UK steel job supports at least three more elsewhere in the economy. Three months after the closure of Redcar, Tata Steel announced more than 1,000 job losses across Wales, three quarters of them at the Port Talbot steelworks in my constituency. About a month later came the devastating news that Tata Steel planned to close or sell its entire UK business. While the then Business Secretary, now the Secretary of State for Communities and Local Government, the right hon. Member for Bromsgrove (Sajid Javid), was enjoying a nice little Easter recess jolly to Australia, I was out in Mumbai with Community Union to present the turnaround plan to the board of the Tata group.

John Healey (Wentworth and Dearne) (Lab): I congratulate my hon. Friend on obtaining the debate.

Stephen Kinnock: My right hon. Friend is right. That was an important milestone, but there have been so many false dawns, and warm words matched by frozen actions.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate my hon. Friend on securing the debate and on the great work that he has done over a significant period to stand up for the steel industry. On the subject of broken promises, does he agree that investment in research and development is another big issue? Across the UK generally it remains stubbornly below the OECD average. The whole sector is now asking for increased R and D investment in steel, and the Government should deliver that.

Stephen Kinnock: My hon. Friend makes an important point. I think that in the minds of some Ministers, and others in the House, steel is seen as metal bashing and an almost primitive industry, but in fact it is at the cutting edge of many innovations that we desperately need to drive our economy forward. If we are serious about getting a broad-based manufacturing renaissance, it must start with investment in the steel industry.

It was clear that Tata’s initial preference was to close the business down rather than sell it, but thankfully we managed to persuade the company to shift its position from closure to sale. Thanks to the magnificent professionalism and dedication of the workforce and steel unions, the turnaround plan began to kick in. The performance of the business dramatically improved, and from a fire sale we got the slow burn that eventually morphed into Tata’s decision to remain. However, that happened only after the workforce, facing the prospect of either the closure of the Port Talbot works or the closure of their pension scheme, voted for pension restructuring. They put the future of their industry, livelihoods and communities before all else. Steelworkers and steel communities are like no others. If my hon. Friend the Member for Redcar (Anna Turley) were well enough to be here today, she would have told us of the incredible strength and resilience of her community, which has stood firm, united and resilient, just as she has fought tooth and nail for it since the closure of the works.

There have been many ups and downs in the British steel industry in the past few years, but three things remain constant. The first is the relentless passion and commitment of steelworkers and their communities, exemplified by the delivery of the turnaround plan and the vote on the restructuring of their pension scheme. The second is the Government’s indifferent and incompetent attitude, and the third is the key policy asks of the industry—business and workforce—which have remained fundamentally unchanged for well over two years. We have discussed those policy asks many times, but it would be remiss not to take the Minister through them, as this is her first time attending such a debate.

To take trade defence first, we asked the Government to stop blocking reform of the lesser duty rule, which means tariffs that we can impose on illegally dumped steel are capped at 16%, while the Americans can impose far higher duties. The Trade Bill is set to transfer the lesser duty rule to UK legislation after Brexit. We asked for meaningful action against illegal Chinese dumping, with proper trade defence instruments. However, as steelworkers were being shown the back door, No. 10
was rolling out the red carpet for Beijing. What was the result? We can now add the challenge of illegally dumped Russian and Turkish steel to that of Chinese steel.

Secondly, on business rates, there have been five Budgets in the past two years, and not one has acknowledged the industry’s concerns about the way business rates inhibit investment and hold us back from investing in plant and machinery; so of course no remedy has been proposed.

Thirdly, on the question of procurement, which I have been working on extensively with my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty), the Government have utterly failed to translate their rhetoric into reality. The public interest test that they introduced proved inadequate. Our calls for a longer lead-in time for central Government contracts have fallen on deaf ears. The Government have resisted transparency, dumping the idea of mandatory reporting and refusing even to gather and hold the relevant data, let alone provide it to us whenever we have asked. Foreign steel has continued to be used on iconic projects such as the repair of Big Ben, the new Firth of Forth bridge, the new Type 26 frigates and all sorts of smaller refurbishment and development projects around the country.

On the most vital of issues, energy prices, there has been some tinkering at the edges but no attempt at all to tackle the root causes of our ludicrously uncompetitive energy costs. The Government found a chaotic resolution to the EU emissions trading threat—something that would have cost the steel companies tens of millions of pounds, owing to the mishandling of Brexit—but they have singularly failed to clear changes to the feed-in tariff and renewables obligation opt-out. On the central issue of energy pricing, which means that UK producers’ energy costs are more than 50% higher than those of our European competitors, nothing has been done, and it appears nothing will be done.

That brings me to the very matter that we are here to discuss: the sector deal for steel, which hinges on the issue of energy pricing. After publishing the industrial strategy White Paper, the Government asked all industries to present their sector deals—comprehensive packages about how their industry would work within a national industrial strategy. The steel industry did just that, by presenting a sector deal to Ministers that met all the requisite criteria back on 7 September.

That deal would see a 50% increase in investment, from £200 million to £300 million per year—an additional £1.5 billion of investment over the next five years. It would increase production capacity by 40%, from 10 million tonnes to 14 million tonnes a year. It would create 2,000 jobs, and would see 200 more apprentices trained every year. It would develop a low-carbon roadmap, and help to deliver a more efficient electrical system, almost doubling the industry’s demand-side response. It would see the industry’s concern about the way to use the European emissions trading system—a year into R and D, which is an area, as my hon. Friend the Member for Torfaen (Nick Thomas-Symonds) pointed out, in which the UK is traditionally weaker than our rivals.

In return for all that value, all the steel industry asks is that the Government match the R and D funding, helping to establish the future steel challenge fund, which would bring together the steel value chain, from automotive to aerospace and from renewables to construction, to work in partnership towards a cohesive industrial strategy and a new kind of growth, unlocking exciting innovation and new opportunities. The deal asks for Government help in facilitating investment by providing access to commercially competitive loans, providing capital investment grants or innovative tax discounts linked to investment. Essentially, that would help the industry to unlock the monopoly on investment held by property speculators and quash the myth that investing in industry is risky.

Crucially, the linchpin on which all this untapped potential rests is energy prices. Our steel producers have to pay 55% more than their German competitors and 51% more than the French, which adds up to an additional cost of almost £50 million a year. As the sector deal makes clear, if the steel industry gets the help it needs, it will put every penny and more of that £50 million back into the industry, creating jobs, increasing capacity, innovating and creating new opportunities and value.

**Nick Thomas-Symonds:** Does my hon. Friend agree that there is wide support for the sector deal right across the steel sector? It makes sensible and innovative proposals. Why do the Government not simply adopt it?

**Stephen Kinnock:** I agree with my hon. Friend. The sector deal has been submitted under the umbrella of UK Steel and EEF, but with the full participation and support of Tata Steel, British Steel, Liberty Steel, Celsa Steel and a number of other key players in the sector. The steel industry really speaks with one voice on this.

Without a cost-competitive energy environment, steel companies cannot invest in the future, and the industry can survive only when it has the potential to thrive. Steel is too important a product for our economy, our security, our communities and our standing as a nation for us to have to rely on others for it.

**Jim Shannon (Strangford) (DUP):** The fact that the UK produced some 8 million tonnes of steel in 2016, while China produced 808 million tonnes shows a vast difference. Does the hon. Gentleman agree—I think he is basically saying this—that it may now be time for the Government to enter into negotiations with the companies and also the unions to ensure that we have a manufacturing base for steel in future? We will not have one unless the Government act. It is time that they did.

**Stephen Kinnock:** I absolutely agree with the hon. Gentleman. As I will come on to explain, the sector proposal is the litmus test for the Government. We have had years and years of warm words, but this really is the moment to see whether the Government are serious about providing the support they say they want to provide.

Steel enables transport, construction, manufacturing, energy and consumer goods—you name it, Sir Henry, and if steel is not in it, it was almost certainly used to make, process or transport it. Steel is truly a foundation industry, and demand is growing. The report published last week, “Future Capacities and Capabilities of the UK Steel Industry”, showed that, by 2030, domestic demand for finished steel products will have grown by almost 2 million tonnes. That leaves almost 7 million
tonnes of domestic demand to be met by the UK steel industry, which equates to a £3.8 billion opportunity per year.

That value is even greater if we consider all that steel goes into. Almost half the content of all cars built in the UK is British steel. In researching the “Steel 2020” report by the all-party parliamentary group on steel and metal-related industries last year—I have a copy with me—I am sure the Minister has already read it, but I would be happy to hand it over—we heard from leading figures in the car industry that the presence of a successful domestic steel industry is a key determinant of where steel is sourced.

Steel is vital to the future of UK car manufacturing and innovation. Take the much-vaulted electric and self-driving cars, which were championed by the Chancellor in last month’s Budget. Along with the normal steel content of any car, what do hon. Members think their batteries are cased in? Steel. If we are to invest billions in this new technology, why on earth would we not invest in the capacity to monetize those innovations? If we do not have the capacity to manufacture, or the capacity to produce the steel for the batteries and the machines that manufacture them, we will lose out. The steel is made here. The machinery will be German, and we will have spent billions on an idea that sees profit not in Port Talbot, Sheffield or Redcar, but in IJmuiden, Tangshan or Duisburg.

Despite investment in R and D falling by 90% over the past 25 years, the UK steel industry is still at the cutting edge. More than two thirds of steel produced in the UK today did not even exist a decade ago, so we should not let anybody tell us that steel is a sunset industry. It is an industry that is building a Britain for the future, which is why a go-ahead for the sector deal is vital. It is also important because steel is the ultimate economic and social multiplier. For every £1 of public investment in steel R and D, the return averages between £6 and £16. That means the £60 million transformation fund in the sector deal could add up to £960 million for the UK economy. I do not know about you, Sir Henry, but investing £60 million for almost a £1 billion return feels like a pretty good investment to me.

On average, steel jobs pay 40% higher than the average in the steel heartlands of Wales and Yorkshire and the Humber. Every steel job supports at least three further jobs in the local community and the national economy. Losing the steel industry would devastate towns such as Port Talbot, but the knock-on effects would be equally catastrophic. If the Port Talbot steelworks were to close, it would cost 40,000 jobs across Wales and the UK, costing the Government a total of £4.6 billion in benefits and lost tax revenue and reducing household spending in the economy by £3 billion over 10 years.

If we were to reshape the energy market, as the steel sector deal calls for, the most it would cost would be the equivalent of 57p per household per year. That is 57p a year against almost £8 billion in lost spending, tax and benefit payments if things were to go wrong. Once again, Sir Henry, that looks like a pretty good return on investment to me. There is a golden opportunity, with huge potential for growth. We should all applaud the Government for crossing the Rubicon and accepting the need for an industrial strategy, but the fact of the matter is that, if the Government fail to support the sector deal, that strategy will not be worth the paper it is written on.

Speed is of the essence. Steel companies only have so much capital to invest. That capital is spread across their global businesses, and if they cannot invest it here and now, it will go elsewhere. That is the nature of the beast. We have already seen Liberty spend almost £1 billion in Australia, and there are reports that British Steel—formerly Tata Long Products—is looking at an Italian plant. The clock is ticking and time is running out.

With the uncertainties of Brexit, the Government should be biting the hand off of anyone willing to invest at this time. Instead, steel companies have been fobbed off with all sorts of excuses. They submitted the sector deal on 7 September, but were only granted a meeting with the Minister at the very end of November—hardly the behaviour of a Government serious about supporting this foundational domestic industry. The fact is that the Government’s failure to engage on the steel asks set the tone. The sad reality is that trust between the Government and the steel industry has been shot to pieces. Warm words are no good to anyone if they are matched only by frozen actions.

**The Minister for Climate Change and Industry (Claire Perry):** I must correct the hon. Gentleman on a factual point: one of my very first acts as Minister was to visit the steelworks in his constituency and close by. I met the council formally to discuss the shape of the sector deal and subsequently three times after the presentation of the sector deal, and I have met one spoken to the companies on numerous occasions. He really must correct the record, because it is simply not true to say I only engaged with the sector after the sector deal was submitted.

**Stephen Kinnock:** I thank the Minister for her intervention. Conversations, visits and meetings are excellent, but the fact remains that the sector deal was submitted on 7 September, and a meeting was not granted with the steel industry until the very end of November. As the clock is ticking, the decisions about investment next year are drying up. It would be great to see rhetoric matched with reality.

An industrial strategy is not built on good will. A business cannot be built on Whitehall bluster, and communities cannot be sustained on platitudes. We all understand that an industrial strategy cannot do everything for everyone, but if the Government are serious about rebalancing our dangerously skewed economy, they must surely start by investing in the steel industry. With the steel sector deal, all that is being asked for is a small amount of help to unlock tremendous potential, create thousands of jobs and add hundreds of millions of value to the economy. Instead, the Government seem to be more interested in investing in robotics, medicine, life sciences and driverless vehicles. I am sure that those emerging industries are vital, but they are all concentrated in the south-east of England. Is that really going to support the broad-based manufacturing renaissance that our country so desperately needs?

Steel workers the length and breadth of Britain have shown that they will make every sacrifice, and the industry has dug deep too. It is the Government who have been found sorely wanting. Steel communities are a hardy bunch, forged in the white heat of our industry and from parts of the country that are well used to being forgotten, neglected and ignored by successive Tory Governments. They know how to take bad news
on the chin, and they certainly prefer to be treated like adults, with honesty and clarity as opposed to the obfuscation that has become the hallmark of this Government.

I urge the Minister to stop taking us for a ride. All the indications are that the Government really could not care less about the future of the British steel industry. If that is the case, they should just say so. Please stop stringing us along, and stop promising to do something about energy prices, dumping, procurement and business rates while in reality having no intention whatsoever to act. Please level with us today on the sector deal. Just tell us here and now whether or not the Government are minded to support it. If they are not, it is clearly better to know that now, so that no more of our time and energy is wasted. We know that the previous Prime Minister and Business Secretary only got involved when they realised they had a brewing PR disaster on their hands. We hoped that this Prime Minister and this Business Secretary would be different, but the sad reality is that the Government lost interest once the media circus moved on, so we are back to square one.

The toxic combination of complacency, indifference and incompetence is back with a vengeance. Eleven months ago, the steel APPG produced “Steel 2020”, which provides a road map for the industry’s future. Eleven months on, we are still waiting for the Secretary of State to give us a date for a meeting to discuss it. Over recent weeks, we have seen unscrupulous financial advisers swooping in like vultures to exploit steelworkers while the Government stand by and do nothing. Now we see a comprehensive, exciting offer from the steel industry, backed by the trade unions, sitting on the shelf and ignored for three months. I would say that that is shameful, but I wonder whether the Government are capable of feeling that emotion.

I implore the Minister again to level with us. If she will not help, she should just say so, and the Government should stop wasting our time and giving us false hope. Let us get on and fix what we can ourselves, because right now, the Government are only holding us back. I desperately hope that the Minister will stand up and prove all my suspicions wrong. In fact, I am praying for it, because it is my constituents’ lives and livelihoods that are at stake. I will finish by saying to the Government that they have a choice: they can either be part of the solution, or they can continue being part of the problem. Now is the time to choose, and this sector deal is the litmus test.

Several hon. Members rose—

Sir Henry Bellingham (in the Chair): Order. Before I call the next speaker, it might be of interest to Members to know that I will call the Front-Bench spokespeople at 10.30 am sharp. By my calculation, that gives each person seven minutes if everyone is going to make a reasonable contribution. I call Mr Simon Clarke.

9.54 am

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): It is a pleasure to serve under your chairmanship, Sir Henry. I was pleased to support the debate application from the hon. Member for Aberavon (Stephen Kinnock), with whom I serve on the all-party group on steel and metal related industries. He is a great advocate of the steel industry and was absolutely right to call for this debate. I am grateful to the Backbench Business Committee for granting it.

Steel is part of the DNA of Teesside, and I represent the hugely impressive British Steel special profiles business at Skinningrove in my constituency. I visited the plant in my first month as an MP to meet managing director Peter Gate and see the operations for myself. It transformed whatever preconceptions I held about what a modern steelworks looks like. Simultaneously combining vast power with infinite precision, the special profiles unit has the machining capability required to manufacture special profiles. Those include unique reserved profiles that have been designed for individual customer needs and open roll profiles, which are available to all customers. Key products include bulb flats, track shoe profiles, crane rail profiles and mining components. Perhaps the most significant profiles made by British Steel at Skinningrove are those produced for the manufacture of forklift trucks, which include mast profiles, carriage bar profiles and flats for manufacturing the fork arms themselves.

The special profiles unit is co-located on the same site as Caterpillar, which is its largest single customer and is also a major employer in my constituency. These companies are great sources of not just jobs, but skilled jobs, and jobs that pay well above the median salary for people on Teesside. They are valued highly in East Cleveland, and we should celebrate that achievement.

In 2016, Caterpillar at Skinningrove passed the amazing milestone of 20 million track shoes produced at its plant, all made using profiles made by British Steel. British Steel special profiles also supplies Caterpillar operations in Brazil, the United States and China. It is a great example of how the UK steel industry remains such an asset to our economy and to our country’s standing as an industrial power.

Since my election, I have pledged my support for whatever can be done to help with what is perhaps British Steel’s foremost challenge: the cost of energy. British Steel special profiles is seeking redesignation from a high-voltage status business to extra-high-voltage status, which it calculates would reduce its energy costs by some £265,000 a year, and I have held talks with Ofgem about how that might be secured. The problem is not so much the cost of redesignation, which is estimated to be around £1 million, but the fact that British Steel would likely have to take on responsibility for the ongoing upkeep of what is already considered an unreliable electricity connection and for maintaining the easements and wayleaves across properties owned by some potentially difficult third parties. Whatever support the Department for Business, Energy and Industrial Strategy can offer British Steel on that issue would be invaluable, and I hope the Minister and her officials will follow up on that.

The purpose of this debate is to discuss the wider outlook for the steel sector. I know that the Minister, with whom I am in regular contact regarding such diverse issues as carbon capture and storage and the case for onshore wind, is absolutely committed to making a success of our industrial strategy. We have a friend in her as we seek to deliver a framework within which UK steel can thrive.
This is a critical issue for Teesside. I want to emphasise that UK Steel, the body that represents the industry, wants to convey the positivity and the optimism that also characterises this moment. This is as much about future opportunities as it is about the consolidation of existing strengths. The Government’s study on the future of the industry projects a £3.8 billion opportunity in steel demand by 2030, as the hon. Member for Aberavon, said, which will need to be met by imports if we do not get this opportunity right.

With the right strategy, UK Steel estimates that the gross value added of the industry can increase from £1.2 billion today to £3 billion. That goes to the heart of the issue. Steel is an enabling technology, underpinning so many other parts of our economy. The sector places a premium upon innovation, which is what will be required if we are to continue to offer high-end products that our rivals in the world cannot easily match. That means investing not only in physical facilities but in R and D and training and skills, particularly of the next generation.

I often hear from my local employers that a big challenge on Teesside is how we address the age profile of our skilled workers, many of whom were trained in the ’70s and ’80s by the big industrial conglomerates that have predominated and contracted throughout the course of my lifetime. Those workers are now approaching retirement age. It is vital that we ensure that our education and apprenticeship models are fit for purpose, to supply young people with the skills and inspiration they need to grasp the opportunities that we all hope will be created for them. Contrary to what the hon. Gentleman said, the SSI Task Force in Redcar has had considerable success. I praise also the huge potential of the South Tees mayoral development corporation. We all know the consequences that were felt in Redcar and that obviously had massive impacts also in Middlesbrough South and East Cleveland, but real, constructive action, money and hope are now flowing into our area. It is very important that we get that part of the equation on record as well.

The key elements of the deal are clear. As the hon. Gentleman set out, that includes investment, boosting production capability, creating more jobs, employing and training more apprentices and working with the Government to create a future steel challenge fund, drawing together partners from the automotive, construction and renewables sectors. It is also vital that the Government play their part in ensuring that UK steel has the best possible chance to compete in relation to procurement options. I have already spoken to Defence Ministers about giving maximum notice when it comes to contracts for warships.

If the vision is to be realised, we need to ensure that maximum support is given regarding the cost of energy. We all know that the UK’s energy mix is undergoing a profound revolution. It is right that that is happening, so that we can not only future-proof our security of supply, but meet our carbon commitments. The market-led “test and learn” electricity strategy, set in motion under the coalition Government, has yielded startling and exciting advances in terms of moving renewable energy closer and closer to the point at which it will become competitive on a subsidy-free basis. That is great news, but our forward thinking on this issue has left the industry exposed to a competitiveness challenge. The simple fact is that it is difficult for our industry to compete when its energy costs are 55% higher than those of Germany and 51% higher than those of France.

We are looking for bridging solutions that lower costs in the short to medium term while we wait for longer-term solutions to take effect. That is in effect the same principle as the Government have already accepted vis-à-vis renewable energy, so I hope that the Minister can consider it seriously, while acknowledging that this is in no way easy or straightforward.

I want to touch on the other levers within the Government’s grasp. They include supporting the proposed future challenges fund, looking at whether new plant and machinery can be exempted from business rates and ensuring that we get our post-Brexit trade framework spot on, because getting the right framework for trade remedies will be critical if we are to deal with the outrageous dumping of steel by the Chinese that has taken place recently. I urge every hon. Member present to join me after the Christmas recess in the debates on the Taxation (Cross-border Trade) Bill, which will be the vehicle for getting that right.

I thank the Minister for her time today and thank the hon. Member for Aberavon for calling the debate. Let us move forward together, as one, with a positive mindset towards delivering the right deal for our steel sector.
been put together by the existing six steel companies in the UK, coming together with the unions to look at ways of addressing the challenges collectively. Those individual companies have made specific commitments on jobs, investment, expanded capacity and an increase in innovation activity within the sector.

Some of the companies are in my constituency. There are Tata’s plants at Llanwern and Orb and the relatively new entrant Liberty, which is expanding fast. Those two companies were among the six involved in drawing up the steel sector deal proposal. With Tata’s Llanwern Zodiac plant in Newport East, the investment by the company in the auto-finishing line, and Orb’s electrical steel capabilities, there is a real opportunity for the UK to establish itself as one of the foremost suppliers of steel to the automotive industry, especially for electric cars. We therefore welcome the Government’s automotive sector deal conversations and their ambition to increase domestic content to 50% in British-made vehicles, but we in Newport are acutely aware that we need a thriving, competitive steel industry to do that, which is why a sector deal for steel is needed.

The GFG Alliance, which owns Liberty Steel, which also has a base in Newport East, has announced plans to create a total of 5 million tonnes of low-carbon steelmaking capacity during the next five years as part of a drive to develop a green and competitive future for manufacturing in the UK. That would equate to half the steel made in Britain at present. Currently, the UK exports more of its scrap for processing abroad than any other developed country, so Liberty’s aim is to recycle a large proportion of the 7.2 million tonnes a year of scrap steel here in the UK. That low-carbon secondary steel production would displace much of the 7 million tonnes a year of raw steel currently imported and is a huge opportunity for the country to drive clean growth by making low-carbon steel at home.

There is great ambition in the steel industry in my constituency, despite all the difficulties faced by the steel sector in recent years. However, although demand for steel is up, production has fallen and many of the underlying causes of the recent crisis are still there. Tata and Liberty in my constituency show what ambition is out there, but we need Government interventions to ensure that our innovation can keep pace with our international competitors. That is why we repeat and repeat the policy asks. That means Government action on energy prices—the most important intervention that the Government could make. As my hon. Friend said, UK plants currently pay more than 50% more than their German and French counterparts. It means action on the business rate regime. These companies are investing and want to invest more. They want to work with the Government to unlock further investment. For the steel industry to flourish, they need a route to market that includes things such as UK steel for infrastructure projects, help with access to finance and a future steel challenge fund. Addressing the barriers through a sector deal will help to unlock investment. I mentioned this a moment ago, but we also need to continue to see more commitments on procurement, including in subsidised energy projects. As a south Walian Member, I point out that we are still awaiting a decision on the Swansea Bay tidal lagoon.

Stephen Kinnock: On that point, does my hon. Friend agree that, given that the Hendry review was completed almost a year ago, it is almost impossible to understand why we are still waiting for the Government’s answer on the recommendations in that review, which are vital to the south Wales economy, not least the steel industry?

Jessica Morden: My hon. Friend is right to make that point. The project has huge potential, not only for Swansea bay but for other areas of Wales—there is the potential for tidal lagoons in places such as Newport—so we must keep pressing the Government. We do not understand why the decision has not been made yet.

There has obviously been disappointment in the steel sector that its own proposal for a sector deal was not among those being talked about, especially given that, as my right hon. Friend the Member for Wentworth and Dearne (John Healey) said, discussions have been ongoing since the crisis in 2015-16, when the Secretary of State invited the sector to work with him to come up with a vision for a modern, sustainable steel sector. We look forward to hearing from the Minister today about what she can do to work with the industry and all of us to ensure a sustainable future for steel.

Nic Dakin (Scunthorpe) (Lab): I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this well-timed debate on the steel sector deal. It was good to hear the hon. Member for Middlesbrough South and East Cleveland (Mr Clarke) contributing so knowledgeably to the debate. He fills really big shoes on steel. Our former colleague, Tom Blenkinsop, was a tower of strength and had a real passion for this industry; I know that he continues to fight for it from outside this House and we all wish him well.

Two years ago local steelworkers and their families were worrying about their futures as Christmas approached. The same was true in steel communities across the UK. Horizons were short, confidence was low and, despite the marches, speeches and protests, Government seemed deaf to calls from the sector to level the playing field on jobs, investment, expanded capacity and an increase in innovation. It was a time when we were a part of a drive to develop a green and competitive future for manufacturing in the UK. That would equate to half the steel made in Britain at present. Currently, the UK exports more of its scrap for processing abroad than any other developed country, so Liberty’s aim is to recycle a large proportion of the 7.2 million tonnes a year of scrap steel here in the UK. That low-carbon secondary steel production would displace much of the 7 million tonnes a year of raw steel currently imported and is a huge opportunity for the country to drive clean growth by making low-carbon steel at home.

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producer, making around 2.8 million tonnes per annum. The business faced challenging operational issues in the summer, including a blast furnace chill that impacted on costs, but it expects to have a strong second half-year performance. The conclusion of a 4% pay deal with the workforce is both a strong vote of confidence in the fantastic men and women that make the business happen and an indication of growing business confidence. As well as achieving a significant turnaround of the business, British Steel continues to invest in future skills including, this year, the new starts of 70 apprentices, 43 graduates and 72 trainees. Next door, Liberty is breathing new life and new purpose into Caparo Merchant Bar. It is good news that the Scunthorpe site has been longlisted as a possible Heathrow logistics hub. That is a good example of proactive procurement by a major customer that others might learn from.

Indeed, while everything has changed in steel, nothing has changed, and the four asks of Government at the height of the crisis remain significant asks today. Procurement is a key ask. The Government need to do more to ensure that their December 2016 steel procurement guidelines are being actively pursued by all Departments, including the Ministry of Defence. When I asked for an update on delivering their ambition the Cabinet Office reply was: “We do not hold data currently on the quantity of UK steel procured.” Frankly, that is not good enough. While I very much welcome that published pipeline for future steel, it still begs the question of how the Government will ensure that their guidelines are delivered across all Departments. Perhaps the Minister—who I believe in, actually—will enlighten us in her reply.

Alongside better, fairer procurement, the other key asks were action on energy costs, business taxes and tackling steel dumping from China and elsewhere. Add to that the need to invest in research and development and workforce skills, and that is the context in which the sector deal is being wrought. We need a sector deal for steel sooner rather than later. I have been heartened by the consistently warm words of the Secretary of State and Minister responsible in response to these calls. They eventually managed to do a good job of putting something together on the EU emissions trading system, but things like that need to be done quickly and effectively so that confidence is not knocked. We need to learn from that so that things can be done well in the future, because the time for warm words will soon be over, and the time for action is nigh.

The Government recognise the value of the steel industry. Their recent study, “Future Capacities and Capabilities of the UK Steel Industry”, demonstrates the size of the prize in capturing more of our domestic steel market. UK Steel estimates that there is potential to boost sector GVA from £1.2 billion to over £3 billion. The study identifies the key role that supply chain engagement and R and D can play in enabling that boost to happen. Three core actions will unlock the sector’s potential: action to level the playing field on energy costs, investment in new research and development through a future steel challenge fund, and incentives to facilitate capital investment. The key commitments that the sector will make are outlined in the document. There are significant and the asks of Government are significant to match. The sector and the Government need to work together to deliver that.

To conclude, two years ago we felt as though we might be close to closing the book on steelmaking in the UK, but thanks to the wonderful men and women who work in the industry and the leadership shown by Community, Unite and the other steel unions, alongside steel communities and steelmakers, in the last two years this industry has navigated a difficult chapter, restructuring and repositioning itself. It is now time for Government to act with the industry to create the strong, innovative business that is needed to help to build Britain’s future as we move into a world outside the EU. The steel sector deal bid from the industry shows the necessary commitment to deliver for the future. The Government have welcomed this. Both sides must now forge a future together. All I want for Christmas is a steel sector deal!

10.16 am

Sarah Champion (Rotherham) (Lab): It is a real pleasure to serve under your chairmanship, Sir Henry, but it is somewhat dispiriting to find myself rising to speak yet again about the importance of Government getting behind our steel industry.

I am grateful to my hon. Friend the Member for Aberavon (Stephen Kinnock) for calling this debate. Time and again I, and many of my hon. Friends here today, have explained the importance of British steel and offered clear advice on practical measures the Government could take to champion this crucial strategic industry. Many of those requests remain unfulfilled. The Government respond with warm words but, to be honest, little practical support.

I am pleased, however, that despite this lack of commitment from Government, the future looks a little brighter for British steel, as my hon. Friends have said. In my own constituency, the takeover of Tata’s specialty steels division by Liberty House has been completed. Specialty Steels is a world-leading business with a global reputation, and its products are found in everything from airliners to Formula 1 cars. Far from the relic of caricature, this is a dynamic and growing business of which Britain should be rightly proud. Liberty has recognised this huge potential and we have received the welcome news that not only have existing jobs been secured, but investment will lead to a further 300 new jobs, the first of which are already being recruited. Liberty should be commended for its commitment to sustaining and growing British steel.

While the investment from Liberty is hugely positive, Tata’s main UK research and development centre, Swinden House in my constituency of Rotherham, faces uncertainty. Tata must make every effort to allow those who wish to relocate to do so, and to support those who do not.

The existential crisis that the industry has faced in recent years may have begun to subside, but many of the long-term issues that led the industry to the precipice remain. The steel sector’s proposals to the Government have their roots in that crisis, and discussions between the sector and Government have been ongoing for some time. With the huge uncertainty of Brexit looming, the Government must act now to safeguard steel’s long-term future. It was therefore somewhat disappointing that the steel sector’s proposals to renew and support the industry have not been included in the group of frontrunners for individual sector deals.
That failure is just the latest in a long line of Government failures to safeguard the industry’s future. In particular, the continued lack of action on high energy costs leaves the steel industry with one hand tied behind its back. Despite British steel’s wealth of experience, skill and expertise, it simply cannot compete while it continues to face energy costs far in excess of those faced by its European and international competitors. British producers pay, on average, £17 more per megawatt-hour than competitors in France and Germany do. Over the course of a year, that means a massive £50 million. This colossal burden leaves British producers struggling to compete. We are not talking about handouts; all we want is a level playing field, which the Government have consistently failed to provide.

Energy intensive industries compensation was a start, but until the Government address and commit to reducing the vast burden on our industry these problems will continue to hold British steel back. The Government have claimed that state aid rules prevent them from taking action, yet they refuse to introduce measures already in place in the likes of France and Germany, such as allowing exemption from renewables costs up to the value of a company’s gross value added. Now is the time to take such steps and to support British steel’s recovery and growth as the cornerstone to a sector deal.

Business rates also continue to punish steel producers and penalise their investment in new facilities. Removing new plant and machinery from calculations would encourage much-needed inward investment. That problem, too, has been raised with the Government repeatedly, but they have consistently failed to act.

Requests to favour British steel in Government procurement continue to receive, at best, a lukewarm response from the Government. UK steel has the skills and capacity to deliver on large-scale infrastructure projects such as High Speed 2. Although it is welcome that the Government have stated that they expect 95% of HS2 to utilise British steel, they have stopped short of absolutely guaranteeing that figure. That commitment must be much clearer and stronger.

Britain’s exit from the European Union also leaves the industry vulnerable to further dumping of cheap Chinese-produced steel. The British Government have consistently opposed the introduction of stronger tariffs within the European Union. With the removal of that opposition post-Brexit, it is likely that the EU will pursue far stronger tariffs and domestic protections. The chief executive of UK Steel has expressed concern about the seemingly complacent attitude displayed by Government officials who have refused to commit to strengthening Britain’s own protections in line with those of our neighbours. Should the UK find itself bordering a European Union with far stronger protections than our own, the impact upon our industry could be catastrophic.

Furthermore, the Government’s failure to properly consider the impact of Brexit on the industry risks plunging steel into a new crisis. Not releasing an impact study on the effect of Brexit on steel was frustrating, but the revelation that they may not even have conducted an industry-specific study is simply staggering. It is the Government’s duty to ensure that the industry is as prepared as it can be to weather the inevitable turmoil that Brexit will bring, but they seem to be asleep at the wheel.

Although we must do everything that we can to secure the steel industry’s long-term future, we must also recognise that changes to the British Steel pension scheme have left many scheme members facing financial uncertainty and difficult choices. Disappointingly, my constituents tell me that they have not received sufficient advice and support. There are reports that in the absence of detailed, clear advice, scheme members have been targeted by unscrupulous advisers and might have been mis-sold unsuitable financial products. It is vital that we protect scheme members, provide appropriate guidance and support and ensure that they are not left behind as casualties of the crisis faced by the industry.

The UK steel industry can and should be central to a resurgence in British industry, but progress towards a comprehensive resolution to these problems has been painfully slow. The failure to progress towards an individual sector deal for steel is just the latest example of the Government offering warm words and little else. The industry’s proposals are clear and practical, and would lead to significant and sustained investment in British steel, with £1.5 billion invested over five years and a huge increase in production capacity from 10 million to more than 14 million tonnes. What the industry wants in return is for the Government to match its commitment and work with it to address the structural problems preventing UK steel from reaching its potential.

This is an opportunity for the Government to offer more than talk. They must engage positively with the industry and do everything they can to ensure that British steel once again leads the world.

10.23 am

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op):

It is a pleasure to serve under your chairmanship, Sir Henry. I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this debate and on all the work that he has done on behalf of the industry. It is a superb demonstration of how effective a Back Bencher can be in shaping Government policy in key areas.

I rise as the representative of a constituency that is not a primary producer of steel but heavily dependent on steel. West Bromwich West has more foundries than any other constituency in the country, and those foundries depend heavily on supplying parts to the motor industry. It is interesting that each and every speaker who has contributed to this debate represents a steel-related industry that is vital to the core economy of some of the most deprived areas of the country. For that reason the issue should be considered, due to its impact on the wider regional policies of this Government.

Equally, we must consider the national contribution to the economy. Our £72 billion motor industry is recognised as a world leader, is vital to our exports and has a productivity level three times the national average at a time when the country is desperately seeking to improve its productivity. Any industry forming part of a chain that delivers that is worthy of special consideration, respect and a commitment that has hitherto not been afforded to the steel industry.
Other stated objectives in the Government’s industrial strategy, which I welcome, include a deal on autonomous and electric vehicles and construction, all of which are strategically dependent on a successful steel industry. The fact that an industry on which so many Government objectives and policies depend seems to have been neglected is a matter for concern and needs an urgent remedy.

In the short time available, I want to make two or three other points. First, the motor industry in my area and nationally has adopted a policy of reshoring. It makes sense, because it is cheaper to do so, it provides security of supply for the most part and, of course, it accords with low-carbon and energy-saving targets. Locally, Jaguar Land Rover has led the drive. I believe that there is a national target to improve the number of British-built cars for which British steel is sourced from 35% to 50%, and Jaguar Land Rover in particular is well on schedule to do so. However, the policy could be compromised without security of supply and an adequate supply of steel at a competitive price.

Secondly, I point out the Government’s objectives on electric vehicles, which we are currently world leaders in developing. We produce more than any other country with the exception of the US, which of course is a lot bigger. As my hon. Friend the Member for Aberavon pointed out, all those electric vehicles are just as dependent on British steel components as our historic petrol and diesel-driven vehicles. The Government’s objectives could be blunted if we do not preserve the steel industry.

My last point, which I will not labour because my hon. Friend the Member for Newport East (Jessica Morden) made it very well, is that we export more scrap than any other country, yet import raw steel. That seems crazy. Again, I join others in pointing out that Liberty Steel, which has a substantial presence in Oldbury in my constituency, is a potential game-changer. Liberty, seeing the implications of the current energy situation, has bought up renewable energy generators in Scotland and other parts of the country, with a view to getting a perfect combination and integrated supply of low-carbon energy to melt scrap cars and metal and reshape them into castings and hot stamping for the industry.

Steel is a core industry for so many of this Government’s wider economic and social objectives. It has come up with a series of solutions that would embed it in those policies and deliver on their objectives, and that are worthy of special consideration for adoption by the Government.

10.30 am

Neil Gray (Airdrie and Shotts) (SNP): It is a pleasure to speak on behalf of the Scottish National party in this debate. It is also a pleasure to see you in the Chair, Sir Henry, and to follow the hon. Member for West Bromwich West (Mr Bailey), who made a very good speech.

I congratulate the hon. Member for Aberavon (Stephen Kinnock) on securing the debate via the Backbench Business Committee and on his speech. He has been determined for quite some time to see a sector deal for steel; his advocacy on behalf of the steel industry is to be noted and congratulated, and he continued that campaign with his usual fervour today. I hope that his efforts have brought the issue back to the attention of the media, and that we will get some answers from the Minister about what the Government will do for the industry.

The hon. Gentleman asked the Government to address matters such as steel dumping by Chinese, Russian and Turkish producers. He also spoke about procurement opportunities. However, I must correct one aspect of his speech, because what he said about the new Forth crossing, the Queensferry crossing, was not quite right. Of the £540 million of orders, 45% came from Scottish companies, and steel from the Dalzell plant is in the girders at either end of the bridge. Sadly, no bidder came forward from Scotland for the main contract, because the capacity to produce the required level of steel has been lost since Thatcher closed the Ravenscraig plant. Of course, we want to do more; we want that capacity to increase, which is why we are all here today. The hon. Gentleman also discussed energy issues, which I will address later in my speech.

The hon. Member for Middlesbrough South and East Cleveland (Mr Clarke) made a very good speech. He was absolutely right to say that with the right opportunities and support, we can increase the GVA of the steel industry from £1.2 billion to £3 billion. We need to get this right. He also said, rightly, that the steel industry is an enabler for other sectors to grow. His speech was constructive but probing, and I hope the Minister was listening.

The hon. Member for Newport East (Jessica Morden) mentioned the importance of steel to other industries and Liberty’s exciting low-carbon proposals on green steel, which should reduce the need for imports and cut the industry’s carbon footprint. The hon. Member for Scunthorpe (Nic Dakin) was absolutely right to pay tribute to Tom Blenkinsop, the former Member for Middlesbrough South and East Cleveland. In all the debates I have attended, the hon. Member for Scunthorpe has been a stout defender of the industry, and he was very good again today. He was also right to pay tribute to the workforce, who have been incredibly resilient, particularly in recent years.

The hon. Member for Rotherham (Sarah Champion) rightly raised the potential Brexit challenges that the sector faces. We are particularly concerned about the impact on the industry of leaving the single market. It is essential that we see UK Government action now. As I said, the hon. Member for Scunthorpe made a very good speech; he focused on the needs of the foundries in his area and highlighted the supply chain that the steel industry feeds, including the £72 billion motor industry.

As the Minister will be aware, Liberty Steel operates at the Dalzell works in the constituency of my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows), which adjoins mine, and many of my constituents are employed there. It would be remiss of me not to pay tribute to the efforts of the Scottish Government, the trade unions and the Scottish steel taskforce, which secured the future of the Dalzell and Clydebridge plants, the former Tata sites in Scotland. The SNP is clear that we would welcome a sector deal for the steel industry: we encourage the UK Government to get it done and we note with concern its absence from the industrial strategy. I have been in contact with Liberty’s management about developments and about the priorities that they and others have for future intervention and support from the UK Government.

Let me be clear. The steel industry is not some “nice to have” aspect of the manufacturing sector. It is crucial to all aspects of infrastructure projects in these isles: it
supports huge numbers of jobs and feeds a supply chain that contributes even more to employment and economic prosperity. Further support for the sector could open significantly more opportunities for employment and growth, as the hon. Member for Middlesbrough South and East Cleveland said.

What support could this Government offer? It has been well trailed by all hon. Members in this debate that help with energy prices would address the clear disparity with competitors in other countries, including France and Germany—a disparity that is estimated to cost UK steel producers an additional £43 million a year. The UK Government could look at helping to attract additional investment to the UK in a number of ways, such as by providing access to commercially competitive loans, a capital investment grant or innovative tax breaks or discounts linked to investment. They could also consider the proposal to establish a new innovation fund to boost research and development of steel products.

The executive chair of Liberty House, Sanjeev Gupta, said that he was “very impressed” with the efforts of the Scottish Government and the Scottish steel taskforce to save and support the industry in Scotland. It is now time for the UK Government to match the ambitions of the Government up the road and get on with the sector deal, delivering tangible support on energy, procurement and all the other asks from industry and from hon. Members across the House today. Let us hope that we will hear of such action from the Minister today.

10.36 am

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairpersonship today, Sir Henry. I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this timely debate and on his continued commitment and passion in advocating for the steel industry. I also pay tribute to my hon. Friend the Member for Redcar (Anna Turley), whose passion and commitment would definitely have given her a lot to say in the debate, but who cannot be with us today.

The steel industry has gone through a tumultuous few years, but the sector has successfully managed to navigate its way back to a more stable position as it heads into 2018, although it is by no means out of the woods. I join other hon. Members in highlighting the industry’s positive economic and social impact. The sector provides well-paid, skilled jobs in areas such as south Yorkshire, where the average steelworker is paid 40% more than the local average wage. As my hon. Friend the Member for Newport East (Jessica Morden) set out, it is crucial to the social fabric of communities such as those in Wales or south Yorkshire. Indeed, the case for supporting and backing our steel sector in particular and manufacturing more broadly is more acute today than ever. A post-Brexit Britain will require rebalancing the economy, both by sector and by geography, if we are to embrace the opportunities of the future.

This is indeed a timely debate. Earlier this year, the Secretary of State issued an open-door challenge to industry to approach the Government with proposals to transform sectors through a series of sector deals. In September, the steel sector met that challenge when six chief executive officers of steel companies and all three relevant unions—Community, Unite and GMB—addressed key issues facing industry with a comprehensive plan and tangible solutions. Each company detailed the specific investment, jobs and research and development commitments that it could make. In turn, the sector made requests of the Government, notably to eliminate the electricity price disparity and establish a future steel fund with match funding of £30 million a year.

Unfortunately, the Government have failed at every opportunity to respond to the sector deal. On Friday, they finally published a report, “Future capacities and capabilities of the UK steel industry”, which revealed that the demand for finished steel products in the UK will increase from 9.4 million to 10.9 million tonnes by 2030, opening up an opportunity of £3.8 billion per annum. That is welcome news.

My hon. Friend the Member for West Bromwich West (Mr Bailey) made it clear that those opportunities can only be harnessed with full Government backing and support, which makes a steel sector deal more necessary than ever. However, for too long the UK steel industry has been neglected by the Government. Their industrial strategy merely paid lip service to the industry while failing to provide any tangible solutions and failing to respond to the steel sector deal proposal at all.

As I have mentioned, the industry is not out of the woods. There are fundamental issues hampering its competitiveness and innovation capability, and it is down to both Government and industry to work together to create a level playing field for steel. The UK steel sector faces excuraciously high electricity costs compared with its EU counterparts, with an average electricity price disparity between the UK and Germany standing at £18 per megawatt-hour, which translates into a total additional cost for UK steel producers of around £43 million per year. The Helm review was published recently and it made some welcome recommendations, but the steel industry needs urgent action now if it is to be sustainable in the years ahead.

Furthermore, the industry is lagging behind in research and development spending, which is crucial to the growth and innovation of the sector. I am proud that the Advanced Manufacturing Research Centre, which my hon. Friend the Member for Rotherham (Sarah Champion) is very familiar with, is a world-renowned R and D centre. It is located in south Yorkshire, near my constituency. However, despite such pockets of excellence, the number of people employed in R and D in the steel sector in the UK have declined from around 900 to around 95 today—a 90% reduction—with closure or divestment of UK technology centres at Port Talbot, Rotherham and Teesside. The loss of locally based expertise and knowledge limits productivity development and innovation in the UK industry.

If the Government’s rhetoric on productivity is to be believed, why are we in a dire position when it comes to R and D funding? Last month, the Government committed £3 billion for R and D in 2021-22, but they failed to respond to a parliamentary question when I asked, “What proportion of the funding will be allocated to the steel sector?” Can I get an answer from the Minister today?

Beyond electricity prices and R and D, it is clear that there needs to be more proactive engagement with the supply chain if the sector is to capture the opportunities
I have outlined, particularly in the construction and automotive sectors, where the big opportunities lie. As the report notes, these opportunities can only be captured “if a comprehensive strategy and policy to reshore supply chains back to the UK is pursued.”

Given the strategic importance of the sector, it is absolutely vital that the Government, the steel industries, the trade unions and the workforce continue to work to resolve some of these key issues. Disappointingly, we have seen very little action to alleviate these issues. First, in the autumn Budget there was no mention of energy prices or an energy efficiency fund for industry. Although there was some money for R and D, as I have pointed out, there has been no detail about whether the steel sector can expect to benefit.

The Government’s recently published industrial strategy set back many hopes of capitalising on the opportunities ahead. It did not include any detail or offer any tangible solutions to the steel sector. What detail there was focused on a handful of elite sectors, in which the UK already has a competitive advantage. It also provided very little to those who do not live in the golden triangle made up by London, Cambridge and Oxford. The absence of the sector is telling. Months after the steel sector deal had been proposed, it appears that the Government have made no effort to ensure that there is progress on it. In essence, the industrial strategy dashed any hope of the Government and industry ever delivering a deal.

In what little mention of the sector there was in the strategy, on page 239 the Government said that they would develop a “commercially sustainable proposition” for the steel sector, but there were no other details. Can the Minister explain what a “commercially sustainable proposition” means? What progress has she made on developing such a proposition, and what is the timetable to achieve that?

I accept that we are short of time today, so I will conclude. It is clear that our steel industry is at the cutting edge of UK manufacturing, producing some of the best-quality products. The future of the industry should see it playing a central role in the transition to a low-carbon economy; continuing to lead the world in quality and innovation; and capturing huge opportunities to the tune of £3.8 billion annually.

However, that is only deliverable if there is a strategic and comprehensive sector deal to deliver on issues such as dealing with electricity price disparities, reviewing business rates, increasing spending on R and D, and ensuring that we have a robust procurement strategy that works for the steel industry. A post-Brexit trade deal and strategy are absolutely essential if the future of the steel industry is to be secure and bright.

10.45 am

The Minister for Climate Change and Industry (Claire Perry): As always, Sir Henry, it is a pleasure to serve under your chairmanship.

I congratulate the hon. Members who are present today on securing an absolutely crucial and timely debate. I also echo the good wishes that have been expressed about the hon. Member for Redcar (Anna Turley), who is an amazing champion for activity in this sector, and we all wish her extremely well.

Listening to the speech by the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss), I was reminded of the many debates that I had with her late husband, who, like her, was a doughty champion of the activities of the constituency. I am sure that her constituents are very proud of her and I like to think that her son will get a council seat soon, because it is clear that he has also done an amazing job in representing the communities in that area. Evidently, they are a great political family.

I welcome the comments that have been made today. Everyone here is standing up for a foundation industry, a vital industry and an industry about which we should be incredibly proud, not only for developing the technologies that underpin it but for continuing what has been a highly productive trajectory. Given that we are discussing such an important industry, I hope we might get beyond some of the party polemics and the Nye Bevan rhetoric that we have heard today. I will just point out a couple of facts and then I hope that we can park the politics of this debate.

In 1998, 68,000 people were employed in this vital industry. During the next 16 years, largely under a Labour Government, that number dropped to around 30,000. Since then, we have seen an increase in employment, despite going through some very tough economic times—[Interruption.] These are the facts, I am afraid.

I will also point out that it was a Conservative Prime Minister who called the first steel summit, who set up the steel council, who has paid for the report on the “Future Capacities and Capabilities of the UK Steel Industry” with taxpayers’ money, because we think it is a vital investment, and who has Ministers who are absolutely committed to working with this industry, domestically and internationally. I hope that we can get beyond the party politics, for the sake of the people depending on this industry and for the sake of the thousands of incredibly highly productive jobs in the industry. I think it is time to get to a different place, where we focus on the long-term potential. So can we have a little less politicking and a little more focus on the future of the industry, please?

On my visit this summer to the constituency of the hon. Member for Aberavon (Stephen Kinnock), as I went round the steel plants and talked to the workforce, who have been there for generations, I was struck by the level of skill and pride of the workforce, as well as the impact that those plants have on the constituency and the innovation that they bring. I remember talking to a shift manager in the electric arc furnace nearby, who said, “My dad would never have thought I could do this job, but he’d be really proud of me today”, as he tapped out molten steel.

However, I was also shocked to see the conditions that we still expect people to work in. This is a very tough industry, and I know that people in the steel plants are incredibly proud of what they have done. I join all Members in paying tribute to the steel workforce, who have shown amazing foresight over the last few years. We are very keen to continue to engage with the unions, as we do with the managers and the investors, to drive this sector forward.

Let me just reiterate very quickly what the Government have done, because it is clear that in such a vital strategic industry Government involvement, both in the sector itself and in the other aspects of the demand and supply
chain, is very important. Procurement has come up many times today. We are working very hard to ensure that, where possible, British steel is the steel of choice in public procurement. We have new procurement guidelines; we have published the steel pipeline, which looks out over the next five years; and we are setting out how we want to use more than 3 million tonnes of steel on infrastructure projects such as High Speed 2, Hinkley and on the upgrade of the motorway network. That is a pipeline that has been widely welcomed by the sector.

Nic Dakin: I thank the Minister for the tone that she is adopting, but does she not agree that it is important that the Government monitor performance on procurement? That was the intention when the guidelines came in, in 2016, but since then it appears to have slipped.

Claire Perry: I will happily take away the hon. Gentleman’s point. Although we do not want to mandate supply, because we want the sectors to buy the best quality at the best price, we must ensure that, where we can, we pull forward and give certainty to the steel industry. As the hon. Member for Sheffield, Brightside and Hillsborough said, the work we do with other vital sectors, such as auto and construction, has a really important knock-on effect on supply for the steel sector. In the auto sector deal—I will talk about sector deals in more detail—we have set an ambition and the industry has committed to increase the share of UK content in the automotive supply chain to up to 50% by 2022—it has already gone up from 36% a few years ago to 41% now. That has to be important, given the reliance of the sector on our superb British steel industry. Also, through the construction sector deal, we see big improvements in productivity and in demand for British steel.

The point has also rightly been made about trade. We all know what global trading conditions are like. The Prime Minister has called on the G20 forum on steel excess capacity to agree concrete policy principles, and my Secretary of State was in Berlin just a few days ago pushing for agreement on them. The director of UK Steel said:

“The outcome of today’s meeting is enormously welcome, representing a significant step towards delivering concrete action”. He also felt obliged to congratulate my Secretary of State on his personal efforts, which show that we are committed to solving the underlying challenges the industry faces. It is only a first step, and we must continue to engage, but it is an extremely important one.

On the post-Brexit trade arrangement, we are extremely focused on what that test looks like in a post-Brexit world and on how we can have a suitable trade protection system that enables us to respond based on the geographic impact of certain trading regimes in the UK. That is something on which we are working closely.

Energy prices have, of course, come up. I will say a little more about that, but I want to thank those hon. Members who have acknowledged that we have managed to head off any negative impacts of the so-called Brexit amendment. I laid the legislation before the House last week and I look forward to introducing it. We want there to be absolutely no negative impact. We have reimbursed the steel sector more than £200 million for its energy costs, and from 1 April 2018 we will introduce exemptions rather than compensation mechanisms, so that companies can have their bill reduced by up to 85% of their relevant costs, rather than have to worry about submitting a claim. That is very important for cash flow.

The capacity and capabilities report, which the Government asked for and have paid for, with our taxpayers’ money, has really helped the sector, for the first time, to come together to understand what its challenges are. I chair the steel council, and a conversation we always have is about how we have never sat down as a sector and talked about our collective challenges. We have always competed; it has been a zero-sum game. But it is not a zero-sum game. If we want industries and Government to invest in research and development and think about how they might support other vital industries, collective activity is needed. The report has been warmly welcomed by, among others, Roy Rickhuss, who said:

“This will help us all better understand the opportunities and challenges facing the UK steel industries”.

The report points out the skill shortage. The average age of a steel worker is 45, and most of them are gentlemen. The sector has not invested in the skills of the future. Despite the employment losses, it is highly productive; we have asked workers to do more on a daily basis. The sector has invested, but we know we have to get the skills and the investment up.

There are challenges for the sector. The study sets out a welcome point, which is that there is a market opportunity of up to £4 billion by 2030 for our UK steel companies if they and the Government can align themselves for it. To capture that opportunity, the sector requires the kind of transformative investment that some of the companies have made in other parts of their European portfolio. On customer demand, the capability and capacities study shows that only 18% of that opportunity will be available if there is no investment, particularly investment in higher-grade and more speciality products, upgrades and additional facilities, and increases in research and investment. In fact, the industry itself acknowledges that it has not focused on customers. Many steel consumers in the UK continue to import because different product sources exist and sometimes, frankly, customer service is better. That is a problem that the Government and the sector must work on together.

Some countries such as Germany choose to up consumers’ energy bills and subsidise those of heavy industry. In this country, we have tried to hold down energy costs across the board, as we invest in the transition to cleaner energy, so we have some of the lowest consumer energy bills in Europe. However, as hon. Members have pointed out, although our gas bills are competitive for industry our electricity bills are among the highest in Europe. We have clearly set out the ambition to have the lowest electricity costs in Europe. We commissioned the review by Dieter Helm, which pulled no punches, the recommendations of which we are considering carefully. It is a welcome backdrop that renewables are getting to the point of subsidy-free generation, so the long-term investments we have made in that transition are starting to bear fruit. I am, however, very aware of the asks on energy costs and will continue to review them.

I want to turn finally to the sector deal. I reassure Members that the first draft of the industrial strategy had four sector deals in it, out of the 52 or so that had
been submitted. That does not mean that they were the superior, priority or target ones. They were the deals that were closest to the line because they represented a joint industry and Government focus on driving up productivity in the industries in which we know we have to be successful to compete in the future. The steel sector deal, on which we have worked very closely with the sector, is one of the other deals we are actively engaging with and working on.

Nic Dakin rose—

Claire Perry: I will just try to get through this point and then I will be happy to take an intervention.

I have every intention and every expectation of bringing forward an attractive sector deal. We have held many meetings, and when the deal is in a good enough place and we have commitments on both sides to drive the transformation, we will do that. The deals are not, “Give us some money”, they are, “What can we do together, Government and industry, unions, apprenticeships, education institutions and our brilliant academic institutions, to create the industry of the future, to capture those opportunities and drive them forward?”

Kirstene Hair (Angus) (Con): What the Minister is detailing about the sector deals is incredibly positive. Can she confirm how the UK Government will work with the Scottish Government on the deals?

Claire Perry: We are working very closely with the devolved Administrations. In fact, the Administrations of Scotland and Wales have signed up to the industrial strategy and we are working cross-border with them because the industry is a vital national one.

To conclude, it is time to reject some of the tired political arguments we have had on the issue. There are hon. Members on both sides of the House who represent steel-producing areas and many more who represent areas where the steel supply chain is absolutely vital. We will continue to work on the sector deal. We understand the ask of the industry and the strategic challenges it faces. If I could have one Christmas wish, it would be for an end to the outdated party politics around this vital foundation industry for the UK, that we build a cross-party partnership and that we work with the industry, which is being transformed, to protect and grow it, not for the next 12 months or two years but for the generations to come.

10.58 am

Stephen Kinnock: I congratulate all hon. Members present on an excellent debate. We should remind ourselves of the purpose of the industrial strategy. It is about rebalancing the British economy, from services to manufacturing, from consumption to production, from debt to surplus. None of those aims will be achieved unless we have a thriving and productive steel industry, and for that to happen we need a radical remodelling of the energy sector, and to develop a post-Brexit trade policy and deliver on the sector deal.

Since I entered Parliament in 2015, Labour MPs have raised the issue of steel almost 300 times, and every time we have heard the same set of platitudes in response: “We’re continuing to review”; “We’re having meetings”; “We’re going on visits”; “We’re having roundtables”. Nothing ever seems to change. I hope, therefore, that we can be forgiven for allowing our concern and frustration about the future of our communities to bubble to the surface. That has nothing to do with party politics. It has to do with the future of an industry that will enable the industrial strategy. We hope, therefore, that in 2018 we can turn the page and move from rhetoric to reality.

Question put and agreed to.

Resolved,

That this House has considered the steel sector deal.
Environmental and Food System Education

11 am

Kerry McCarthy (Bristol East) (Lab): I beg to move, That this House has considered environmental and food system education in schools.

My reasons for calling this debate were twofold: to highlight some of the positive work already being done in schools and to call on the Government to go further and embed some of this work in the curriculum or support it across all schools. It is so important that our young people learn about the wonders of our natural environment and our wildlife, how we should respect them and how we should take care of them for future generations. Many are also calling for animal welfare to be taught in schools. If young people were taught respect for animals at an early stage, perhaps that would make a difference with some of the horrific crimes that we see carried out against animals.

Young people should also learn about climate change, the impact our behaviour is having on the planet and how we can address that. They should learn about where our food comes from and why what we grow and eat matters. It is not just about acquiring knowledge for the sake of it; it is about children’s mental and physical wellbeing and equipping them for life as adults, enjoying nature and living sustainably. The fact is that they love learning about these things, and I will come on to that later.

The last Labour Government took environmental education seriously. In 2000, education for sustainable development was introduced as a non-statutory element of the curriculum. That was followed in 2006 by the launch of the sustainable schools strategy, which encouraged schools to follow the recommendations in the eight doorways, which were: buildings and grounds; energy and water; travel and traffic; food and drink; purchasing and waste; local wellbeing; inclusion and participation; and the global dimension. Through that, they would have become completely sustainable schools by 2020. Unfortunately, the strategy was scrapped by the Government in 2010.

In 2006, the Government launched the “Learning Outside the Classroom” manifesto, which promoted outdoor learning as an essential part of education, whether that was in school grounds and the local area or visits further afield and residential trips. The manifesto highlighted the value of hands-on, experiential learning as a way of enhancing and supporting work back in the classroom. It is a shame that the current Government have not built on that. As I said, the sustainable schools strategy was scrapped in 2010.

The environmental science and environmental and land-based science GCSEs were recently discontinued. The Government told me that was due to a lack of confidence in new content being developed, but it leaves a vacuum. The environmental studies A-level is currently at the tail end of being phased out, with the final set of exams being sat in the next six months. It will be replaced by a new environmental science A-level that started teaching this year, but the shift to stripped-back, science-only learning will deter many pupils from taking it up. Pupils have told me that is the case.

The national curriculum references the environment and climate change only in science and geography, and even then mostly in relation to the technical causes and processes, rather than the impact of climate change on individuals and communities. Key stage 3 science only includes reference to “the production of carbon dioxide by human activity and the impact on climate.”

Key stage 4 science only mentions the effects of increased greenhouse gases on the Earth’s climate system and supposed “uncertainties” in the evidence for climate change. The geography syllabus has only passing reference to the changing climate from the ice age to the present day and how human and physical processes can change the environment. The parliamentary digital engagement service put something out on Facebook and Instagram over the weekend, and people came back to say that although there is the option to study climate change in geography, it is not always taken up. Geography GCSE is optional, so young people will not necessarily learn about that aspect of the curriculum unless they are studying that GCSE and the teacher decides to focus on climate change.

The situation is piecemeal and insufficient. We are failing to teach young people about the real-world impacts of climate change or the action that can be taken to mitigate it. The previous syllabus covered environmental issues much more comprehensively, but the then Education Secretary, now the Secretary of State for Environment, Food and Rural Affairs, tried to remove those things from geography altogether and have them in science only and not talk about the human role. I appreciate that he would dispute that that was his role in events. The former Energy and Climate Change Secretary, the right hon. Member for Kingston and Surbiton (Sir Edward Davey), who recently returned to the House, takes credit for forcing a U-turn on the then Education Secretary. I appreciate that there is some controversy, but there was a huge pushback against what were perceived to be the Education Secretary’s plans at the time, and there was a partial U-turn.

Academies and free schools are not obliged to follow the national curriculum, so they are not required to teach environmental or climate change issues at all. The London School of Economics aptly summarised this in its response to the Government’s consultation in 2013. It said that “there can be no justification for omitting climate change from the National Curriculum, and the education of pupils would be deficient if they did not receive teaching about it...If core climate change teaching is not included as compulsory learning...there is a risk that some students would not acquire essential basic knowledge about climate change. As the UK Youth Climate Coalition points out, ‘climate change is too important to be left to individual teacher choice’.”

As the Government’s enthusiasm for environmental education has waned, many third-sector-run initiatives have risen to fill the gap. One great initiative is the Eco-Schools programme that has been run by Keep Britain Tidy for more than 25 years. It aims to help schools to follow the recommendations in the eight doorways, which were: buildings and grounds; energy and water; travel and traffic; food and drink; purchasing and waste; local wellbeing; inclusion and participation; and the global dimension. Through that, the schools would have become completely sustainable schools by 2020. Unfortunately, the strategy was scrapped by the Government in 2010.

In 2006, the Government launched the “Learning Outside the Classroom” manifesto, which promoted outdoor learning as an essential part of education, whether that was in school grounds and the local area or visits further afield and residential trips. The manifesto highlighted the value of hands-on, experiential learning as a way of enhancing and supporting work back in the classroom. It is a shame that the current Government have not built on that. As I said, the sustainable schools strategy was scrapped in 2010.

The environmental science and environmental and land-based science GCSEs were recently discontinued. The Government told me that was due to a lack of confidence in new content being developed, but it leaves a vacuum. The environmental studies A-level is currently at the tail end of being phased out, with the final set of exams being sat in the next six months. It will be replaced by a new environmental science A-level that started teaching this year, but the shift to stripped-back, science-only learning will deter many pupils from taking it up. Pupils have told me that is the case.

The national curriculum references the environment and climate change only in science and geography, and even then mostly in relation to the technical causes and processes, rather than the impact of climate change on individuals and communities. Key stage 3 science only includes reference to “the production of carbon dioxide by human activity and the impact on climate.”

Key stage 4 science only mentions the effects of increased greenhouse gases on the Earth’s climate system and supposed “uncertainties” in the evidence for climate change. The geography syllabus has only passing reference to the changing climate from the ice age to the present day and how human and physical processes can change the environment. The parliamentary digital engagement service put something out on Facebook and Instagram over the weekend, and people came back to say that although there is the option to study climate change in geography, it is not always taken up. Geography GCSE is optional, so young people will not necessarily learn about that aspect of the curriculum unless they are studying that GCSE and the teacher decides to focus on climate change.

The situation is piecemeal and insufficient. We are failing to teach young people about the real-world impacts of climate change or the action that can be taken to mitigate it. The previous syllabus covered environmental issues much more comprehensively, but the then Education Secretary, now the Secretary of State for Environment, Food and Rural Affairs, tried to remove those things from geography altogether and have them in science only and not talk about the human role. I appreciate that he would dispute that that was his role in events. The former Energy and Climate Change Secretary, the right hon. Member for Kingston and Surbiton (Sir Edward Davey), who recently returned to the House, takes credit for forcing a U-turn on the then Education Secretary. I appreciate that there is some controversy, but there was a huge pushback against what were perceived to be the Education Secretary’s plans at the time, and there was a partial U-turn.

Academies and free schools are not obliged to follow the national curriculum, so they are not required to teach environmental or climate change issues at all. The London School of Economics aptly summarised this in its response to the Government’s consultation in 2013. It said that “there can be no justification for omitting climate change from the National Curriculum, and the education of pupils would be deficient if they did not receive teaching about it...If core climate change teaching is not included as compulsory learning...there is a risk that some students would not acquire essential basic knowledge about climate change. As the UK Youth Climate Coalition points out, ‘climate change is too important to be left to individual teacher choice’.”
Farming and Countryside Education has a countryside classroom online portal for teachers. It includes materials to allow children to discuss what they deem to be controversial issues, such as badgers, bee health, migrant labour, food waste and flooding.

Colin Clark (Gordon) (Con): I congratulate the hon. Lady on bringing the debate to the Chamber. There is a great deal of interaction through visits to farms by school pupils. I am sure she will agree that commercial farming is making a huge contribution to protecting the environment. It is important that young people understand that modern farming can play its part. Does she agree that it would be good if school pupils and university students could visit modern farms to understand that farms have moved on and are making a contribution?

Kerry McCarthy: I think that is important. It is something FACE encourages. There is also the “FaceTime a farmer” scheme, which was started by Tom Martin, a Cambridgeshire farmer. It teams farmers up with schools. They use FaceTime or Skype to make video calls to classrooms. That is obviously no substitute for getting out on the farms, but it is a good initiative.

The Woodland Trust has flagged up with me that it has the free trees programme and the Green Tree School Awards. It is taking those things into schools, and they are incredibly popular. Another great initiative is the Soil Association’s Food for Life catering award for food quality, which more than 10,000 UK schools currently possess. To become accredited, the school is required to use locally sourced and seasonal produce, maintain in-school gardens and develop students’ practical green skills. It also encourages schools to visit farms. It has Grandparent Gardening Week from 19 to 23 March. It gets local allotment holders, grandparents and so on into schools to help set up school gardens for the growing season. That is a great way of engaging the community in what goes on in schools.

In Bristol, where the Soil Association is based, I went along to Bristol Metropolitan Academy, which is a secondary school. It has the local primary schools come along to take part in something that showed the circle of life of food. The younger kids turned up having grown basil in their schools. They were then shown by a food waste chef, Shane Jordan, how to cook pasta and make a sauce with the basil. The leftovers were then fed to wormeries, which was the bit they loved, of course, with all those squirming worms coming out of the bottom of it. They were then shown how the compost for the wormery helps to grow more basil. It was brilliant to see the kids so involved and learning things about food that they had never heard before.

A project in my constituency, Growing Futures, has a campfire where kids can sit around and talk. People with mental health issues go along as well. The project is also about growing food and it teaches young children about it in a fairly informal setting. We very much want to incorporate that into the Feeding Bristol project that we are running to tackle food poverty in the city.

The Food Growing in Schools Taskforce’s March 2012 report found that green activities in schools result in “significant learning, skills, health and well-being outcomes for children”.

Surveys conducted by the Learning through Landscapes organisation found that 73% of teachers reported improved pupil behaviour, and 64% reported reduced bullying.

Another initiative that has enjoyed huge success in the UK recently is forest schools, where young children attend lessons in woodland environments. Forest schools have flourished in Bristol. We have had one since 2004 and it has its own woodland to use for sessions. Earthwise, an organisation focused on reconnecting young people with food, farming and the natural world, runs a forest school locally and works with the community farm in Chew Magna in Somerset to deliver educational visits, seasonal cookery days and holiday activities throughout the year. I do not have time today to go into the need to teach young children how to cook the food, but that is important, too.

A report by Forest Research, “A marvellous opportunity to learn”, found that children who regularly attend forest school sessions noticeably developed in confidence and independence, with social and team-working skills, better motivation and concentration and better physical skills and fine motor skills. It is a wonderful programme.

Even small physical changes can have a huge positive impact on children. The Carnegie Mellon school reported up to 26% higher test scores in classrooms with ample natural light, with the addition of plants leading to score improvements of 14%. That seems a strange connection to make, but that was the result of its survey. The 2005 report by the National Foundation for Educational Research, “The benefits of a forest school experience”, stated:

“While watching their children explore the woodland, the parents expressed their wonder at the level of independence and confidence their children were showing”, and would in the future encourage more freedom outdoors, “perhaps out of sight in a secure environment, leave the busy paths and let their children lead the way.”

So it is not just something that takes place in the classroom; it is outside the classroom as well. A great quote from one forest school leader summarises this:

“Children have fun during forest school, and so the place in which they have fun becomes important to them—keeping that environment cared for matters to them.

It has also been shown to have a particularly remarkable impact on the development of students with special educational needs.

Sulivan Primary School in Fulham maintains a reading forest for its students, where children can find books “growing” on trees and in tents, as well as a wildlife garden, pond and vegetable plot. The school describes how children with special education needs, many of whom do not normally enjoy reading, benefit from the way that being in the outdoors relieves stress and anxiety, develops their social skills, motivates learning and allows them to be practical, responsible and productive members of the school’s community.

I am aware of the time, so I will skip over this quickly. The skills, knowledge and enjoyment benefit children when they become adults, too. In 2014, Lantra estimated that there were 230,000 businesses and 1.3 million employees working in the land and environmental industries, and that many more would be required by 2020. The horticultural and agricultural sectors are currently experiencing a skills shortage. The food sector is a huge part of the economy, and innovative, value-added products
are the future of that industry. Innovation is going on at Harper Adams University. We need to engage young people and get them interested in careers in that field. There is the waste sector, energy sector, many high-tech engineering jobs, and renewable energy and eco-housing sectors. There are so many things that young people could be inspired to do.

It is almost obligatory in environmental debates these days to mention “Blue Planet”. The BBC natural history unit, based in Bristol, is behind amazing series such as “Planet Earth” and “Blue Planet”. In 2012, it teamed up with the University of the West of England to co-design a masters course in wildlife filmmaking, which is certainly something for young people to aspire to. Who knows? The makers of future “Blue Planets” could be in schools just waiting to have their imaginations fired.

In conclusion, we need to go further and not simply leave initiatives to the schools that have decided to run with them. We must embed them in the curriculum across the board. It could take the form of embedding the UN’s 17 sustainable development goals into lesson plans. It has been disappointing so far that when the Environmental Audit Committee has taken evidence from the Government, they still seem to see the SDGs as something that we do in developing countries rather than something that we are embedding into the way we do things here. School procurement decisions could be used to teach children about healthy eating.

I want to flag up a few countries that have gone further than the UK. I hope we can look at them as examples. The Dominican Republic, which is at great risk of climate change, established mandatory climate change education in schools in 1998. Australia introduced its national environmental education plan in 2000. Brazil’s educational guidelines required climate change to be taught in all subjects from 2008. Costa Rica has been doing it since the 1980s. If those countries can do it, we ought to do it in the UK, too.

11.16 am

The Minister for Apprenticeships and Skills (Anne Milton): It is a pleasure to serve under your chairmanship this morning, Sir Henry. I congratulate the hon. Member for Bristol East (Kerry McCarthy) on securing this debate. I pay tribute to her work. I know she feels passionately about this subject, as was clear in her speech. She is right that it is important that our children are taught about all the issues she mentioned. She mentioned animal welfare—she did not have time to expand—which is an important part of this. I want to stress that we are doing possibly more than she is aware of.

Let me look at primary education first. As part of the science curriculum, children are taught about the scientific concepts that relate to the environment from key stage 1. Under the national curriculum, five-year-olds will be taught to identify a variety of common and wild plants. They can do that by going out with their teachers. What better way to do it? Pupils at age 5 will also be taught to observe changes across the four seasons, including weather associated with the seasons. They start looking at the climate and how it is changing.

In the following year, pupils look at how seeds and plants grow, including the importance of water, light and the right temperature to keep them healthy. They are encouraged to ask questions about plants and animals in their local environment and observe how living things depend on each other, such as plants serving as a source of food. Such topics are built on at key stage 2, where pupils explore the requirements of plant life and growth. They will learn that environments can change and that that can pose dangers to living things. That includes exploring positive and negative impacts on environments, such as the negative effects of litter or urban development. Pupils are taught about the properties and changes of different materials such as metal, wood, paper and plastic, and that can provide an opportunity to consider how the materials are used, including their impact on their lives.

In key stage 1 geography, pupils are taught about seasonal and daily weather patterns in the UK, and the location of hot and cold areas of the world. In physical geography at key stage 2, pupils will learn about climate zones, biomes, vegetation belts and the water cycle. They will need to understand where food comes from as part of what they are taught in design and technology about cooking and nutrition. That will include seasonality and knowing where and how a variety of ingredients are grown, reared, caught and processed.

Matt Rodda (Reading East) (Lab): I am grateful to the Minister for giving way, and to you, Sir Henry, for allowing me to intervene. On the point about the importance of observation in science and geography lessons, does the Minister agree with me that observation skills have made a great contribution to the development of science in this country? I think of the work of Charles Darwin and his observation of finches and evolution on the Beagle voyage, and of Sir Alexander Fleming and his work on the discovery of penicillin. Would she also agree with me about the importance of climate change education, specifically as part of the geography curriculum? She has dealt with that in part in her speech; I would love to hear more details and gain her support for the principle.

Anne Milton: I will certainly give the hon. Gentleman more detail. He is absolutely right: observation is critical. I do wonder whether we spend too much time on our mobile phones walking down the street; we observe very little these days about what is going on around us.

Much can also be done at home. The hon. Member for Bristol East mentioned David Attenborough. He is specifically mentioned in the key stage 2 curriculum—I am sure he has inspired many children with the breadth and wonder of his “Blue Planet II” series. Much can go on beyond the classroom.

In key stage 3 science, pupils cover the composition of the atmosphere, the carbon cycle and the importance of recycling. Ecosystems and biodiversity are covered again in more depth. Crucially, pupils will also be taught specifically about the production of carbon dioxide by human activity and the effect that that has on the Earth’s climate. Key stage 3 geography covers how human and physical processes interact to influence and
change landscapes, environments and the climate, and the fact that human activity relies on effective functioning of natural systems.

I could mention the Government’s 25-year environment plan; I possibly do not have time to do that. It will be published shortly and will set out a vision for how we will improve the environment.

Our new citizenship curriculum can support people with that. For example, at key stage 4, pupils are taught the different ways in which a citizen can contribute to the improvement of their community, including having the opportunity to participate actively through volunteering as well as other forms of responsible activity. The hon. Lady mentioned a number of organisations doing good work, which can form part of that work.

As part of the new science GCSEs introduced in September 2016, pupils will need to demonstrate their knowledge and understanding of the evidence, and the uncertainties in evidence, for additional anthropogenic causes of climate change. The GCSE also includes the potential effects and mitigation of increased levels of carbon dioxide and methane on the earth’s climate, and more about ecosystems, including positive and negative human interactions with ecosystems.

Geography GCSE enables students to become globally and environmentally informed. It includes, for example, the UK’s physical and human landscapes and environmental challenges, the characteristics of climate change and the evidence for different causes, including human activity.

As part of the new food preparation and nutrition GCSE, students are required to understand the economic, environmental, ethical and socio-cultural influences on food availability and production processes, as well as diet and healthy choices. Other GCSEs touch on environmental issues, including the new design and technology GCSE, which provides opportunities for students to consider the environmental issues of designing and making products, for instance by investigating factors such as environmental, social and economic challenges. Geology GCSE requires students to look at and consider evidence for climate change. Business GCSE requires students to know and understand the impact of ethical and environmental considerations on business, including sustainability.

It is important to say that teachers are free to teach beyond the curriculum content. For example, teachers can discuss the global development goal on climate action as part of lessons on climate change. They can also draw on the wealth of resources that are out there to support and enhance what they teach. Teachers are professionals and I know they will use every opportunity to do that.

There are many charities and organisations—the hon. Lady mentioned a few—that provide additional support, for example, the Eco-Schools programme run by Keep Britain Tidy. It is pupil-led and involves hands-on work: it gets the whole school and the wider community involved. I believe St Patrick’s primary school in Liverpool has received a green flag school award for doing that. Schools are also free to follow the forest school approach, where pupils can be taught in a woodland or natural environment with trees.

Of course, it is not just what is taught in the curriculum that matters; it is how it is taught. The quality of teaching is vital, and we are offering generous bursaries of up to £26,000 and scholarships worth up to £28,000 to attract science and geography graduates into teaching. We also fund the national network of 46 science learning partnerships to provide such teachers with access to high-quality continuing professional development that aims to improve how they deliver the science curriculum and qualifications. STEM Learning, which delivers that programme, has worked with the Royal Horticultural Society to develop a CPD programme on plant science for primary teachers, including practical sessions on outdoor teaching. STEM Learning also houses a considerable library of teaching resources that schools can access online, many of which will help support the teaching of environmental topics in the curriculum.

At post-16 there will be other opportunities for pupils to study all those issues. The new environmental science A-level replaces the old environmental studies—I think it is crucial that it is called environmental science. It was introduced in September 2017 and provides its students with the opportunity to develop their knowledge and understanding across a range of related topics. The content has been brought into alignment with content for other new science A-levels, to better prepare students for higher education, and that is reflected in the change of name from environmental studies to environmental science.

The new reformed geography A-level enables students to participate critically with real-world issues, grow as independent thinkers and understand the role and importance of geography as one of the key disciplines relevant to the understanding of the world’s changing peoples, places and environments. It includes recognising and being able to analyse the complexity of people-environment interactions and appreciating how they underpin an understanding of some of the key issues facing the world today.

I would add a word about T-levels. The Chancellor allocated additional funding of £500 million for their delivery, and the first teaching of T-levels by a small number of providers will start in September 2020. The agriculture T-level and the environment and animal care T-level will be rolled out in the second wave, to be launched in 2022. That will be of particular interest to my hon. Friend the Member for Gordon (Colin Clark).

As with all routes, the content of T-levels will be determined by advisory groups of employers, professionals and practitioners, which will mean that T-level programmes have real market value. We recently launched a public consultation on the implementation of T-levels and want to hear from all stakeholders; the hon. Member for Bristol East might want to contribute to that.

The importance of observation and of embedding a true understanding of science within the curriculum was raised. This is not a subject that can be placed in one little box. What is really important is that the issues the hon. Lady raised are touched on in many different subject areas—one of the problems is that education has been very siloed—and we need good maths, English and digital skills as a foundation. I am sure the hon. Lady is aware that 49% of adults have the maths capability of an 11-year-old or less. It is important that we get the fundamentals right, so that young people grow up to understand exactly the impact that they have on the world around them, the environment in which they live and their local communities. When they drop a piece of litter, they should understand the impact that can have.
I am enormously grateful for the support that the hon. Lady has given to this crucial subject. She has raised some important issues and I know she has campaigned on this. I am sure that, with the Speaker’s leave, she may well secure another debate on this matter—perhaps even a Backbench Business debate.

**Question put and agreed to.**

11.29 am

_Sitting suspended._

Hearing of the Gracious Speech, Mrs Moon in the Chair

**Social Mobility (Wales)**

[**MRS MADELEINE MOON in the Chair**]

2.30 pm

**Chris Elmore (Ogmore) (Lab):** I beg to move, That this House has considered social mobility in Wales.

It is a pleasure to serve under your chairmanship, Mrs Moon, in my last debate in the House before the Christmas recess, as you are our constituency and county neighbour.

Social mobility should be at the forefront of political discourse, and in Wales that should be particularly the case. Given our industrial history and the fact that nearly a quarter of all individuals now live in poverty, we are in desperate need of a social mobility revolution to ensure that every child is afforded the same opportunities in life. The widening gulf between classes means that even the brightest and most talented children can struggle in life as a result of their background. It is of deep concern to many in our nation, and until removed it obstructs any pretence that we live in a fair and just society.

We should not forget the progress we have made on this issue. Under the Labour Government, absolute child poverty was cut in half and the fight to cut child poverty further was enshrined in law, only to be scrapped by the coalition Government, who went on to change the definition of child poverty altogether in 2015. It is high time that Ministers tackled the root causes of poverty, rather than moving the goalposts to improve their weak record.

The children who were lifted out of poverty by the Labour Government grew up having led a better childhood, and as a result are more likely to succeed in life. The Labour Government also introduced more than 3,600 Sure Start centres in England and set the ball rolling for Flying Start in Wales. The benefits of Flying Start can be seen in every constituency across Wales. It improves early-years education and helps parents and families in non-working or low-income households through parenting support groups. Across the UK, the Labour Government also increased the number of young people aged 18 to 24 in full-time education by 60%.

**Wayne David (Caerphilly) (Lab):** In June 2014, the then hon. Member for Torfaen—now Baron Murphy of Torfaen—produced an influential report showing that a student from the Welsh valleys is five times less likely to apply to Oxbridge than a student from Hertfordshire, and is 10 times less likely to receive an offer. Does my hon. Friend think that is a terrible indictment of the lack of social mobility in Wales? Since then, the situation has not improved.

**Chris Elmore:** I wholeheartedly agree. As the only one of three siblings to go to university, I think there is a real issue with social mobility—never mind going to Oxford or Cambridge—and the impact that child poverty has on young people’s opportunities to go on to higher education or even, in some cases, further education.

Education became the greatest tool for advancing social mobility, and the Government would do well to remember that. Labour also introduced the national minimum wage—a fantastic achievement for a number of reasons, not least for its impact on social mobility.
Since the foundation of the Welsh Government, much effort has been put into ensuring we make strides to improve equality of opportunity across our nation.

As a result of various initiatives introduced by successive Administrations, unemployment in Wales is falling faster than it is in the UK as a whole, and it continues to be lower than the UK average. Last week, the Welsh Government Cabinet Secretary for Economy and Transport, Ken Skates, launched Wales’s economic action plan, which sets out to deliver a dynamic new relationship between the Government and business as partners for growth. It will ensure that public investment fulfils a social purpose. That new economic contract will require the Welsh Government to support the conditions for growth. In return, businesses seeking direct investment must demonstrate, as a minimum requirement, growth potential; fair work, as defined by the Fair Work Board; and the promotion of health—including a special emphasis on mental health—skills and learning in the workplace. Through such strategies, the Welsh Government are committed to working with business to provide skilled jobs for people across Wales. That is particularly welcome, given the impact of deindustrialisation across Wales.

The UK Government need to take note of that kind of innovative and progressive thinking when starting to take action on social mobility across the United Kingdom. The Government finally announced the start of discussions on a north Wales growth plan, which is a good opportunity for them, as part of their negotiations, to support the communities and industries across the region with a focus on skills and jobs.

There has been considerable investment to close the education attainment gap and improve skill levels, and the Welsh Government are making tremendous efforts to increase the number of apprentices to 100,000 before 2021. To do that, they will increase investment in apprenticeships from £96 million to £111.5 million for 2017-18 alone. On top of that, they are focusing on the early years of children’s lives—the stage when we can have the most impact on improving their health, education and other outcomes later in life. In 2015, the Welsh Government launched a child poverty strategy with five key objectives to tackle the underlying causes of child poverty and provide more equality of opportunity for low-income families across Wales. It includes strategies such as free school meals, the Healthy Child Wales programme, the Business Wales service, the Wales economic growth fund, support for the work of credit unions, the Skills Gateway service, the Lift programme and many more initiatives targeted at enabling individuals from less wealthy backgrounds to access opportunities from an early age.

Recently, it was announced that there will be a fresh approach to improving prosperity in the south Wales valleys, led by the Cabinet Secretary for Local Government and Public Services, Alun Davies, and driven by his ministerial taskforce. It will ensure that no communities are left behind. The “Our Valley, Our Future” plan will foster good-quality jobs, better public services and community cohesion in some of our poorest towns and villages.

The Parliamentary Under-Secretary of State for Wales (Guto Bebb): On the hon. Gentleman’s point about the Welsh Government’s new policy, will he confirm that it will be a more effective use of public money than the £500 million that was wasted on Communities First?

Chris Elmore: I do not think for one second that Communities First funding was wasted. In fact, as a county councillor, I did work through some of the Communities First schemes in my county. Communities First has had positive outcomes across Wales. The Welsh Government have admitted that they now want to review how that funding will move forward, but the Minister cannot say that investing in our communities is a waste of money. It is nice to know what the Tories think of investing in communities up and down Wales.

We face real and deep challenges, but it is positive that Welsh Government Ministers are genuinely committed to addressing these complex societal issues. There are social mobility problems for us to reverse, but we should not forget that progress has been made. Unfortunately, that progress is grinding to a halt as a result of UK Government policy. The Welsh Government are working hard to increase prosperity and to help people out of poverty, but a continued agenda of cuts from Westminster and the severity of UK Government austerity is putting progress at risk. It is not simply that there is inaction on improving social mobility; there is an agenda that is taking us backwards.

According to the Institute for Fiscal Studies, 37% of children in the UK will be in relative poverty by 2022, which represents a reversal of all progress made in the past 20 years. On top of that, Shelter said that 128,000 children will wake up homeless in Britain on Christmas day. That fact alone should bring shame on the Government. If children grow up homeless or in poverty, their chances of success in life are greatly reduced, which puts a roadblock in the way of social mobility. Unfortunately, the Government in Westminster have shown no intention of focusing on social mobility and improving equality of opportunity.

Wales’s Children’s Commissioner and her three UK counterparts recently called on the Government to take action on the roll-out of universal credit, which is plunging the poorest children into poverty and will surely leave lasting marks on their life chances. Unfortunately, the rampant roll-out of universal credit is not the only Government policy that has led to children being plunged into poverty. The bedroom tax, cuts to tax credits and the knock-on effects of cuts to Welsh Government block grants, which are leading to cuts in children’s services and youth services across the board, are having a detrimental impact on children’s life chances. If the Government carry on with their dogmatic cuts agenda, the impact on young people, and in turn social mobility, risks leaving a generation behind. Each of those policies is hitting children hard. As a result, one in three children in the UK is now growing up in poverty, and more than 1 million people are reliant on food banks.

The “Good Childhood” report published in August 2017 by the Children’s Society highlighted the fact that children and young people’s happiness is in decline, which has implications for attainment and social mobility. I am sure I do not need to remind Members that only a few weeks ago Alan Milburn and the entire board of the Government’s social mobility commission resigned in protest at the issue being “an afterthought”.

Susan Elan Jones (Clwyd South) (Lab): Will my hon. Friend confirm that the resignation—I agree that it was hugely significant—included a former Conservative Cabinet Minister, Gillian Shephard? Social mobility is not a
partisan issue; it is something we all need to be worried about if we care about the future of our countries of Wales and Britain.

**Chris Elmore**: My hon. Friend is absolutely right. The baroness in question is a former Secretary of State for Education and Employment. When a Conservative of that stature says, “This is not acceptable,” and that social mobility is now “an afterthought”, it is hugely concerning, so that mass resignation was worrying.

The commission’s “State of the nation” report and its focus on Wales are what I would like to draw to the attention of Members. The commission found that the percentage of individuals living in poverty in Wales is higher than in all regions of Great Britain except London and the west midlands, and that 26% of people earn an income below the living wage. Much of that seems to be due to the UK Government’s implementation of a public sector pay cap in Wales, which has denied our hard-working public sector employees a fair pay increase in seven years.

**Neil Gray** (Airdrie and Shotts) (SNP): I congratulate the hon. Gentleman on his speech. Much of what he is saying about Wales applies to Scotland. With reference to the public sector pay cap, he will share my appetite to see it lifted throughout the UK so that the worst decade for wage growth in 210 years can finally come to an end.

**Chris Elmore**: I agree. The Royal College of Nursing, Unison, GMB and the trade unions across the public sector have all said that they expect the UK Government to raise the cap—or to scrap the cap, to borrow the hashtag on Twitter—because they do not see it as the responsibility of the Administrations in Edinburgh, Cardiff and Belfast to scrap it. I am aware that the Scottish Government have introduced some changes, but those should not be at the cost of other public services. I agree with the hon. Gentleman that the emphasis is on the UK Government to step up and to give public sector workers a pay rise.

There is also reason to be concerned about higher education figures in Wales: the entry rate is 37.5%, compared with 42.5% in England. Such matters are being addressed by the Welsh Government, but with a UK Government reluctant to concede the scale of the problem and offer appropriate funding, the problems come as little surprise.

At Bridgend College in my constituency—and in yours, Mrs Moon—at the Pencoed campus in Ogmore, a huge amount of work has been done to encourage people into higher and further education. I have met truly inspiring students, many of whom are the first in their family to stay in education beyond the age of 16, and some of whom now have aspirations to study at university, including Oxford, Cambridge and beyond—to go back to the intervention of my hon. Friend the Member for Caerphilly (Wayne David). Thanks to the Welsh Government, Wales will soon have the most generous student finance support package in the UK, helping more people from all backgrounds to reach their full potential.

Each week, as Members, we see the true lack of social mobility as we help vulnerable people through our surgeries and casework, and all the while there are more billionaires in the UK than ever before. I have no problem with success or business; I have a problem with the widening inequality between the poorest and the richest across this country. The situation could be addressed via an increase in the block grant and, if the Minister talks about the floor or whatever, the reality is that all those things can be implemented—but the Barnett formula needs to be reviewed and changed. In case he wishes to remind me, I am well aware that throughout the 13 years of Labour government the formula was not reviewed, but I make the point strongly that in every single year of a Labour Government the block grant was increased, only to be cut and cut by the current Government.

**Guto Bebb**: Will the hon. Gentleman give way?

**Chris Elmore**: I have nearly finished my speech, but I am sure the Minister can come back on this in his response to the debate.

If the Government here in Westminster were to reassess their block grant to the Welsh Government, that could open up opportunities to create more targeted and direct support to tackle poverty and increase social mobility. In real terms, the Welsh Government budget will be 5% lower in 2019-20 than it was in 2010-11. Cuts have consequences and we can see the impact of austerity in each and every one of our communities, no matter which party we represent in the House.

We should remember that progress has been made, and I have been fortunate enough to see the benefits in my community. Unfortunately, across Wales it is still overwhelmingly the case that a person’s opportunities in life are determined by their background. I sincerely hope that the UK Government will give consideration to the obstacles in the path of social mobility in Wales and act to make it easier for everyone in life to succeed, regardless of who they are and where they come from.

2.44 pm

**Nick Thomas-Symonds** (Torfaen) (Lab): It is a pleasure to serve under you as Chair, Mrs Moon.

I warmly congratulate my hon. Friend the Member for Ogmore (Chris Elmore) on securing the debate and on the very considered and thoughtful way in which he opened it. He covered a number of the issues, and I propose to focus my remarks on early years, vocational qualifications, and the academic sphere and our elite universities.

The early years are without doubt extraordinarily important. A lot of data suggest that by the age of seven people's likely GCSE results can be predicted, which suggests that the biggest difference can be made in those very early years of life. In that regard, I praise the important work of the Welsh Government focusing on the early years. As the years go by, clearly that investment will feed through.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Does the hon. Gentleman share my concern about Wales’s performance in the PISA—programme for international student assessment—tables? Endeavours to improve teaching and learning in Wales should be concentrated on releasing teachers to be trained, unlike some of the temporary initiatives we have seen in the past.
Nick Thomas-Symonds: I do not for a moment underplay the wider challenges. I agree with the hon. Lady about a holistic approach that involves support for teaching, but I do have a broad approach that all the data suggest that those early years are important to the results achieved later, in particular at age 16.

My hon. Friend the Member for Ogmore mentioned the achievements of the previous Labour Government on child poverty, which are extremely important. It was the greatest of disappointments, to say the least, that in 2015 the UK Government chose to change the definition of child poverty, which seemed to me simply a way of escaping the problem, not facing it.

There seems to be a historical problem with vocational qualifications. Most people understand that in the post-war era the Butler Education Act 1944 created a system of grammar schools and secondary moderns, but it was never intended to be bipartite; it was meant to be tripartite and to include technical schools as well. In post-war Britain, we have not developed those technical schools as perhaps we should have done. That is not to neglect fine work on apprenticeships. In my constituency and elsewhere I have seen the work of the Welsh Government in that regard, but without doubt there is still more to do to promote apprenticeships as a career path and give them parity of esteem with academic qualifications.

Last summer I visited an ITV apprenticeship scheme. It was outside Wales, in Leeds, but none the less what I experienced there makes the point. I saw a very fine apprenticeship scheme in which people worked around television sets and so on, gaining skills that could be used in that environment or in a broader trade. The problem was that most of the apprentices told me that they had had to find the information about the opportunity themselves, on the internet; they did not hear about it from their career advisers. We need to promote the apprenticeships route at a far younger age throughout the United Kingdom.

University is not for everyone, but the fact remains that many of those in top public and private sector jobs around our country have attended Oxford, Cambridge or other universities in the Russell Group. A lot of recent statistics should alarm us. My right hon. Friend the Member for Tottenham (Mr Lammy) has produced a report showing a geographical domination of all those elite university places by students from the south-east of England. Freedom of information requests to local authorities paint a stark picture. From 2010 to 2015, eight students from the bottom eight local authorities, which includes Torfaen, received offers to go to Cambridge University. Contrast that with the top eight, which includes Surrey and Kent, where 4,800 offers were made in the same period. That division has to be dealt with. Frankly, it is not sustainable in the long term.

I worked as an Oxford University tutor and lecturer for 14 years from just after I graduated in 2001 until I was elected to Parliament in 2015. I had a great deal to do with the admissions process during that period, and I learned three clear lessons. Aspiration is of course vital. Whether we are talking about Oxford and Cambridge or about other elite universities, it is critical that people actually want to apply and are able to think, “This is something for me.” However, that is not enough in and of itself—there needs to be support around it. It always seemed to me that what marked out successful interviewees was their confidence and their ability to sell themselves. In the cases of Oxford and Cambridge, that applies to interviews, but it also applies more broadly. I am aware the university sector to personal statements and people’s ability to express what they have done.

The third lesson was about networking skills, which were always demonstrated in people’s personal statements by their extracurricular activities and work experience. People who existed in fine networks to begin with had always had more opportunities to use in the university admissions process than those who did not. We need to teach those skills right across our schools sector so that people have them at ages 15, 16, 17 and 18.

Nick Thomas-Symonds: My hon. Friend makes a very good point. On average, around 7% of each cohort goes to fee-paying schools, but that percentage is far higher at our elite universities. Why might that be? My experience was that there were never enough applicants from the state sector in any cohort. As I indicated, we have to tackle that by demystification—by making things clear by saying to people: “There are no places that are not for you if you have the talent to get there.” That sounds easy, but I appreciate that it is a huge challenge.

Susan Elan Jones: There are some chilling figures about that. I appreciate that it is quite a long time since I was at university, and I know that my old university, the University of Bristol, has improved considerably in this regard, but when I was there more than 70% of students in my faculty were independently educated. In one department in the faculty that figure was 91%, which is staggering.

My hon. Friend the Member for Caerphilly (Wayne David) mentioned the report of the Oxbridge ambassador for Wales, which I was pleased to play a small part in producing before I entered the House. Its author was my predecessor as Member of Parliament for Torfaen, Lord Murphy. The report, which, as my hon. Friend set out, was published in 2014, sought to address the scale of the problem and suggested a series of practical measures, which are being rolled out across Wales. We probably will not see the results of those measures immediately—we will have to see how they pan out in the years to come—but central to the report’s recommendations is the idea of having regional hubs in Wales. The skills that I have talked about—networking skills, and the ability to sell oneself in an interview and on paper—can be looked at on a regional basis. Schools can identify people who have the potential to go to our elite universities, and those people can go to hubs to be provided with that support. I firmly believe that that can make a difference. It has to, because the report highlighted that parts of Wales—at age 18 it is about the interests of our country. We must not lose some of our most talented people simply because they do not apply to universities because they think they are not for them.
2.55 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mrs Moon. I congratulate my hon. Friend the Member for Ogmore (Chris Elmore) on securing this debate and on the considered way that he introduced it.

As chair of the all-party group on social mobility and a Member who represents a constituency that has not only a border but many economic, cultural and political links with Wales, I have two reasons for participating in the debate. As we all know, it does not matter whether someone lives in Bangor, Buckley or Birkenhead; in too many parts of this country, their place of birth can override their ability and potential, and generation after generation struggles against entrenched disadvantage that should put us all to shame. We have mistakenly and unquestioningly accepted the myth that greater economic growth leads to increased opportunity for all, despite overwhelming evidence that tells us otherwise.

Earlier this year, my APPG published a report entitled “Increasing access to the leading professions”. It looked at opportunities in law, finance, the arts, media, medicine, the civil service and politics, and found that, whatever the profession, there is a similar lack of opportunity and similar reasons for that. Privilege and opportunity go hand in hand across the board. For example, Sutton Trust research shows that three quarters of senior judges, more than half the top 100 news journalists and more than two thirds of British Oscar winners attended private schools.

The APPG recommended that there should be a legal ban on unpaid internships lasting more than a month. We found that their unpaid nature was not the only barrier: many of those placements are in London, which means that unless someone is from that area and has parents who can support them for an extended period, there is no prospect of them being able even to consider such an internship.

Liz Saville Roberts: Does the hon. Gentleman agree that the excellent Speaker’s internship scheme should consider providing means for people to afford accommodation in London, so that we can reach out to people who could not otherwise gain from such paid experiences?

Justin Madders: I thank the hon. Lady for that intervention. We took evidence from several successful applicants to the Speaker’s internship scheme. The geographical challenges were certainly very apparent, and that ought to be fed back.

How can anyone from outside London—from the north-west of England, Wales or anywhere else in the UK—go and do unpaid placements in London for months on end? There also need to be fair, transparent and open recruitment processes for such placements, which we found are often determined by existing connections, be they family or business contacts. The same rigour needs to be applied to those placements as would be applied if they were permanent jobs, otherwise we may just ease the path for people who are already on it.

One simple change could make a big difference to improving social mobility. There is a private Member’s Bill in the other place that seeks to end unpaid work placements. However, given what we have seen so far in terms of Government action, that does not seem easy to deliver in practice. Although I understand that responsibility for social mobility rests primarily with the Department for Education, any action on unpaid internships must be taken by the Department for Business, Energy and Industrial Strategy. There has of course been no action, which proves Alan Milburn’s recent point that commitment to social mobility does not spread out across the whole of the Government. It needs to. Yes, it is to do with early years, schools and universities, but it also involves the world of work, housing and health. The Social Mobility Commission provided us with a wholesale national analysis of all those issues, but the Government’s response is too often constrained by Departments’ silo mentality, which is sometimes exacerbated by devolved responsibilities getting in the way.

I am sure that if I asked a group of young people from many of the constituencies represented in the Chamber what they wanted to do when they are older, they would not say they wanted to be a doctor, a lawyer or an actor. For too many young people, the very notion that they should even consider such careers is almost universally absent. They need role models, mentors and inspirers—people from their communities who have been there and done it. We need to inspire young people from an early age to aim for whatever their abilities and interests take them. We should not accept that coming from the wrong part of town means low horizons. Getting a job should mean following dreams and forging a career, not simply working to survive.

In keeping with the Welsh theme, we were fortunate to have Michael Sheen give evidence to the APPG. There is no doubt that he is an inspirer and mentor for the kids of Port Talbot. We are not going to get a Michael Sheen in every constituency, but I hope there will be others in every other town who will provide similar inspiration.

Mentorship and inspiration are important, but without academic equality they will not be sufficient. The Sutton Trust report, “Global Gaps”, looks at attainment gaps across 38 OECD countries and as a result can pinpoint how each of the devolved Administrations is performing. Unfortunately, it showed Wales performing rather poorly compared with other industrialised nations, in particular in reading and mathematics, where the skills of the most able pupils are some way behind those of pupils in comparable nations. On a more positive note, it did say that the gap between the most able, advantaged and disadvantaged pupils in Wales was relatively small compared to other industrialised nations. However, sadly, the report concludes that the situation for high-achieving pupils across the whole of the UK is “stagnant at best”.

Stagnation is a good description of where we are now. I urge all Members, if they have not already done so, to read the Social Mobility Commission’s latest “State of the Nation” report, which paints a bleak picture of a deeply divided nation in which too many people are trapped in geographical areas or occupations with little hope of advancement or progression. It talks about an “us and them” society, in which millions feel left behind. Specifically, the report talks about major changes to the labour market in recent decades, which have imprisoned 5 million workers in a low-pay trap from which there appears to be no escape. The report highlights places that offer good prospects for income growth leads to increased opportunity for all, despite unquestioningly accepted the myth that greater economic growth leads to increased opportunity for all, despite overwhelming evidence that tells us otherwise.
progression and those that do not, showing that real social mobility is in fact a postcode lottery, with the worst problems concentrated in remote rural or coastal areas and former industrial areas—that description will be familiar to Members in the Chamber today—not only in Wales but in England.

Encouragingly, the report finds that well-targeted local policies and initiatives adopted by local authorities and employers can buck the trend and positively influence outcomes for disadvantaged residents. In short, where there is a will and strong leadership, things can be done.

This country is too closed. It is a country where too often people’s life chances are defined by where they are born and who they are born to. We are now in a world where many parents believe their children will have less opportunity than they did, and I deeply regret that. Automation and artificial intelligence will only exacerbate the problem, and we are miles away from even beginning to understand the social impact that will have. The only way we will be able to meet those challenges in the future is by intensive, long-term Government intervention, not just at the ages of five or 15, but at 35 and 50 and so on. The world of work will change more rapidly than ever before, and we need to recognise that opportunity will need to be addressed not just in our younger years, vital though that is, but throughout our lives. We have to invest in ourselves through all of our working lives, but we cannot do that without Government support.

We have heard about the geographical divide, and the APPG is looking at that, but there is also a generational divide. I do not believe that the recent election was a ringing endorsement of the status quo. What we saw was that the more young people engaged with the question of what they want from their Government, the more they turned away from the existing set-up, and who can blame them? Do they want to better themselves and study at university? Yes, there are opportunities, but they come with eye-watering debt that may never be paid off. Want to own a home? Unless the bank of mum and dad is there to fall back on, there could be a very long wait. Want to build a career in a profession doing something rewarding financially and intellectually? Those opportunities exist for the few, not the many.

The more likely experience for our young people in the job market is casual work, low pay and chronic insecurity. It is time we offered them hope. Across the job market is casual work, low pay and chronic insecurity. It is time we offered them hope. Across the nations, in terms of funding, targets, quality of achievement and the curriculum, are entirely within Labour’s remit in Wales. It is important to emphasise that in the role that we expect education to play. I have seen how the effects of the political choices made in different areas of Wales have played out, and it would be extremely disingenuous of me not to remind the Chamber of the role of Labour in that respect. However, today I intend to be “on location” and direct my arguments to the Minister.

One other thing I would like to question slightly is using Oxbridge as our measure of success. It is interesting that so many people here attended Oxford and Cambridge, but we should be building a society where someone can gain that capability and confidence without having public, or private, school education and Oxbridge university education behind them. We should be building that in Wales for our young people to achieve near to their own homes.

In the effort to champion social mobility, redistribute wealth and provide opportunity, every socioeconomic pillar must carry its load. The Government are failing to raise the people of Wales through the measures in their remit of social security, infrastructure and digital connectivity in particular. Changes to social security made by the Government will hit the poorest areas hardest. Analysis by the Institute for Fiscal Studies has revealed that Westminster’s benefit cuts will trigger a rise of over 5% in child poverty in Wales, compared to 1.5% in London. Wales remains the only country in western Europe without an inch of electrified railway, and all the while Welsh taxpayers are contributing towards High Speed 2. We hear disingenuous arguments as to how HS2 will benefit us. Frankly, I have concerns about how it will affect services from Cardiff to Manchester via Crewe and services along the north Wales line as well.

Only yesterday, we read reports in the Financial Times that the Westminster Government are having cold feet over the Swansea bay tidal lagoon project—we already had that impression—which is an investment that would bring £316 million of gross value added in its construction alone. What about digital connectivity? Recently, the Westminster Government invested significant sums to improve broadband infrastructure in three of the four UK nations—but not in Wales. They found £20 million for ultrafast broadband in Northern Ireland and £10 million was found for full-fibre broadband in six trial areas across England and Scotland, yet nothing for Wales. According to Ministers, the decision on where to invest the money was based on how likely they believed it was that the investment would stimulate short-term economic growth, effectively to boost headline statistics. That is where the fundamental problem lies and where the link between social mobility in Wales and Westminster’s priority is at its weakest.

It is not the Government’s job to pick who wins and who loses in the British state; it is their job to provide equality of opportunity. There is of course a complex link between regional inequality and social mobility. Poverty in the UK is particularly concentrated in Wales,
of us who have lived and grown up in Wales and are proud to represent constituencies there, it comes as no surprise.

According to the State of the Nation report, 23% of people in Wales live in poverty. That is almost 700,000 people, and more than half are in working households. Further research has found that children born into working-class families are significantly less likely to move up the socio-economic ladder than their peers from middle-class, financially stable households. Children living in the poorest households are less likely to enter further education post-GCSEs, are less likely to go to university, and in turn are less likely to find skilled employment later on in life.

Quoting figures is all very well, but the reality is that many of our children have woken up this morning in damp, cold, sub-standard accommodation. Many have gone to school hungry and without the right equipment for school. To put it bluntly, those born into poor households are failed before they even start. Poverty is not just an abstract problem. It is not something we speak about to feel good about ourselves. It is something that affects our society. It is a drain on resources. It stretches our welfare state. It clogs up our health service. It is man-made and can therefore be changed. In all candour and in all honesty, what has gone before clearly has not worked. It is damning of every one of us in this place that nearly a quarter of people live in poverty in Wales. The decisions we make have clearly not worked. Tinkering around the edges is no longer any good. We have to have a fundamental change in the way we do things.

In my own constituency of Islwyn, which is based in the Caerphilly county borough, the attainment gap between key stage 2 and 3 pupils who are eligible for free meals and those who are not is significant. Only 28% of those pupils eligible for free school meals achieve the equivalent of A* to C GCSE in the core subject indicator. Caerphilly county borough is also middling in terms of its youth indicators for destinations for year 11 leavers, ranking 12th. Some 1.9% of students in the borough are not in education, employment or training, and it gets worse at a national level.

In Wales, 37.5% of people will apply for university compared with 42.5% in England. Added to that, in each and every one of our constituencies there is a poverty that has no measure and cannot be talked about. Mrs Moon, you know about it in your constituency of Bridgend. My hon. Friend the Member for Ogmore (Chris Elmore) knows it as well. You walk up to the brightest child and say to their parents, “This child can go all the way to university,” and they say, “It’s not for us. You’re off your head. It does not happen to people round here.”

I, too, have heard those absolutely tragic comments in my own constituency. However, it is clear that things can turn around if the right interventions are made. We have seen a remarkable turnaround in Eastern High in
Cardiff and also with the fantastic investment in Cardiff and Vale College. We have seen a turnaround in results, in aspirations, in ambition. That is making a real difference and V ale College. We have seen a turnaround in results, Cardiff and also with the fantastic investment in Cardiff-machine learning. The graduate entry level salary for

Chris Evans: I absolutely agree. In some cases we have to intervene family by family, but it is a huge undertaking in terms of human resources and financial investment. As we saw under Labour Governments between 1997 and 2010, when we have the will we can reduce child poverty, and we did. I do not want to paint a picture of my constituency as all doom and gloom. I absolutely hate it when people talk us down. How can we attract high-quality jobs when we keep telling people we are dependent on soup kitchens? In Islwyn—Mrs Moon, you will know as a member of the Defence Committee—we have General Dynamics creating high-quality, high-skilled jobs. That is the future, but we have to do three things.

The one thing we have not talked about in this debate is entrepreneurship. Our future will not depend on the public sector. If we are to create high-quality jobs, they have to come from within Wales. But I will say this. How many people in this room—will the Minister accept this?—know how to go about setting up a business and how to deal with VAT and human resources? How many people spoke to anybody in school who said to them, “Business could be the way forward for you”? Think about it. We talk all the time about academics. The most famous entrepreneurs in this country—Lord Sugar of “The Apprentice”; Duncan Bannatyne of “Dragons’ Den”—share one thing in common. Not one of them has a single qualification between them, but they all managed to build companies that employ thousands of people, bringing wealth to this country.

I have talked to the Federation of Small Businesses. Business is vital. We have 250,100 active businesses in Wales with a combined turnover of £117 billion; 95% are micro-businesses employing no more than nine people. Large businesses make up only 0.7% but employ 38% of the workforce. We need to go into schools to encourage enterprise. We need entrepreneurs to talk to our schoolchildren. If we think that that cannot be done, just look at the viewing figures for “Dragons’ Den” or “The Apprentice”. One of the most viewed programmes at the weekend was the final of “The Apprentice”. People see business as something exciting that they can get involved in, but it cannot be on the other side of a television screen. Someone, whether it is Lord Sugar or a local entrepreneur or employer, needs to come to schools to tell people about their experiences.

We should ask ourselves about the way we teach children. It is no good saying we have a GCSE pass rate of 60%. What about the other 40%? I have to ask about the way we teach our children not only in Wales but all over the country. We know from academic studies that people learn in four different ways, yet we teach people only in one way; the teacher in front of the class teaching the kids. Some kids will flourish, but others will not. We therefore have to look at the way people learn. We have so many opportunities. In years to come, traditional exams will not be the measure.

I recently visited the Man Group, an investment company that is investing in artificial intelligence. It told me that it now wants graduates with degrees in machine learning. The graduate entry level salary for that is £60,000. Most of its graduates will have been to Oxford. We should teach kids coding and similar skills from an early age, because the future will be automation and artificial intelligence. My son Zachariah is 10 months old, and he will probably do a job that I have never heard of. We must start teaching kids the core skills in school. The issue goes back to what my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) said: we need mentors in schools, to teach people about those things.

My hon. Friend the Member for Torfaen (Nick Thomas-Symonds) talked about the 1944 Butler report and the tripartite system. We have neglected technical skills. I believe that people voted for Brexit because of fear of immigration. Those migrants will not now come in. We need to invest in technical education, and that needs to come from the Government, but we need to make sure that technical qualifications involve the same level of attainment as a degree. Not everyone is academic; some people are good with their hands.

Guto Bebb: I applaud the hon. Gentleman on a fantastic speech. The attainment levels in those General Dynamics apprenticeships, which are being supported by Y Coleg Merthyr Tudful, are really quite inspiring. Does he agree that the fact that those opportunities are available in valleys communities will make the difference and show that young people can have a future in those communities?

Chris Evans: I congratulate the Minister: I am quite shocked—I have been in the House seven years and he has never said anything nice about me before, so I can only think he must have been visited by the same Christmas spirits who haunted Ebenezer Scrooge all those years ago. The worst thing is that I agree with him. I should stop and move on.

If we are truly to tackle social mobility we need a change in our mindset. We need radical solutions. We cannot go on as we are. If one person fails, we all fail. Together, if we are radical and think outside the box, we can ensure that the next generation will have better opportunities than the present one.

3.22 pm

Anna McMorrin (Cardiff North) (Lab): It is a pleasure to follow my hon. Friend the Member for Islwyn (Chris Evans), who made a passionate speech. I thank my hon. Friend the Member for Ogmore (Chris Elmore) for securing this important debate.

Crippling austerity, welfare cuts, unfair and disorganised welfare reforms, plummeting productivity, stagnant wages and increased living costs will only increase under the Tory Government as a result of their shambolic Brexit negotiations. Is it any wonder that social mobility is suffering? Only two weeks ago, as we have heard, Alan Milburn, the chair of the Government’s Social Mobility Commission, and the entire team resigned, citing “lack of political leadership”. The findings of the Joseph Rowntree Foundation, that almost 400,000 more children and 300,000 more pensioners have been impoverished in the UK since 2013, are shocking. The Tory Government should be ashamed, despite the rhetoric of the Prime Minister, who promised when she was elected to heal social divisions and bridge the gap between the classes. Her Government have done nothing to improve social
mobility. On the contrary, she and her predecessors have presided over the first sustained increase in child poverty in 20 years. They achieved that by adopting anti-welfare policies, cutting in-work benefits and freezing housing and children's benefits in an economy that is already squeezing family incomes.

The latest figures show that 30% of children in this country live in poverty: that is 4 million children, 67% of whom come from working families. That means that children do not have enough food to eat. It means parents having to decide between putting their children to bed at night either cold or hungry. That is not because their parents do not love them, or are not working long and hard enough at many different jobs; it is because of the Government. Wages are getting lower while prices for everything else get higher.

How do those children have a chance of getting out of the poverty cycle? Only a generation ago, a Labour Government provided people from low-income backgrounds with full grants to go to university. Most of them went on to become teachers, nurses, social workers and doctors. They were given good-quality training and education to provide us all with high standards of public services and a reliable, respectable career with opportunities to progress. My father spent his life teaching children, many of whom were from disadvantaged backgrounds. As a leader in outdoor education he equipped them with the skills and knowledge to gain confidence, achieve and succeed. Many of them returned years later to tell him the difference that he made, and that education made, to their lives. Now, thanks to the Government, a young person must decide whether to take on up to £50,000 of debt to get a degree, knowing that there is no guarantee of a job at the end of it.

Guto Bebb: On the issue of tuition fees, is not the participation rate in England higher than in Wales and Scotland, even though until now there has been a reduced tuition rate in Wales? If the hon. Lady thinks the level of debt is a barrier to going into further education, she and her predecessors are lucky in Wales that we do not have such a rigid class structure, but the entrenched class system is pervasive and prevents many from succeeding. The barriers need to be broken down. How are we to do that if many UK civil servants are from those same privileged backgrounds? It is up to the UK Government to start breaking down those barriers.

Upward mobility involves an assumption that some jobs are better than others; and in fact many jobs, available only to those able to get on with their education, are more secure, and offer better conditions and benefits. Instead of continuing with their empty rhetoric, the Government should consider social equality. Our Government in Wales are pursuing that with investment in education, skills, growth and better jobs closer to home. To make a difference, I ask the Government to set change in motion.

Wayne David: Does my hon. Friend agree with the general point that the rigid class divisions that she accurately described are not just wrong in themselves but totally inappropriate for the modern, dynamic society that we in Wales and Britain have to create?

Anna McMorin: Yes, absolutely. Those class divisions are damaging to society and they pervade every part of life. They do not represent us. As I said, when I turn on the television to watch the news and I see reporters representing broadcasters, or when I see Foreign Office statements—all these are people from privileged class backgrounds, and those systems must be broken down. To make any difference I ask the Government to set change in motion. We must break down those barriers, lift the public sector pay cap, reverse the welfare cuts, and end austerity in all sectors. Let us deliver real opportunity and equality.

3.30 pm

Chris Ruane (Vale of Clwyd) (Lab): I pay tribute to my colleague and hon. Friend the Member for Ogmore (Chris Elmore) for securing this debate. He spoke about the positive impact of Labour policies such as Sure Start and the national minimum wage on social mobility. My hon. Friend the Member for Torfaen (Nick Thomas-Symonds) spoke about the importance of early years education, and about the Government changing the definition of childhood poverty. My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders), which borders north Wales, spoke about cross-border issues that pertain to social mobility, and I pay tribute to his work as chair of the all-party group on social mobility.

The hon. Member for Islwyn (Chris Evans) spoke passionately about promoting ambition and enterprise across Wales, and my hon. Friend the Member for Cardiff North (Anna McMorin) spoke about child poverty, and about how we have a more equal society in Wales. I congratulate all my colleagues on their contributions.
In its report into social mobility, the London School of Economics highlighted 1958 as the golden year. I was fortunate to be born in that year, and I was one of only 8% of children who, 18 years later, went on to university. Many of my close friends did not manage to go to university, although they were still successful. Some pursued careers as businessmen, some worked in construction and recruitment, and some moved away from the town, and indeed the country—one of them lives in New York, one in Sydney, and one in Amsterdam. One of my friends went on to become vice-president of 21st Century Fox in Europe, Africa and the middle east, and two of the lads from my council estate went on to become multi-millionaires. All came from humble backgrounds. Our parents were labourers, dinner ladies, waitresses, plumbers, and cleaners, but they had a burning desire that their children would do better than themselves, and most of us did.

Sadly, and increasingly, that is not the case today, and prospects do not look good for the future. The Social Mobility Commission’s latest report is a scathing indictment of the lack of social mobility in the UK, and it predicts an even bleaker future. The full report is too big to address today in the eight minutes that are left for me to speak, so I will confine my comments to issues such as transport, digital connection, leaving the EU, and regional policy, over which the Minister and his colleagues have greater influence.

First, I want to consider the question of whether work pays in the UK in the 21st century. The quantity of jobs is not the issue; it is the quality of those jobs, because they simply do not pay enough to allow workers to bring up a family. In 1997, 43% of children living in poverty were in working households, but today that figure has shot up to 67%. Overall, 57% of people living in poverty are in households with a working adult. Work should be a pathway out of poverty; it should not lead to a worker being imprisoned by poverty.

As many of my colleagues mentioned, gains were made under Labour. The national minimum wage was brought in, despite vitriolic opposition from the Conservatives. In 1996, I conducted a survey of low pay in my constituency, and found a taxi driver earning £1 per hour. Women were working 12-hour shifts through the night in care homes on just £2.50 an hour. The Social Mobility Commission points out that since 2008, young people’s wages have fallen by 16%—they are now paid less than they were 20 years ago—and a national living wage could help overcome many of the defects in our current system.

I mentioned the digital divide in a recent speech on rural Wales in Westminster Hall, because only 43% of the country is connected by 4G. Rural areas of Wales are losing out, and the majority of my constituency—indeed, the majority of Wales—is in a rural area. If we do not address the digital divide, our children and young people will not have access to a modern means of accessing information and will not be able to work remotely in our rural communities.

If we cannot take the work to the people, we should at least make efforts to take people to the work. That should be the case in Wales, but we need to update our rail system. I feel that we in Wales are being left behind—electrification proposals for the line from Cardiff to Swansea have been withdrawn, and the electrification of the north Wales line has still not been clarified. I hope that the Minister will provide some clarification when he sums up the debate. Last weekend, The Times stated that at 51p per track mile, the UK has the highest rates in the whole of Europe. That compares with 33p in Austria, 31p in France, and just 5p in Latvia.

In north Wales, the majority of unemployment blackspots are on the coast—Holyhead, Bangor, Colwyn Bay, Rhyll, Flint, Shotton. If rail prices were more affordable that would make accessing job opportunities along the entire north Wales coast, and indeed in north-west England, far easier. Enabling young people to gain access to those jobs would also lead to greater social mobility, and I pay tribute to my hon. Friend the Member for Wrexham (Ian C. Lucas), who has done so much to raise the issue of rail connectivity with the Mersey Dee Alliance across the Welsh-English border. London has already benefited from excellent infrastructure projects such as the Jubilee line and Crossrail. High Speed 2 will start from London. Will it suck in more jobs to London? Should it start from Manchester so that we can rebalance our national and regional economy? I call on the Minister to do his job and ensure that we in Wales secure parity with the rest of the UK on rail investment.

My next major concern is the impact of the loss of EU structural funds on social mobility in Wales. Wales has gained £9 billion in private and public sector funding over the past 17 years. It is the only area of the UK that is a net gainer from those structural funds, and we must ensure that an equivalent to those funds is kept in place in Wales. The Minister, and Conservative Members, gave reassurances that Wales would not lose out as a result of Brexit, but I think there is a real danger that we will, and those who will suffer the most are the poorest people and those who need that social mobility.

Wayne David: Does my hon. Friend agree that it is not just important that the same level of funding continues, but that it is allocated on the basis of need and not redefined for other purposes by the Government?

Chris Ruane: Absolutely. EU structural funds were allocated around Europe on the basis of need, and four of the six counties in north Wales—including the Minister’s own area of Conwy—are some of the poorest areas in Europe. As a north Walian and a Welsh MP, the Minister should be campaigning with us to ensure that Wales does not lose out.

Guto Bebb: I am grateful to the hon. Gentleman, but he does in fact have 15 minutes, should he require them.

Wayne David: Then I will give way to the Minister.

Guto Bebb: I am grateful to the hon. Gentleman, because on this occasion I was going to make a constructive point. He makes the case for EU structural funds, which I will discuss in due course. However, a strategic approach for the whole of north Wales was precluded under European structural funding, because it was confined
to the four counties in the west, rather than a strategic approach across the whole of north Wales. There will be some advantages to being able to hone our own response when putting funding into north Wales.

Chris Ruane: Those funds were allocated on the basis of need for the whole of Wales. I was very fortunate in managing to persuade the then junior Minister at the Wales Office, Peter Hain, to accept European structural funds for the Minister’s county of Conwy and the county of Denbighshire. Thirteen counties had been chosen, and those two had been left out, but as a result of representations made by myself,Elfyn Llwyd, Gareth Thomas and Betty Williams, along with council leaders, we were able to ensure that those counties were included.

As a result, there are many projects in the Minister’s own constituency and county—I think Venue Cymru is one of them—that have benefited massively from that investment. The Minister quite often intervenes on other Members and pooh-poohs that £9 billion, saying we do not need it. Maybe he wants to send it back. Perhaps he should go to Venue Cymru and say, “All of this is a waste of time; we don’t really need this.” Perhaps he should consult those workers and ask them if the jobs created in his own community are a waste of time. Perhaps he would like to put them back on the dole.

My wider point is that we have benefited from the structural funds. In my constituency, we have the OpTiC research and incubation project—a £40 million strategic project that looks at the opto-electronics industry in the companies and 2,000 workers. The projects builds on that strength, hothouses new companies on the back of that and creates excellent opportunities for local people to progress without leaving north Wales. Some will want to leave, and some will want to leave the country, but we should give those young people the opportunity to be socially mobile without being geographically mobile, so they can stay in their communities.

The OpTiC project in my constituency would not have taken place if it had not been for the additional money sent into the county from Brussels. The point that many of us have made today is that we want that additional money to carry on coming to our areas of Wales, not out of favouritism but because of need—need that was recognised and rewarded by Brussels. A big dollop of jam came to us, and we do not want it to be taken away and spread thinly over the UK. We want that money where it is needed, which is in west Wales and the valleys.

On the growth fund, which I mentioned before, I am grateful to the Minister for inviting us, on a cross-party basis, to meet him, his civil servants and north Wales council leaders in the Wales Office the other week. I hope that that additional funding, which we desperately need, will be allocated or reallocated through that north Wales growth fund. I also welcome the announcement of the mid-Wales growth fund, but I do not want to see the funds that were to be allocated to north Wales halved, with the other half being sent to mid-Wales. [Interruption.] The Minister laughs, but will he give us a categorical assurance that the funding that we get for those funds will be comparable to the best England has had? Areas such as Manchester received £238 per head. I tabled a parliamentary question on the amount of growth deal funding for each of the city deals in England, which was answered yesterday. That information was not given to me, but I want to make sure that the money that we get in Wales matches the best they have had in England.

The growth deal is a perfect vehicle to make sure that that additional investment that we had from Europe is maintained, and that we are able to improve the social mobility of our young people. On the growth deal funding, what percentage will be new money? What is the balance of funding between central Government, the Welsh Government, local government and other funders? What will the likely level of funding be?

Some progress has been made on social mobility over the past 20 years, and many of those gains were made as a result of the actions taken by the previous Labour Government. The Social Mobility Commission commends the centrality of early years services, which have been embedded in the UK. It was not there in 1996; it is there now because of Sure Start and other early years programmes across the whole of the United Kingdom. The commission calls early years services “a new arm of the welfare state”, so that has survived. However, it mentions a lack of progress on many other fronts; indeed, there has been a retrenchment in areas such as young people’s services, work and divisions in society.

The Minister is here, and he has heard representation from Members from across Wales, and even from across the border in England. I ask him to listen carefully to what has been said, to do his job and take that back to his Government, and to make sure that Wales gets the fair deal it deserves, to make sure that we have social mobility in future.

3.45 pm

The Parliamentary Under-Secretary of State for Wales (Guto Bebb): It is a pleasure to serve under your chairmanship, Mrs Moon, and to follow the hon. Member for Vale of Clwyd (Chris Ruane). I want to ensure that the hon. Member for Ogmore (Chris Elmore) is not only congratulated on securing the debate but also has a few minutes to respond at the end of the debate, so my contribution will be somewhat curtailed.

It has been an interesting debate, and I argue that it has been at its best, and the speeches have been at their best, when they have not been partisan. I know I am guilty of being one of the most partisan Members in this place when I want to be, but I will try to respond in a manner similar to most of the speeches we have heard, rather than those with a “Money, money, money” theme, which seemed to be the message from some hon. Members. However, on the whole, the debate has been thoughtful, useful and constructive. I particularly thank the hon. Member for Ogmore, as I have said, for securing the debate and for the majority of his speech, which looked at the core issues at stake. On the whole, it was a constructive speech, although it occasionally fell into supporting the Welsh Government come what may.

The hon. Member for Torfaen (Nick Thomas-Symonds) made an impassioned speech on the importance of people being aware of whether they can or cannot take their opportunities for further education. While I would describe the universities in Wales as the elite universities—not least Aberystwyth University, which I attended—the
hon. Gentleman made an important point about aspiration. When looking at some of those giants of recent Welsh history, who came from valley communities, slate quarrying villages and farming stock, and who actually aspired to education, we have to ask why we have lost that in the Welsh context. The hon. Gentleman’s comments are well worth further consideration by those who actually take an interest in the goings-on of this place.

I also welcome the hon. Member for Ellesmere Port and Neston (Justin Madders) to the debate. I congratulate him on his work as chair of the all-party parliamentary group on social mobility, and I appreciate his interest in the cross-border work of the Wales Office. He made some really important points about the London-centric nature of the UK economy, which I subscribe to. I believe that one problem we have, not only in the Welsh context but throughout the UK, is that we have a London-centric view of the world, which needs to be challenged. The hon. Gentleman is clearly doing excellent work as part of the all-party parliamentary group system here in Westminster. I would argue that most of my constructive contributions in this place between 2010 and 2015 were made through all-party parliamentary groups, so I encourage the hon. Gentleman to carry on with his work and to keep on being involved with us in north Wales, in relation to the potential of the north Wales growth deal.

I also pay tribute to the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts), who highlighted that many of the issues we have talked about, including educational attainment and training and so on, are devolved to the Welsh Government. That point was worth making. However, at the same time, she was quite happy to challenge me, as the Wales Office Minister representing the UK Government.

At this point, I think I need to once again clarify my point about EU structural funds. I congratulate the hon. Members for Vale of Clwyd and for Caerphilly (Wayne David), and all politicians who ensured that Wales received EU structural funds at the highest level, on their involvement at the time. I have said that on the record time and again. The point I have also made, which is still worth reiterating, is that the reason Wales achieved the highest level of EU funding intervention was to ensure that our GDP was comparable to the EU average.

That was not achieved, so before we ask for more money, we need to ask ourselves why that investment did not achieve the desired goals. It is simply not good enough for the hon. Member for Dwyfor Meirionnydd to claim that the situation would have been even worse without that intervention; we need to ensure that in the future, if we have intervention through a UK Government shared prosperity fund, that intervention improves the GDP of Wales and the life chances of all people in Wales. We should be willing to learn lessons from the fact that the whole purpose of EU structural funds in Wales did not deliver the growth we were hoping for.

**Liz Saville Roberts:** In the spirit of planning ahead, much mention has been made of apprenticeships today. I represent an extremely rural area, where we have a shortage of skills when we are looking at development, say, the Wylfa site. We need workplaces in which people can undertake apprenticeships. We do not have those workplaces in north-west Wales in sufficient numbers. Will the Minister commit to looking at creative ways of finding workplaces that will enable young men and women to be trained for engineering and construction in the future?

**Guto Bebb:** The hon. Lady makes a point that I fully subscribe to. The Wales Office stands ready to support any initiative in a Welsh context that extends the number of apprenticeships places available. We are certainly of the view that the financial contribution made by the UK Government to the Welsh Government through the apprenticeship levy has been significant, and that money should be spent.

The opportunities that exist in north-west Wales include the development of a new nuclear power station in Wylfa and the work going on in Airbus, with the apprenticeship schemes available at RAF Valley. Those schemes are strong. They are making a difference and showing young people that there is an alternative to going to university. I have seen the success stories in north Wales of Coleg Cambria and Grŵp Llandrillo Menai replicated in south Wales with Coleg Merthyr and other colleges, as a result of my role as a Minister in the Wales Office.

I highlighted, for example, how impressed I was with the enthusiasm and commitment of apprentices when I visited the General Dynamics site in Merthyr Tydfil. That is the way to show young people that educational achievement does not necessarily mean aspiring to Oxbridge. There is no reason why anybody in Wales should not aspire to improve themselves from an educational perspective, but that improvement can happen in their local communities. Opportunities should be enhanced for people to get qualifications in the workplace, ensuring that they are earning while learning.

In Wales, we have some of the better further education institutions. They are doing great work, but they should be fully supported by the Welsh Government in delivering more for the people of Wales. I genuinely thought that the comments from the hon. Member for Islwyn (Chris Evans) were inspiring. Colleagues have said clearly that we need to sell the concept of going further in education. We need to sell the ability of young people to see themselves attending some of our finest institutions.

We need to be proud of the fact that we have a significant entrepreneurial spirit in Wales. How often is that sold in local schools? The biggest success in my constituency since I was elected has been Sean Taylor, a veteran who left the Army and decided to set up a high ropes training and outdoor pursuits centre. He subsequently created the Zip World business, which now employs 240 people in my constituency and the constituency of the hon. Member for Dwyfor Meirionnydd, 75% of whom are local Welsh speakers. Those people have had an opportunity to work, develop skills and gain qualifications while seeing that setting up a business in their community can make a real difference. I am proud to say that Sean Taylor is the type of entrepreneur who is willing to go out and explain to young people, “You can aspire to university and to a medical or legal profession, but you can also make a big difference in your community.”

I am proud to represent a constituency with one of the highest levels of self-employment. It has been said that in rural Wales, self-employment is often a case of doing anything to earn a living because of people’s
pride in themselves and their community, and because no other opportunities are available. We need to make setting up a business and being entrepreneurial a key opportunity for young people to move forward in their communities. Nothing gives me greater pride than when, in my role as a Minister in the Wales Office, I meet young people who have set up businesses in my constituency and across the length and breadth of Wales.

While I thought the hon. Member for Cardiff North (Anna McMorrin) was somewhat partisan in her comments, I am happy to agree that we need to deal with the lack of social mobility. I want to allow the hon. Member for Ogmore a few minutes to respond, but before I finish my comments, I need to touch on some of the issues raised in the debate. Clearly social mobility is important for this Government. It was said in some of the most thoughtful comments by Opposition Members that nobody in the Chamber can be proud of our record on that issue. If, as the hon. Member for Vale of Clwyd said, the highest point of social mobility in our history was achieved in 1958, that is a stain on all of us. If, 10 years before I was born, we reached the high point of social mobility in our communities, we genuinely need to ask ourselves what went wrong. No amount of finger pointing between Westminster, the UK Government and the Welsh Government will change anything unless we are willing to acknowledge where we have a weakness.

This debate is entitled “Social mobility in Wales”. We have agreed that education is crucial, and we need to acknowledge that in Wales we are not performing as we should. I am not going to say anything more than that, but we all acknowledge that we are not performing in Wales to the standard of the UK as a whole or the rest of our competitors in the European Union. We need to be very clear about that. When Germany found itself failing under the PISA regime, it acted, and in 10 years it managed to get itself from a very low level to once again leading. The report on PISA in Germany sent shockwaves through the German political system, and the question I ask is: why are those shockwaves not resonating through the corridors of the Welsh Government in Cardiff? We need to do a lot of work on education. It is not perfect in England, but it is certainly not as good as it should be in Wales, and Members should acknowledge that.

Members have highlighted the need to ensure that the concept of lifelong learning is understood. That is why investment in our further education colleges is crucial. The hon. Member for Ellesmere Port and Neston made the crucial point that education, and certainly education in the workplace, does not end at the age of 18 or 21. It is increasingly the case that 35 to 50-year-olds are looking to retrain. As we are all living longer and expected to work longer, we have to acknowledge that we need to adapt to the workplace. One of the key things I have seen at further education colleges that I have visited in Wales is their commitment to take on apprentices regardless of their age.

Another issue that we need to be aware of is the importance of making work pay. We have seen in Wales since 2010 a significant reduction in the number of children in workless households. That is very important. The Office for National Statistics has highlighted that families in which members are in work are, on the whole, in a position to make more of their lives and have better outcomes than those where that is not the case. Interestingly, the ONS statistics also highlight that, regardless of a household’s income level, where there is someone in employment, outcomes are better. I often hear complaints from the Labour party about the type of jobs being created, but we should always take pride in any jobs that are being created and in allowing people to take care of their own future.

One thing that has come out of the debate is that poverty can be measured in financial terms. I acknowledge that. The hon. Members for Torfaen and for Islwyn and others highlighted the importance of dealing with poverty of ambition. We need to be champions within our communities, highlighting to young people that there are financial difficulties in terms of ensuring equality of opportunity, but also challenging the poverty of ambition that blights too many of our communities in Wales and across the United Kingdom.

3.57 pm

Chris Elmore: I want to start by thanking hon. Members for their contributions, including my hon. Friend the Member for Islwyn (Chris Evans) for his passionate speech and my hon. Friend the Members for Ellesmere Port and Neston (Justin Madders), for Cardiff North (Anna McMorrin), for Caerphilly (Wayne David), for Clwyd South (Susan Elan Jones) and for Torfaen (Nick Thomas-Symonds), as well as the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts).

In the spirit of consensus in the room on the need to tackle social mobility in Wales, I thank the Minister for what he said. Although he made the odd political dig, which of course he is not famous for, he knows there is more to do at all levels of government, including local government, which must play a part in the Welsh and UK context.

I thank Members for their contributions. I look forward to UK Government Ministers trying to address the issues of social mobility under the functions that are still reserved to the UK Government, while we continue on all sides to try to improve and be aspirational for our young people in our constituencies up and down Wales.

Question put and agreed to.

That this House has considered social mobility in Wales.
Blue Belt Programme: Marine Protected Areas

4 pm

Mr Philip Hollobone (in the Chair): We now come to an important debate on the Blue Belt programme. I should advise the Chamber that we expect a Division imminently, in which case I shall have to suspend the sitting for 15 minutes.

James Gray (North Wiltshire) (Con): I beg to move, That this House has considered the Blue Belt programme for marine protection.

It is a pleasure to serve under your chairmanship, Mr Hollobone. You and I share a birthday, 7 November, although we were not born in the same year. Thank you for undertaking to chair this debate.

I am told that Sir David Attenborough’s one great regret in life is that he has not done enough to protect the world’s environment. Well, he does not need me or anyone else in this House to reassure him that he has probably done more than any other human being to protect the world’s environment, and I cannot think of a better way of marking that contribution than the very welcome decision to name the Natural Environment Research Council’s new polar research ship, to be launched next year, not Boaty McBoatface, as some people had predicted, but the RRS Sir David Attenborough. That is a fitting tribute to a very great man.

The BBC’s “Blue Planet II” and Sir David’s stark warnings about the threats posed to the world’s oceans from over-fishing, plastics and, of course, climate change will stand for a very long time as a beacon of all that is wrong in our oceans, but it is also a clarion call for “action this day”, as Churchill would have put it. It is a call to all of us in this House to do what we can to lead the world in a variety of environmental initiatives, including taking steps to protect the waters around Great Britain, Northern Ireland and our 14 overseas territories.

However, before dealing with that, it is worth noting that my right hon. Friend the Prime Minister recently reaffirmed our commitment to tackling climate change and my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs committed us to taking action on plastics in the oceans. Both those initiatives are very much to be welcomed. The Wildlife Trusts, among others, have called for the Government to develop a national marine strategy to safeguard the cleanliness and biodiversity of our own territorial waters after we leave the EU.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I agree with everything that the hon. Gentleman is saying. I congratulate him on securing this debate and remind him that we recently had a long debate on marine conservation. I hope that he will join the all-party group that a number of us are setting up—it is a cross-party group—on marine conservation.

James Gray: I will be glad to do so. I am most grateful to the hon. Gentleman for bringing the group to my notice, although I do have one caveat, which I will come to later.

The important point about Brexit is that it must not mean a lessening of any of the environmental standards in our oceans. Her Majesty’s Government must commit to ensuring that they are all higher than would have been the case had we remained a member of the EU.

A full commitment to marine protected areas and the Government’s Blue Belt programme is of course central to all that. The Conservative party manifesto for this year’s general election committed us to working with the overseas territories to create a network of MPAs covering more than 2 million square miles of the waters for which the UK is ultimately responsible. That is a fantastic opportunity for us to do what is right in our own waters, but also to lead the world by example across the whole spectrum of ocean conservation.

I salute the great many people who have called for the Blue Belt programme and are active in seeking its implementation, especially my right hon. Friend the Member for Newbury today, my hon. Friend the Minister for Universities, Science, Research and Innovation—together with his father and brother, if I may say so—and, in particular, my right hon. Friend the Member for Richmond Park (Zac Goldsmith). They have worked incredibly hard in advocating the Blue Belt programme. As a result of it, we have already seen the UK designate new MPAs around South Georgia and the South Sandwich Islands, St Helena and Pitcairn. We are further committed to designating MPAs around Ascension and Tristan da Cunha by 2020.

As chairman of the all-party parliamentary group for the polar regions, I take a particular interest in South Georgia and the South Sandwich Islands, which sit on the cusp of the Southern ocean and Antarctica. There, the UK has a real responsibility. After all, it was largely our whalers and sealers who wrought so much of the appalling environmental damage there in the 18th and 19th centuries. They left behind something of an environmental catastrophe, particularly on South Georgia. We also have a huge responsibility because South Georgia and the South Sandwich Islands is an area of such outstanding scientific importance, both for the study of marine ecosystems and for monitoring the effects of climate change, sitting as it does on the cusp of two great oceans.

I particularly look forward, therefore, to further news on the exciting project to be called, I think, Discovery 100, which would result in a huge investment of private funds in the further preservation of the heritage of South Georgia, as well as its biodiversity following the enormously successful rat eradication programme over the past few years. I hope that Discovery 100 might also make provision for international scientific research facilities on the island.

The establishment of an MPA around South Georgia and the South Sandwich Islands in 2012 and its strengthening in 2013 were important steps towards correcting the damage previously done and preventing anything similar from happening in the future. The Blue Belt programme is now driving forward efforts to establish MPAs around Antarctica, although quite rightly that has to be done through the Commission for the Conservation of Antarctic Marine Living Resources. The CCAMLR agreement is incredibly important from a conservation standpoint and is a critical pillar of the Antarctic treaty system, so we must do nothing that risks undermining it. Because the Antarctic treaty suspends
all territorial claims to Antarctica, including our own claim to the British Antarctic Territory, it is only through international consensus that MPAs can be established around Antarctica, including the British Antarctic Territory.

In 2009, the UK helped secure the consensus for the first Antarctic MPA, covering an area south of the South Orkney Islands. Last year, CCAMLR agreed an MPA for the Ross Sea region, and I am delighted that, despite a few setbacks this year, the Government remain committed to working towards securing international agreement on designating additional MPAs in East Antarctica, the Weddell sea and the Western Antarctic peninsula.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): As a Member who represents a coastal constituency, I well understand the importance of marine conservation, and I am very happy to support the Blue Belt programme. Is my hon. Friend aware of the Sky News Ocean Rescue campaign, which is today highlighting Antarctica and the challenges that it faces as a consequence of overuse of plastics and other pollution around the world?

**James Gray** (East Lothian) (SNP): [James Gray]

**James Gray**: I am most grateful to my hon. Friend for bringing that to my notice. In his short time in the House so far, he has been assiduous in championing the interests of the oceans off his own constituency and elsewhere around the world. I am most grateful to him for that. If I may, I will come back to the Sky television programme in a moment.

There is more to be done. For example, there are—[interruption]—current debates about whether the MPA around South Georgia and the South Sandwich Islands is sufficient and whether the protections already in place could or should be further enhanced. I think that the Sky TV programme is about that. A review of the MPA is under way at the moment, with recommendations due to be published next year.

An organisation known as the Great British Oceans coalition, which consists of six major environmental conservation organisations, has said that it wants to see protection of the area around the South Sandwich Islands in particular enhanced to the fullest degree. Doing that, it argues, would help the UK to reaffirm our ambition of becoming a global leader of efforts to protect the world’s oceans. It would also send a strong message to other CCAMLR members that the UK is committed to driving forward international efforts to establish MPAs around Antarctica in particular. Those are of course extremely laudable aims that broadly reflect the intent of the Blue Belt programme, and it is vital that we should not fail to capitalise on the momentum generated by “Blue Planet II”, so I am broadly supportive of the aims and efforts of the Great British Oceans coalition. We all want the UK to be a global leader in marine protection, but there is a debate to be had about how best to achieve that, particularly without disturbing the delicate CCAMLR discussions on MPAs around Antarctica.

Unlike with other overseas territories, for the past 35 years or so the UK has allowed South Georgia and the South Sandwich Islands to be covered by CCAMLR rules on fisheries management. The reason for that is simple. South Georgia and the South Sandwich Islands lie within the Southern ocean convergence and share the same wildlife as Antarctica. South Georgia and the South Sandwich Islands are also, however, counterclaimed by Argentina—a matter that we are well aware of in this House. By allowing the islands to fall under CCAMLR, the UK is able to manage those waters effectively within the international consensus of CCAMLR. Working through CCAMLR therefore underpins British sovereignty of the waters, which seems to me to be extremely important. It also helps to foster greater international co-operation around Antarctica and the Southern ocean, and, as I mentioned a moment ago, that co-operation promotes conservation efforts across the entire white continent and its surrounding waters.

After all, since 2012 the South Georgia and the South Sandwich Islands MPA has managed the local fishery and protected globally significant wildlife very adequately indeed. There is just one small commercial fishery licensed by the UK, which amounts to no more than two vessels fishing for one month a year and taking around 60 to 80 tonnes of fish in the waters. Those two boats also supply scientific data to CCAMLR, which is no easy task. Were it not for the fact that we allow those two vessels to fish for profit in the highly regulated South Georgia fishery, it would be too expensive for them to go there and we would therefore lose the scientific data we currently provide to CCAMLR. In other words, were this fishery to be closed, as some are calling for and the coalition seems to be calling for, the UK would no longer be able to control fishing in the area as effectively.

**Angela Smith** (Penistone and Stocksbridge) (Lab): It is clear that the hon. Gentleman feels passionately about this issue, but the campaign that he refers to for the South Sandwich Islands has made it clear that a scientifically credible stock assessment is not incompatible with a fully protected reserve. Does he agree, therefore, that there is an opportunity to retain a small scientifically robust stock assessment alongside the full protection that the coalition is calling for?

**James Gray**: That is a matter that needs to be discussed, and it will be interesting to hear how the Minister responds to that point later in the debate. Of course it would be possible for the two fishery vessels to continue to do their scientific research there at the same time as there being full protection, but we have already got full protection of those waters under the long-standing MPA that is already there. I am not certain that what is proposed by the coalition would necessarily add anything to that. However, it might well undermine our ability to provide that scientific data and it might invite other CCAMLR members to say that it is not being done properly and therefore they—the other CCAMLR members—have some kind of right to do that scientific fishing research in the area. I therefore think there are downsides, as well as upsides, to what the coalition proposes. It is a delicate political decision, which the Minister might refer to in his response.

There could, therefore, be a perversity in what the coalition demand—namely, that more fish will be caught in the area as a result, rather than less. That is something that we have to be extremely careful about. There may be innovative solutions to the problem, particularly surrounding enforcement of the MPA, perhaps using
the latest satellite technology, and further discussion may well be warranted about how the UK can best protect the waters around South Georgia and the South Sandwich Islands and revitalise international efforts to increase protection around the world.

Richard Benyon (Newbury) (Con): I congratulate my hon. Friend on securing this important and timely debate. As I understand, one of the Foreign Office’s concerns about the new larger reserve around the South Sandwich Islands is that it might result in a displaced krill fishery, but no krill have actually been caught around the South Sandwich Islands commercially for 25 years. I am concerned that those concerns have not been properly thought through, and that the opportunity to create a 500,000 sq km exclusion zone in this pristine water, with the conditions that my hon. Friend refers to, will be missed.

James Gray: My right hon. Friend, who knows a great deal about these matters, makes two points. One is that there will be some interference with the krill fishing, which has not actually occurred for many years. That is not one of our concerns: there is no such fishing, therefore it is not something we would necessarily be concerned about. His second point is that we might somehow be sacrificing the opportunity for this fantastic protected area. That protected area already exists under the MPA. We already have that protection for the waters around the South Sandwich Islands, and therefore I am not certain that what is being proposed would necessarily add very much to it.

My right hon. Friend mentioned the Foreign Office. I pay particular tribute to the department in the Foreign Office that runs these matters, in particular the outstandingly good Jane Rumble, who has done this work for many years and knows more about Antarctica than most of us know about anything else. I certainly do not want to be thought to be blocking efforts to enhance marine protection around South Georgia and the South Sandwich Islands, Antarctica or anywhere else in the world, but we do need to be aware of the law of unintended consequences. I think that what my right hon. Friend proposes may suffer from exactly that law—in other words, protection for the South Sandwich Islands may be the worse if what he proposes is allowed to occur.

The public reaction to “Blue Planet II” offers us one of those rare opportunities to make a real difference in the world, and that must now be seized. We must remind audiences at home and in the world of our utmost commitment to the Blue Belt programme. The Government must listen carefully to the latest proposals for the South Sandwich Islands, but they must never forget that those also form part of a bigger picture of environmental protection and marine conservation in Antarctica and the Southern ocean. The Blue Belt programme of marine protected areas around the 14 British overseas territories is world-leading. I hope that in his response the Minister will reassert our commitment to it and our determination to lead the world in the ocean protection so passionately demanded, most notably by Sir David Attenborough, and now by a fast-growing percentage of the British electorate as well.

Mr Philip Hollobone (in the Chair): If we have the consent of the Member in charge, we are in receipt of an extraordinarily generous offer from Her Majesty’s Government. The Minister has agreed to confine his remarks to eight minutes, which means that we have five minutes of time if anyone else wants to make a contribution. If no one wishes to take your offer, Minister, the floor is yours.

The Minister for Europe and the Americas (Sir Alan Duncan): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for North Wiltshire (James Gray) on securing this highly topical debate. As chair of the all-party parliamentary group for the polar regions, he brings a wealth of experience on the Arctic and Antarctic, and a close interest in the health of their marine environments, as do all the other right hon. and hon. Members in the Chamber, especially my right hon. Friend the Member for Newbury (Richard Benyon), who has taken an acute interest in this issue.

I am particularly grateful for the opportunity to highlight once again the Government’s Blue Belt initiative. This is one of the most ambitious programmes of marine protection ever undertaken. Of the approximately 6.8 million sq km of ocean surrounding the UK and our 14 overseas territories, we have committed to developing measures to ensure the protection of 4 million sq km by 2020. I personally announced that commitment at the Our Ocean summit in Washington in September last year, and I am delighted to confirm that the delivery of the commitment is on track.

Over the past few weeks much of the country, and audiences across the world, have been engrossed in the BBC’s brilliant “Blue Planet II”. Sir David Attenborough and his team have expertly shone a light on our incredible oceans and how diverse, important to the health of our planet and vulnerable they are.

Richard Benyon: If I may pray on some of the generous time that the Minister has offered, I just ask him to consider, as part of the very exciting Blue Belt policy, that certain problems exist not only for marine ecosystems and the species we want to see recover, but for the people who live on the islands and on whose support we depend. In particular, in Ascension Island there are very real difficulties with the prosperity of that community as a result of the failures to make the runway safe for use. Can my right hon. Friend the Minister assure us that investment is being made in Ascension Island? That will ensure that the people of that island can really support the marine protected area because they have a viable existence on the island.

Sir Alan Duncan: Air access to Ascension Island resumed on 18 November, and a monthly air service has begun to and from neighbouring St Helena. Most workers on Ascension are from St Helena; as a Minister for the Department for International Development, I was largely responsible for building the airport there, which I am pleased to say now works. Employers on Ascension confirm that the monthly air service meets their current needs.

To return to “Blue Planet”—I risk being pressed for time if I do not get through what I need to tell the House—the series highlighted the many pressures that we are putting on our oceans, including the scourge of plastic waste, the unpredictable effects of global warming and atmospheric pollution and the danger of overfishing.
[Sir Alan Duncan]

Many of those challenges—perhaps most of them—must be addressed at the global level, and the UK will play a full and active leadership role in that work. Yet there is also good evidence that establishing well designed, effectively managed and properly enforced marine protection measures can help parts of the ocean withstand some of those pressures.

Our Blue Belt initiative is committed to doing just that. We have already declared large-scale marine protected areas in five of our overseas territories—St Helena, Pitcairn, the British Indian Ocean Territory, South Georgia and the South Sandwich Islands and the British Antarctic Territory, representing a total of 2.9 million sq km, or more than 40% of British waters. Of this, 1.5 million sq km, or more than 20% of our waters, are now designated as highly protected and closed to all commercial fishing.

Kerry McCarthy (Bristol East) (Lab): At this point I feel obliged, as I always do when “Blue Planet” is mentioned, to say that the BBC natural history unit is based in Bristol and does tremendous work. The Minister touched on the issue of plastic pollution. Is he aware of the recent study by the University of Hull and the British Antarctic Survey, which found that plastic pollution in the Antarctic was five times as bad as predicted? To deal with the problem, it is not enough to create marine protected areas; we must do much more to tackle the problem of microplastics at source.

Sir Alan Duncan: I fully accept what the hon. Lady says. We are focusing primarily on fishing in this debate, but the issue of plastics is of growing significance, and I hope that tackling it can be a cross-party endeavour. It is not a party political issue; we all want the same objectives, and the more that we work together across the party divide with one loud voice for the United Kingdom, the better we can make improvements for the world.

To return to what I was saying, we are not stopping with the efforts that I just described. Two further overseas territories, Tristan da Cunha and Ascension, have committed to declaring marine protection measures across their waters by 2020. Working with our two main Blue Belt delivery partners, the Centre for Environment, Fisheries and Aquaculture Science and the Marine Management Organisation, we have been supporting those territories to ensure that each marine protection regime is well designed, managed, monitored and enforced. Each territory has its own unique environment and particular needs, so there is certainly no one-size-fits-all solution. Each territory must feel a sense of involvement and ownership if we want the Blue Belt to be a lasting legacy.

The Blue Belt is already delivering results: for example, real-time analysis of satellite data has helped build intelligence on illegal fishing and inform long-term enforcement solutions. Overseas territory Governments have received advice and support to strengthen fisheries legislation and licensing and enforcement regimes. Targeted scientific cruises have been undertaken or are planned to assess biodiversity and analyse fish stocks. Also, links between the territories and appropriate regional fisheries management organisations have been strengthened.

Mr Sheerman: The Minister has another five minutes. Can I ask him, as he is an influential member of Government, to ensure that we have the right resources and investment in the research that is desperately needed to tackle the problems that he just mentioned?

Sir Alan Duncan: The hon. Gentleman has hit on an important point. It is not just about being in these areas; it is about what we do while we are there. The scientific effort that we make, in which we are a world leader, is important to preserve; I had a meeting about it this very morning.

Of course, as with any Government initiative, we are not immune to critics. While watching “Blue Planet”, many Members of this House will have received direct tweets and messages encouraging them to sign up to the Blue Belt charter, or “back the Blue Belt”. I am delighted that in this debate, we have demonstrated the broad cross-party consensus on the importance of protecting our marine environment.

Although the Blue Belt Charter mainly includes already-announced Government commitments, it also focuses on the designation of large-scale no fishing areas. That is not always the most appropriate or most effective approach. We are also not willing to sacrifice the livelihoods and wellbeing of those in our overseas territories who depend on a healthy fishery, as my right hon. Friend the Member for Newbury (Richard Benyon) mentioned a moment ago.

The charter includes a call for the South Sandwich Islands in the far south Atlantic to be designated a complete no-take marine reserve. Those waters are already part of a marine protected area declared in 2012, which includes some of the strictest fisheries management rules in the world. The UK is proud of its effective management of South Georgia and the South Sandwich Islands; since the bleak outlook of the 1970s and 1980s, caused by significant over-fishing, the territory is now internationally recognised as having one of the best-managed fisheries in the world.

It might seem, as was said earlier, counter-intuitive to argue against a total ban on fishing when our objective is to protect the oceans. However, sometimes a small footprint of extremely well managed and controlled fishing can help safeguard waters against illegal incursions and provide valuable scientific information about the health of the wider ocean. Simply prohibiting fishing in one area, only to see vessels concentrate somewhere else, is not always the most appropriate conservation approach. Let me reassure the House that we are by no means complacent on this issue. We do not wish to see a return to illegal fishing in our waters.

Given the campaign for a complete closure of the South Sandwich Islands fishery, we are urgently considering it, including through consideration of the scientific advice prepared for the current five-year review of the existing MPA. We are also assessing what implications such action would have for the UK’s leadership role within the Commission for the Conservation of Antarctic Marine Living Resources, within whose remit the waters of South Georgia and the South Sandwich Islands lie.

Angela Smith: The information that we have on krill stocks is that the quota given is 130% above the scientifically advised level. Surely there is no real case to make for the displacement of fisheries.
Sir Alan Duncan: That is exactly the kind of expert advice that we are assessing at the moment. We want to ensure that any policy decision is founded on scientific advice of the highest possible quality and a sensible understanding of possible unforeseen consequences in the practical world, so that we can bring all the threads together to take the most responsible decision. As I said earlier, there are no party politics involved. We just want to do what is good for the world, the waters and the islanders, and what is good for conservation and the preservation of our planet.

I am proud that this Government have been in the vanguard of marine protection. We recognise our essential role as custodians of one of the largest marine areas on the planet, and we understand the importance of protecting our oceans, as well as the magnitude of the challenge. Our commitment to delivering on the promises that I made in Washington last year is absolutely steadfast and enduring. I am grateful for the support of those who have engaged in this debate, and I hope that we can all work together for a better planet in the years and decades ahead.

Question put and agreed to.

Mr Philip Hollobone (in the Chair): Would those Members who are inexplicably not staying for the next debate please leave quickly and quietly?

Lisa Nandy (Wigan) (Lab): I beg to move, That this House has considered childcare for fostered children.

It is a great pleasure to serve under your chairmanship in this important debate, Mr Hollobone. In September, the Government extended free childcare for three and four-year-olds. The policy, which was widely welcomed, applies to all children whose parents work more than 16 hours a week and earn less than £100,000 a year—all, that is, except foster children, who are the only group of children excluded in this way.

When we ask any child what matters most to them, they tell us that it is their family and friends. A decade of working with children in care before I was elected to Parliament taught me that protecting and nurturing relationships is everything for them. The Fostering Network has already learned of children who have lost their nursery places as a result of the policy, because when they went into care they were no longer entitled to the additional funding. For so many children, their wider relationships with trusted adults and friends in a familiar setting are what sustains them most at the most difficult time in their lives. It is unthinkable that we should allow a policy that destroys those relationships to continue.

The Minister for Children and Families (Mr Robert Goodwill): At the risk of being a spoiler, may I let the hon. Lady know that she will hear what she wants to hear when I make my speech?

Lisa Nandy: It is not very often that I am speechless, but I am extremely pleased to hear that. My hon. Friends and I will await the Minister’s speech with great interest.

The Government’s policy has created a terrible disparity. Under the scheme, foster carers have been able to claim for their birth children but not for the foster children in their care, meaning that of two children growing up in the same household, one can attend nursery and one cannot. A common thread running through the stories that children tell about the pain of growing up in care is the feeling of being marked out as different from other children. The exclusion of foster children from the scheme enshrines that difference and discrimination in Government policy. As the Chair of the Select Committee on Education, the right hon. Member for Harlow (Robert Halfon), has rightly said, that is indefensible.

Ruth George (High Peak) (Lab): My hon. Friend is making an excellent argument. Does she agree that one of the serious problems with the exclusion of foster children from the scheme is the impact on relationships within a family, between the foster child and the other children? The foster child may get to spend more time with the parent, which can exacerbate tensions with the other children.

Lisa Nandy: My hon. Friend makes a powerful and important point about the problem with treating foster children as different from other children in a family unit. I know she is very aware of the issue as a result of her previous experience and her constituency work.
For children who have experienced trauma and upheaval, the early years are critical. Some children’s best interests are served by being at home with their foster carer, but others—particularly those who have had limited social interaction—absolutely thrive around other children of the same age. The Children Act 1989 makes it very clear that a child’s best interests must be the primary consideration in all decisions affecting them. At the moment, the policy simply does not meet that test.

One foster carer from Norwich expressed it very well when he said that “we currently foster the youngest two siblings from a large family. They came from a chaotic background where their only examples of behaviour and relationships with peers were those experienced in a very poor home environment. The youngest is now attending Pre-School, but anything over 15 hours has to be funded by ourselves, whereas a child from any other home would have 30 hours free. It is essential that he experience as much contact with his peers as he can comfortably manage, to enable him to learn how to behave appropriately before he starts school in September next year. To this end we are increasing his hours at our expense over the next few months which eats into the allowance we receive to feed, clothe and generally look after him.”

Such hardship is a common story among foster carers, as the GMB has highlighted. Foster carers are under immense financial pressure; barely 10% earn the equivalent of the national living wage.

Thelma Walker (Colne Valley) (Lab): Given that only 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage, does my hon. Friend agree that excluding them from the 10% of foster carers earn the national living wage.

Lisa Nandy: My hon. Friend is absolutely right to raise that point. As my hon. Friend the Member for High Peak (Ruth George) pointed out, we need to think about the impact not just on the foster child, but on the other children in the family. When the Earl of Listowel, a great champion for children, raised the issue in the House of Lords, the then Minister Lord Nash said:

“The local authority must provide a fostering allowance which covers the full cost of caring for the child. For this reason, foster carers are not eligible for additional support through tax-free childcare or child tax credits for children who have been placed with them.”—[Official Report, House of Lords, 1 July 2015; Vol. 762, c. 2124.]

The Government are right that foster carers are eligible for a national minimum fostering allowance that covers food, transport, clothing, toiletries and other items such as furniture. However, having been among those who lobbied the last Labour Government for the introduction of that allowance, I can tell the Government that it does not contain any element that covers childcare.

In any case, as The Fostering Network points out, around one council in seven pays a rate that is below the national minimum. Its report, “State of the Nation’s Foster Care 2016”, found that the proportion of foster carers who believe that their allowance is sufficient to cover the costs of fostering has halved in recent years. It told me that “when we asked this question two years ago 80% of respondents felt their allowances did cover the costs of fostering. In 2016 this figure has fallen sharply to only 42%.” That starkly illustrates the point made by my hon. Friend the Member for Colne Valley (Thelma Walker).
questions, the Minister rightly reaffirmed the Government’s commitment to promoting the best interests of the child and told me that he will
“work with local councils, fostering service providers and others in the sector to ensure we get the balance right.”

When he responds, will he tell us whether he still intends to consult on the policy and, if he does, whether it will be a formal consultation that includes The Fostering Network and other fostering organisations?

If the Minister does intend to consult before making a further announcement, will he commit to beginning the process in January and to ensuring that it is not delayed by the foster care stocktake? Will he also give us a commitment that it will have concluded with a view to implementation at least by September, so that foster children do not have to face another year of exclusion from the policy? Does he intend to amend the legislation and, if not, will he commit to putting in additional funding now? Suggestions for how that might be achieved have been proposed by a number of different organisations and Members of Parliament, so will he commit to considering those? Given the problems that the overall scheme has faced, will he heed the concerns of the National Day Nurseries Association and ensure that the funding provided is sufficient to meet the true costs of the scheme?

Finally, the Minister in the other place said in a written answer in November:

“As of March 2017, there were 3,030 three and four year olds looked after in foster care and subsequently excluded from receiving the 15 additional hours of free childcare.”

Given the relatively small number of children and the fact that not all of them would take up the offer, does the Minister accept that the cost of righting this wrong is relatively low but that the cost of not doing so for foster children is far, far too high?

4.58 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in the debate, Mr Hollobone. I congratulate the hon. Member for Wigan (Lisa Nandy) on securing the debate and on enabling us all to make a contribution if we so wish—I clearly wish to do just that.

I am pleased to see the Minister in his place and to have heard his early concession—if that is what it was—to the hon. Member for Wigan. We will wait to hear what he has to say at the end of the debate, but I am sure, as is always the case, that he will be most helpful to us, the Members of this House.

This is a worthy debate, and one to which I certainly wish to contribute. I am the proud grandparent of the most beautiful little girls in the world—Katie who is eight and Mia who is three. Thankfully, they do not look anything like me; they are lovely young girls and will have probably all the boys in my part of the country chasing them when the time comes. When I look at those feisty little girls, who take no nonsense from anyone and are so wise for their age, I am thankful for the home life they have, which sees them so well adjusted. That is something we are very thankful for; indeed, all of us, as parents, would be thankful for that. I am so very aware that not all children have that stability, and I believe it is our duty to do the best we can to intervene here, which is why the hon. Member for Wigan has introduced the debate.

I want to place on record, if I may, Mr Hollobone, some very well that this is an England-based debate, but I want to have on the record where we are on foster care in Northern Ireland. The hon. Member for Colne Valley (Thelma Walker), sitting here on my left, made representations to the Backbench Business Committee to ask for a debate on foster issues, and we look forward to contributing to that debate in the new year.

While I understand that this is clearly an England-based debate, as the childcare hours apply only in England, I want to set the scene in terms of need in our society. In Northern Ireland 2,212 children were living with foster families on 31 March 2016. That is nearly nine tenths—some 88%—of the 2,500 children looked after away from home. There are approximately 2,095 foster families in Northern Ireland. The Fostering Network estimates that fostering services need to recruit a further 200 foster families in the next 12 months. That could be dealt with in answer to the hon. Lady’s debate, and we look forward to that.

In England, 53,420 children were living with foster families on 31 March 2017. That is nearly four fifths of the 68,300 children looked after away from home. There are 44,625 foster families in England. The Fostering Network estimates that fostering services need to recruit a further 5,900 foster families in the next 12 months. The hon. Member for Wigan mentioned a figure of 7,000. The figures I looked at were slightly different, but whether it is 5,900 or 7,000, it clearly tells us one thing: there are not enough foster families.

You may wonder why I am raising the issue of foster care places and need, Mr Hollobone. If good, hard-working people who worked two jobs and had love in their hearts but not necessarily the time to be there straight after school and so on could access childcare places, we may well find more people were able to foster. They could do their day’s work like so many other families and offer support and help to children who need it. That is how I see it, and it is what my contribution will focus on. I hope it will support what the hon. Member for Wigan said, what every one of us will say in our contributions and what the Minister will say in his response.

Many of these children crave the routine that living in a busy functioning household entails. While some people may believe that their normal working hours may preclude them from providing a loving home for a child, that is not the case. When my two grandchildren come to our house—I am not there all the time to see them—it is great because at 7 o’clock we can give them back. It is fantastic. It is one of the wonders of being a grandparent. We get all the fun, but when they get a bit rowdy or tempestuous at night when it is time to go to bed we can return them to their mum and dad with great pleasure. When my wee girls come, they love the busyness of the house. They love the fact that their grandmother and perhaps their grandfather are busy around the place. Whatever we are doing, they want to help. If I am doing repairs in the workshop, they want the hammer. That is not a good thing, but sometimes they want to have a hammer in their hands. I am always very careful with what they are doing. It is that busyness that they want. I believe in my heart that young people want to be part of a busy functioning household.
The hon. Member for Coventry South (Mr Cunningham) asked the Secretary of State for Education about the extension of additional child care hours to foster carers—I spoke to the hon. Gentleman beforehand and told him I was going to mention this—and I was heartened to learn that the Department is minded to consider that extension. I hope that the Minister will tell us that, too. I add my voice to the calls of my colleagues and ask for consideration of the benefit that the extension could produce, with more people willing to add a foster child into their family while being able to work part-time and keep their career in place.

In 2015, only one in 10 mothers were able to be a stay-at-home mum and only one in 100 fathers were able to stay at home. The family has changed and more people need to work, but we need to ensure that those who have the ability and desire to foster children in a warm and loving home are not put off by worrying about needing to put the child into some form of day care. That does not mean they are unable to meet the needs of the child. As long as there is a routine for children, I believe that the scheme and change to childcare that the hon. Member for Wigan clearly outlined could encourage more people to realise that they can have it all.

Mr Philip Hollobone (in the Chair): I call Thelma Walker.

Thelma Walker indicated dissent.

Mr Philip Hollobone (in the Chair): The hon. Lady’s name is on my list, but she does not have to speak; it is not obligatory.

We now come to the Front Benchers. The guideline limits are five minutes for the Scottish National party, five minutes for Her Majesty’s Opposition and 10 minutes for the Minister, but we are well ahead of time. As long as those guidelines are not hugely abused, I think the Front Benchers can speak for as long as they are comfortable speaking.

5.4 pm

Carol Monaghan (Glasgow North West) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone, especially when time limits have been removed. I congratulate the hon. Member for Wigan (Lisa Nandy) on securing this important debate, but also on the tireless work she has done in this House in highlighting the need for foster parents and the needs of foster parents. We are now eagerly awaiting the Minister’s comments, because it appears that he may have an early Christmas present for her—that is something we would all enjoy.

The hon. Member for Strangford (Jim Shannon) spoke about his role as a grandparent, but he also spoke about his grandchildren growing up in a nurtured and loving household, and that is what we would wish for every child, whether they are in the care system or live in their own home. Fostering makes up an important part of the care system. When families are in crisis, fostering can offer the stability needed to keep a child’s life on track. At present, the system puts very little investment into foster families and depends on people being willing to make financial sacrifices to take a child into their home. It can also require career sacrifices, as many children who go into care often have high needs that mean a foster parent must reduce their hours of employment to cater for them, but this form of care is far more cost-effective than other types of care. Foster parents in a loving foster home can provide many great benefits to the young person as they go through life, but they require some help to carry on with their vital duties.

As the hon. Gentleman said, this debate is about childcare in England. The situation is different in Scotland, but I will keep my comments to England. Many have concerns that foster children are exempt from the extra 15 hours of free childcare for three and four-year-olds. That childcare can make a vast difference to their life chances and in reducing educational inequalities. The CEOs and directors of 13 child welfare charities have written to the children’s Minister to ask for the policy to be reconsidered. The charities also say that grandparents and others who foster members of their own families would particularly benefit from access to the additional 15 hours a week of childcare, as would long-term carers.

The hon. Member for Great Grimsby (Melanie Onn) is no longer in her place, but she mentioned the importance of kinship carers. That is recognised, but it is often overlooked. We also have people fostering on extremely tight budgets, and they need all the help they can get. There is no reason for foster families not to receive the same level of support as any other family.

A survey by The Fostering Network this year found that the majority of foster carers across England are unpaid or underpaid. The hon. Member for Wigan has already mentioned that only one in 10 was reported to receive the equivalent of the national living wage for a 40-hour week, and we know that fostering takes far more time than those 40 hours. On top of that, fees charged by nurseries have risen in recent years. That makes it extremely difficult for people to consider fostering as an option. There are people who would make excellent foster parents who cannot take in children in need. That has a great impact on young people’s life chances.

I want to talk a little about the bedroom tax and its impact. In Scotland, all social housing tenants are exempt from the bedroom tax due to mitigation by the Scottish Government, but it must still be paid across England. It disproportionately affects foster carers because, by nature, those planning to foster a child must have a spare bedroom in which to house them.

Lisa Nandy: I am grateful to the hon. Lady for raising that outstanding issue, which many foster families face. In my view, the problems with the bedroom tax were created because too often looked-after children are simply invisible when it comes to policymaking; they are an afterthought. Would the hon. Lady welcome hearing the Minister’s views on how we can make sure that when decisions are taken that may affect this group of children, by not just the Department for Education but other Government Departments, they are considered first, so that we do not have to constantly keep trying to put the situation right afterwards?

Carol Monaghan: The hon. Lady speaks with great experience and insight on this matter. We see here how a policy area can have a great impact, sometimes unintended, in another area. The issue for these young children is
that potential foster carers—people who desperately want to play a part and certainly have the skills and experience that would make them ideal—simply are not able to consider it. It has put many eligible people off the idea of fostering, and I would welcome the Minister’s comments on that aspect.

The other area where this policy does not work in reality is where children requiring foster care have brothers and sisters in the same situation. Exemptions for single spare rooms mean that siblings are needlessly split up across the care system. That is in nobody’s interest, least of all the child’s.

I look forward to hearing what the Minister has to offer today. It is an opportunity to right something that was—I will be generous since it is Christmas—unintentionally written into policy. The Minister now has the opportunity to right that and do the best he possibly can for the children who need the best out of the care system.

5.12 pm

Tracy Brabin (Batley and Spen) (Lab/Co-op): It is an honour to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Wigan (Lisa Nandy) for securing this debate, and I pay tribute to my hon. Friend the Member for High Peak (Ruth George), for Grimsby (Melanie Onn) and for Colne Valley (Thelma Walker), and the hon. Members for Strangford (Jim Shannon) and for Glasgow North West (Carol Monaghan), and thank them for their contributions. I wait with bated breath for the expansion of the Minister’s initial comments; without confirmation, I will proceed as planned.

The discriminatory exclusion of fostered children from 30-hours childcare is something I and colleagues have been working on for a number of months. I am very grateful that we have the chance to raise the issue with the Minister. The 30-hours childcare policy is a flagship one for this Government, proudly spoken about by others. If someone were to look through our exchanges, they would see him advocating and deferring to the decision-making powers of local authorities, nurseries and parents. Oddly, on this one, he thinks the Government know best, not our incredible foster parents. They are people who give so much: a stable home and the opportunity to thrive to children who might not otherwise have that chance. As we know, foster parents do not get so much for financial reward. Only one in 10 receive the equivalent of the minimum wage and, for many, paying for extra hours at nursery is simply not an option. Children, often the most vulnerable, being looked after by hard-working foster carers, should not be discriminated against.

My message to the Government is a simple one. This exclusion of fostered children is not fair on foster parents, it is not fair on children and it is not fair to delay any longer. I know the Minister is a proud, straight-talking Yorkshirewoman. As a proud, straight-talking Yorkshirewoman, I say to him to please think again. I really look forward to his closing remarks and ask him to end the exclusion today.

Mr Philip Hollobone (in the Chair): The moment we have all been waiting for. I call the Minister.

5.17 pm

The Minister for Children and Families (Mr Robert Goodwill): Thank you, Mr Hollobone. I congratulate the hon. Member for Wigan (Lisa Nandy) on securing this debate on the vital issue of ensuring that foster carers and families with small children have access to high-quality, affordable care. I expect there will be time for her to make some closing remarks when I conclude.

First, let me be clear that children in foster care should have access to the same support and opportunities that all children have. Our ambitions for children and young people during and after being looked after are the same as for any other child: that they have access to good health and wellbeing, fulfil their educational potential, build and maintain lasting relationships and participate positively in society. The role of the foster carer is central to achieving those high ambitions for the children in their care.
Around three quarters of looked-after children are in foster care. Fostering provides stability, a home and an alternative family, I have heard at first hand how children and young people in foster care want to feel part of a family and have a normal family life. We need to support foster carers and local authorities in a way that achieves that.

To meet the diverse needs of all looked-after children, we need to ensure that there is a wide pool of high-quality foster placements. Foster carers play a vital role in supporting some of our most vulnerable children, as we have heard, and this Conservative Government are committed to ensuring that foster carers get the appropriate recognition and support to ensure every looked-after child receives the high-quality care that they need. That includes foster carers being able to work outside their caring responsibilities if it has no impact on the child.

We have introduced the foster family-friendly employer policy, with the Department for Education leading by example in ensuring support and flexibility for its employees who foster. We have also commissioned the national fostering stocktake, a comprehensive review of the fostering system, which is now nearing completion. The stocktake is looking at a wide range of issues, including the recruitment and retention of foster carers and the support they receive, and the reviewers will report to me with recommendations this week.

Since the current exclusion from the 30-hours policy for children in foster care was brought to my attention, I have been looking at it carefully. I have instructed my officials to work up plans to allow children in foster care to take up the additional hours when it is right for the child to do so. We will work with local authorities, fostering service providers and others in the sector to ensure we implement this change in a way that promotes the best interests of the child. I will set out more detail about how we will deliver that shortly.

Many hon. Members referred to the 30 hours of free childcare, so it might be useful to give the House a short update about where we are on that. We are looking at January for the next intake.

Lisa Nandy: Before the Minister moves on to that very important issue, may I ask him about the timescales for this work? One of the great concerns that foster carers have is that if this is not begun immediately and implemented quickly, foster children may face another year of being excluded.

Mr Goodwill: We have already begun to engage with councils and The Fostering Network, and we will continue to do further work on the detail in January. We will involve fostering organisations and foster carers.

Tracy Brabin: Does the Minister have a date in mind for when all excluded fostered children will be able to use the 30 hours?

Mr Goodwill: I was just coming to that. We were planning to announce this in January, which would have given us a bit more time to do some of the preliminary work. The Secretary of State and I made the decision a couple of weeks ago that we should do this. We need to look at whether we need secondary legislation—I hope not. We also need to look very carefully at the role of social workers, because in some instances it may not be appropriate for the child to go to a nursery or a child minder. As we have heard, some children are deeply damaged, so it is important that we look at how we involve the social workers working with those children when we make that decision. There may be a small number of children for whom it is not the best possible way forward. September is a realistic opportunity. If there are no glitches along the way, I would like to think that we will have this in place by September.
and that 74% of them have already been checked by a provider. As with the autumn term, I expect those figures to continue to rise over the next few weeks. I ask hon. Members to encourage their constituents to take their code to their provider as soon as possible to secure a 30-hours place in the spring term.

Tracy Brabin: I appreciate the Minister’s generosity in giving way. I, too, have just seen the data that was released today. What has been put in place to encourage parents to register and get their code by 31 December in readiness for the spring term? One of the problems we encountered was that parents were missing the deadline. With Christmas and new year coming up, it is not always going to be the priority for parents, given that it is so far in advance. Will the Minister elucidate that situation?

Mr Goodwill: I am happy to. There are two situations here. There are the parents whose child is already in a nursery and who need to update and renew their code. We have engaged in communication, including by sending text messages to parents, to encourage them to do that. The nurseries themselves have been on the frontline of getting this to happen. Many of the children starting in January are already in paid-for places at the moment. It is very important that we continue to stress to parents that this is available to them. I am pleased that the uptake is in line with—and, indeed, exceeds—our expectations.

Hon. Members raised the issue of whether foster carers will fall foul of the spare room subsidy, as we like to call it on this side of the House. Foster carers are permitted to have a spare bedroom for the year following their approval or where they have a foster child within a year. That is not something that foster carers should worry about. I hope that allays the fears of anyone who has heard that.

Carol Monaghan: It is useful to hear that from the Minister, but I talked about when there are siblings involved. There are sometimes two, three or four children. How will that impact foster carers if they are allowed to have one spare room?

Mr Goodwill: Some foster carers specifically specialise in taking sibling groups. That is taken account of, in terms of the bedrooms that are available, to allow that person to take up their fostering places.

The hon. Member for Wigan, who instigated the debate, made a point about the cost of delivery and how many would benefit. I agree that the number of children who may be eligible is likely to be relatively small, given that we are talking about three-year-olds only. It would not be appropriate in every case and we want to ensure that we have the foster carers in the right place with the right skills. It is right that foster carers get the support they need to meet the needs of the children they look after, including flexibility to work when that is right for the child. As I mentioned earlier, we have introduced a foster family-friendly employer policy, and the national fostering stocktake will look at recruitment and retention and will report at the end of the year. The message I get from social workers up and down the country is that when we look at the numbers of foster carers, we appear to be in a reasonably good position, but for certain specialisms—large sibling groups, children with particular needs or disabilities—we need to ensure that we have the foster carers in the right place with the right skills.

I will talk a little about the kinship care children, who were mentioned by one contributor to the debate. We want children in foster care to be able to take up the additional hours when it is in their best interests to do so. That may well be appropriate in kinship care arrangements with approved foster carers. However, it would not be appropriate in every case, which is why we have said that we need to do further work on how we deliver this, as in the other cases.

Tracy Brabin: Just to be clear, is the Minister saying that some children with kinship carers will not be eligible for the expansion from 15 to 30 hours?

Mr Goodwill: The point I am trying to make is that in some cases with kinship carers, as with children in foster care, it may not be appropriate for the place to be taken up. That might be as a result of particular needs or a trauma that the child has gone through, so it is important that we ensure that if the best interests of the child are served by not taking up the place, we can deal with that in different ways. Indeed, tremendous support is given to foster carers in cases where they have to deal with such specific problems—I pay tribute to the dedication of foster carers dealing with some of those very damaged and difficult-to-help children.

I am pleased to see the real impact that 30 hours is having on families’ lives. For example, a parent from Bolton who is starting 30 hours from January told us:

“I applied through the online system to get my code, it was really easy to apply… I got my code straightaway. If I wasn’t getting 30 hours, it wouldn’t be worth me going back to work—most of my wage would’ve been spent on childcare.”

Building on the positive findings from the early delivery area evaluations, published in July and August, I am looking forward to next summer, when the evaluation of the first year of delivery will be published to understand further the impact of 30 hours across the country.

In conclusion, as can be seen, the Government are investing in the early years to ensure that our country’s children are given every opportunity to fulfil their whole potential. I am proud of how the 30 hours is transforming families’ lives. Parents up and down the country are enjoying more time with their children, more money in their pockets and less stress because the 30-hours programme is cutting the cost of their childcare. I am also delighted with our ongoing work to improve the support available to foster carers. As I have said, my officials are actively working with local authorities, fostering service providers and others to ensure that children in foster care are able to take up the additional hours where it is in their best interests to do so.

5.31 pm

Lisa Nandy: I am very grateful to the Minister for what he has just said and, in particular, for the child-centred nature of his approach, which will reassure many people outside this place that he has the best interests of the
child at heart. In particular, I welcome the commitment to get the matter resolved by September, the willingness to engage with The Fostering Network, social workers, local authorities and others, and his very strong statement about the intention not to ration the care, but to include as many children as possible. I was also interested in what he said about kinship care.

We will of course watch what happens next with interest. My hon. Friends and I will hold the Minister to his promises today, as I am sure he knows. Finally, I place on the record my sincere thanks for his constructive and thoroughly decent approach to this issue and to today's debate, which shows clearly that there are many of us in this House who are capable of working across party lines in the best interests of children.

Question put and agreed to.
Resolved,
That this House has considered childcare for fostered children.

5.32 pm
Sitting adjourned.
Westminster Hall

Wednesday 20 December 2017

[Ms Cheryl Gillan in the Chair]

Ukraine

9.30 am

Mr John Whittingdale (Maldon) (Con): I beg to move,

That this House has considered the situation in Ukraine.

I thank you, Mrs Gillan, and Mr Speaker for this opportunity to debate the situation in Ukraine. I also thank the Minister for Europe and the Americas for coming to respond to the debate, and my colleagues from the all-party parliamentary group.

Some people might ask, “Why should we be interested in what is happening in Ukraine?” Some might draw a comparison to what Chamberlain said about Czechoslovakia, that it is a “far away country” about which we know little. If they do, they make the same mistake Chamberlain made. Ukraine matters to us. It is a country in mainland Europe whose territory has been violated by an aggressive neighbour, and one that is on the frontline of what is becoming a new cold war. I first visited Ukraine in 2008 with the all-party group, including, I think, the hon. Member for Keighley (John Grogan). At that time, Ukraine was under the leadership of President Yanukovych, a corrupt leader who was inclined toward Russia, but who nevertheless, at the time, was committed to Ukraine signing an association agreement with the European Union as an eastern partnership country. As is well known, in November 2013, President Yanukovych was instructed by Putin to reverse that position and drop the policy. Within a few weeks, Independence Square in Kiev was filled with thousands of protesters, the beginning of what was known as Euromaidan. Two months later, the shooting began. Over 100 people were killed, and they are known as the heavenly heroes.

The Revolution of Dignity led to the overthrow of Yanukovych and the installation of a new Government, but it also provided the pretext for Russia’s annexation of Crimea and its stepping up of support for separatist movements in Donbass. Doing so was a clear violation of the Budapest memorandum, signed by America, Russia and this country in December 1994, which guaranteed the territorial integrity of Ukraine in return for its agreement to give up its nuclear arsenal, at that time the third largest in the world. For that reason alone, I believe that we in the UK have a responsibility to Ukraine.

John Howell (Henley) (Con): What my right hon. Friend is saying makes perfect sense, particularly his description of the Russians’ involvement. Those of us who serve on the Council of Europe are determined that Russia’s bid to come back to the Council should be accompanied by concessions. The biggest concession I want to see is its removal from Donbass. Does he agree with that?

Mr Whittingdale: I agree very much with my hon. Friend. I want to see the entire territorial integrity of Ukraine restored, including not just Donbass but Crimea. In the immediate future, I believe he is right and I am delighted to hear of his work on this question in the Council of Europe. We need to put maximum pressure on Russia to withdraw its support from the terrorists in east Ukraine, and I will say more about that.

As well as our obligation through our signature on the Budapest memorandum, we also have a strong interest in supporting a country in mainland Europe that, as I have said, has had part of its territory occupied, in which a conflict continues between the Government and pro-Russian separatist groups, armed, supplied, led and reinforced by Russia. The evidence of Russian involvement is overwhelming. We have seen the so-called humanitarian convoys coming from Russia into east Ukraine: white lorries that appear to contain no humanitarian assistance, but which mysteriously lead to a sudden increase in the amount of shelling and gunfire shortly after their arrival. Of course, we also saw an outrageous act, the shooting down of the Malaysian airliner MH17, in which 298 people died. The latest evidence of the telephone intercepts between the separatist leader and a character called “Dolphin” suggest that he was indeed a Russian general.

Just over two weeks ago, I visited Donbass with my hon. Friends the Members for Huntingdon (Mr Djanogly) and for Isle of Wight (Mr Seely). I particularly thank my opposite numbers, the co-chairmen of the UK friendship group in the Ukrainian Parliament, Svitlana Zalishchuk and Alex Ryabchyn, who organised the visit and accompanied us throughout it. I also thank the Ukrainian ambassador, Her Excellency Natalia Galibarenko, and Denys Sienik from the Ukrainian embassy, who helped us.

It was an extremely valuable, informative and often moving visit. We went to Avdiivka, the biggest coke-producing plant in Europe, built by the Soviets to supply the Mariupol steelworks. It was subject to heavy shelling during the conflict and still sees occasional shelling, but despite that, it is operating at something like one third of its original capacity. I pay tribute to the people there who continue to work under such pressure.

We also met students from a language school, who had had to move out of their homes—mainly in Donetsk—which are now under occupation. They are attending the language school in Bakhmut, outside the occupied area, but most of them have relatives left in Donetsk. We heard from one young girl whose grandmother is still living in Donetsk, and whose mother felt she could not leave her and so stays in Donetsk. The girl goes to visit them, but in doing so she has to go through checkpoints, and she described the intimidating nature of that experience. We went to visit the rehabilitation unit for soldiers who had been injured or wounded in the conflict, and we saw the work done by a small team of dedicated doctors to help those with both mental and physical wounds incurred as a result of participating.

Unlike some of the frozen conflicts across Europe for which Russia is responsible such as those in South Ossetia, Abkhazia or Transnistria, this conflict is not frozen but ongoing. Since its outbreak, over 10,000 people have died and about 1.5 million people have been displaced. Two days ago, Russian troops fired Grad multiple launch rocket systems on Novoluhansk. Over the last week,
Mr Whittingdale: Four Ukrainian servicemen have been killed and nine have been wounded. The UN has said that the humanitarian crisis in east Ukraine is “worse than it’s ever been”, and has called for support for the humanitarian response plan, which amounts to $187 million, to help 2.3 million people in east Ukraine.

David Simpson (Upper Bann) (DUP): I congratulate the right hon. Gentleman on securing this debate. He has mentioned young people and humanitarian matters. Could he give us insight into the circumstances surrounding health and hospital provision for the people of Ukraine?

Mr Whittingdale: The military hospital we visited is one of the main ones in Dnipro, and it is under tremendous stress. The people living in occupied east Ukraine are struggling to survive, in terms of both basic necessities like healthcare, which the hon. Gentleman mentioned, and things such as pension payments. The Ukrainian Government are attempting still to provide support to those people, but in terribly difficult circumstances, which is contributing to the humanitarian crisis.

The UK gives support to Ukraine; I understand it is in the order of £42 million, from the Foreign and Commonwealth Office and the Department for International Development, but to be honest it is not enough. I hope that we look again at increasing our financial aid, particularly for humanitarian purposes.

We also need to step up the diplomatic effort; the Foreign Secretary is going to Moscow this weekend, and I know that my right hon. Friend the Minister has only recently returned from Moscow. We first need to urge Russia to abide by the terms of the Minsk II agreement; I very much echo what my hon. Friend the Member for Henley (John Howell) said about that. We need to allow proper monitoring by the Organisation for Security and Co-operation in Europe and the removal of all foreign-armed formations, military equipment and mercenaries, as set out in Minsk II.

In particular, I hope my right hon. Friend the Minister will condemn Russia’s recent decision to withdraw from the Joint Centre for Control and Coordination, which is a direct violation of Minsk II and will also increase the risk to the OSCE monitors there. I hope my right hon. Friend will raise that, or will ask the Foreign Secretary to raise it during his visit. As I said, I believe that Ukraine deserves our support, but that support has to be accompanied by further reform. It is a sad truth that, as in most post-Soviet countries, corruption is still endemic in Ukraine, although I recognise that Ukraine is only a 25-year-old state.

Mr Bob Seely (Isle of Wight) (Con): My right hon. Friend is right to say that corruption in Ukraine is endemic. However, to give that some context, it is also true that corruption has been a deliberate policy of the Russian state, in order to hollow out the Ukrainian state and to undermine and subvert Ukrainian statehood. Does he agree that that is an important point to understand?

Mr Whittingdale: That is a very important point and I absolutely agree with my hon. Friend. He is more knowledgeable than I on Russian hybrid warfare, and this is undoubtedly a component. I am sure he will say a little more about that in his contribution.

While there are still big problems, we should recognise that progress has been made. In the last three or four years, the Ukrainian Government have set up new institutions to tackle corruption—the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor’s Office and the National Agency for Prevention of Corruption—which have brought something like 319 proceedings.

The Ukrainian Government have also brought in an advanced electronic system for the disclosure of assets, income and expenditure of public officials and politicians, which has led to 910,000 declarations from top officials. I have to say that I have seen the declaration requirements on Ukrainian MPs, and they go considerably further than the declaration requirements on Members of this House. There have also been reforms to public procurement.

However, while progress is being made, there are worrying signs that it is now stalling. While proceedings have been brought against public officials, none have really come to a conclusion; indeed, most are stuck somewhere in the judicial system. An anti-corruption court, which is an essential part of the reform package, has yet to be put in place. We heard on our visit to a non-governmental organisation, Reanimation Package of Reforms, that something like 25% of the recent appointments to the Supreme Court, which has been newly established with a fresh set of judges, failed the integrity test.

There is huge frustration among the people of Ukraine that no one has really been brought to justice, either for the crimes committed during the Maidan or for the massive theft of public assets that has been going on for many years. Most recently, and perhaps most worryingly, Reanimation Package of Reforms has identified the fact that the National Anti-Corruption Bureau has been attacked in Parliament, with attempts to curtail its operation through legislation. Its operations have also been disrupted by the Ukrainian security services, which are probably acting on behalf of the Government.

Those are worrying signs, and we must press the Ukrainian Government to continue with their reform package. That is essential if the Government are to re-establish confidence in Ukraine, which will unlock the investment that will give it an economically viable future.

Stephen Pound (Ealing North) (Lab): I am reluctant to interrupt the right hon. Gentleman’s flow; he speaks with such authority that he commands the respect of the Chamber. In terms of our bilateral relationship on anti-corruption and good governance, does the right hon. Gentleman agree that a great deal of the UK’s credibility at the moment comes from our being a member of the EU? If, possibly, we withdraw from the EU, how will we be able to maintain that relationship? What does he think a post-Brexit bilateral relationship between Ukraine and the UK might look like?

Mr Whittingdale: As the hon. Gentleman knows, I do not share his views about our membership of the EU. The requirement is on all the western nations. The truth is that the biggest contributor to the future stability of Ukraine in both military and financial assistance is likely to be the United States of America, Canada, too, is playing an extremely important role. Yes, the EU is involved, but a country does not have to be a member of
the EU to want to help Ukraine. I hope we will put together assistance packages in order to do that, and that is almost bound to be led by America. That should apply during our remaining time in the EU and also when we have left.

There is an interesting proposal from the Lithuanian Parliament, and I met Mr Andrius Kubilius, the former Prime Minister of Lithuania, to discuss it. It proposes what is essentially a new Marshall plan—a massive investment package—but it can only be contemplated if it is accompanied by the kind of reforms that I think everybody who looks at Ukraine, and its people, most of all, want to see.

Mr Gregory Campbell (East Londonderry) (DUP): As the right hon. Gentleman is discussing a new Marshall plan for the region, does he agree that anti-corruption measures must take priority and precedence before significant and hopefully worthwhile investment takes place? We need a climate of which we are reasonably assured, in so far as anyone can be, that the anti-corruption measures have been successful.

Mr Whittingdale: I completely agree with the hon. Gentleman. If we are to expect the international community, particularly the business community, to invest in Ukraine, it has to have guarantees that the system is fair, that it will secure a return on its investments, that it will not be suddenly be hit by mysterious taxes that have been invented overnight or that it will have to bribe public officials to get contracts. Those things have to be put right, and that is widely recognised.

The only other issue on which my right hon. Friend the Minister, who I know is aware of this, can help is the particular concern expressed by Ukrainians about the difficulty they experience obtaining visas to visit this country. I have just sent my right hon. Friend a letter signed by 21 Members of the Ukrainian Parliament that sets out their concern that the refusal rate for visa applications to come to the UK has risen over the last three years from 9% to 25% with no real explanation. Not only are a lot of visas refused, in cases where they have been granted they have actually been issued after the flight to bring the applicant to this country has left, requiring them to rebook at considerable expense.

The Ukrainians believe that part of the reason for that is that Ukrainian visa applications are dealt with in Warsaw. Something is clearly going wrong. I recognise that this is not the direct responsibility of my right hon. Friend, and I know that he has talked to the Ukrainian Parliament and Government about this, but I urge him to talk to his and my colleague in the Home Office who is responsible. Ukraine is worth supporting.

Jim Shannon (Strangford) (DUP): For the record, does the right hon. Gentleman recognise that, during the Russian onslaught in eastern Ukraine, many Christian churches have been destroyed, Baptist pastors have gone missing, never to be seen again, and people have been displaced? When it comes to human rights, does he accept and agree that we need to see a softening of Russian attitudes towards those with religious beliefs, who have been persecuted specifically because they speak out on social issues on behalf of people and are very vocal in their areas? People are going missing and disappearing. That is wrong.

Mr Whittingdale: I agree. The role of all the Churches in Ukraine is very important. The Ukrainian Orthodox Church plays a leading role. I was due to meet the Chief Rabbi of Kiev the other day, since there is a Jewish community there that is also important. Clearly the Churches have a role and can assist in the humanitarian effort in east Ukraine—I very much agree.

I want to finish by saying to the Minister that Ukraine is worth supporting, first because it is a country of huge economic potential. It has a population of 45 million, with 99.7% literacy, and it has the biggest reserves of black soil in the world. If that could be exploited, it could feed most of Europe. We should support Ukraine because it is our frontline against Russian aggression. We are facing an expansionist, resurgent Russia that is using military, economic, information and cyber attacks in an attempt to steer Ukraine away from the pro-western path of development. If Russia succeeds in Ukraine, we should be in no doubt that its ambitions will not stop there. It is very much in our interests to give Ukraine our support.

Several hon. Members rose—

Mrs Cheryl Gillan (in the Chair): Order. About five Members have put in a request to speak, and others are now indicating that they want to speak. I am not proposing to put a time limit on speeches, but I ask you all to keep an eye on the clock as you speak. I call Douglas Chapman.

9.50 am

Douglas Chapman (Dunfermline and West Fife) (SNP): It is a pleasure to serve under your chairmanship, Mrs Gillan. I sincerely thank the right hon. Member for Maldon (Mr Whittingdale) for bringing such an important issue to the Chamber.

As we all know, Ukraine has been an independent nation since 1991, following the break-up of the USSR. Like other former Soviet states, starting a new state has been difficult and far from a pain-free process for Ukraine. The fledgling state has also had to deal with living in the shadow of a powerful near neighbour, the Russian Federation, which in 2014 annexed Crimea and eastern Ukraine in a clear violation of international law.

The situation is at best tense and fractious, and at worst violent and murderous. Some of the headlines from just the past week outline the severe difficulties that Ukraine faces and the almost impossible and violent situation that has developed in eastern Ukraine and Crimea. For example, Reuters reported this week that the OSCE says that fighting in eastern Ukraine is the worst since February. It also reports clashes in Kiev as the OSCE says that Russia is using military, economic, information and cyber attacks in an attempt to steer Ukraine away from the pro-western path of development. If Russia succeeds in Ukraine, we should be in no doubt that its ambitions will not stop there. It is very much in our interests to give Ukraine our support.

Our driving force to create peace and find solutions must take account of the fact that since 2014, more than 10,000 people have lost their lives in eastern Ukraine, 1.5 million people have been driven out of their homes...
and an estimated 800,000 people remain under threat in the area affected by fighting, including 100,000 civilians who live in the “grey zone” that sits between Ukrainian forces and Russian separatists. From a UK perspective, the relationship with the Russian Federation must be improved. Although its disregard for Ukraine’s borders and international norms makes progress difficult, refusing to engage with Moscow is not a feasible foreign policy option given both that the UK and Russia are nuclear powers, have a place on the UN Security Council and have a hand in the security of Europe. One good thing that the current Foreign Secretary has done is to thaw some of the relations between London and Moscow; the previous incumbent made a point of not speaking to his equivalent number in Moscow or even the Russian ambassador in London for months on end.

The real pain is being felt by Ukraine and its citizens. I have fairly regular and good contact with the Ukrainian ambassador and her staff in London and have sought regular updates on the political situation in Kiev and especially in what is effectively a warzone in eastern Ukraine. During my time on the Defence Committee, we considered the issue of hybrid warfare, which is designed to confuse, create misunderstanding and blur lines of responsibility.

There is no doubt in my mind and in that of the international community that those are the tactics employed by the Russian Federation in Crimea and in eastern Ukraine. They allow the aggressor to simply shrug their shoulders and say, “But they’re not our troops. It’s not our fault. They’re nothing to do with us.” In reality, we all know that they are. The Scottish word for that kind of behaviour is “sleekit”, but where thousands of people have lost their lives, sleekit is not quite strong enough a description of Russia’s behaviour, and its actions should be condemned.

We need to work harder in three areas. The first is with Russia on its abuses of human rights, freedom of expression and the rules-based order. Secondly, the Government should exert influence by utilising civil recovery powers to seize UK-based assets of Russians. In those circumstances, the London housing market may take a hit, but that price is worth paying to make Russia wake up to its international responsibilities. Thirdly, imposing on Russia tougher sanctions than are currently agreed to and applied by EU member states would be another way of ensuring that Russia understands how seriously the west is taking the situation in Ukraine. An issue for another day might be to see how the UK would impose such sanctions post-Brexit, what changes would ensue and how much it would cost to apply UK-administered sanctions in those circumstances.

Ukraine, as an independent country, must be allowed to build its own future. Internal problems such as political corruption are being tackled positively, but it is more difficult in an unstable political environment to see through the required changes. The west needs to provide more support to develop resilience to further Russian encroachment and focus on creating social, economic and political infrastructure to enhance engagement with the west and allow Ukraine to engage on a level playing field with Russia. We must also maintain the level of UK and EU funding to support that infrastructure and offer closer links to Europe.

Finally, Ukraine and Scotland have trade links; we could do more, especially in agriculture imports and exports and agribusiness research. The Scottish Government have established a good working relationship at an official level with the Russian Federation through the consul general in Edinburgh, and we raise such issues as human rights concerns and the annexation of Crimea, which we see as illegal. We support the European Council’s firm commitment to the full implementation of the Minsk agreement.

Today we ask the Government to be more influential in working towards a lasting agreement between the parties in the Ukraine conflict as a member of the Council of Europe. We must protect minorities in eastern Europe and Crimea who remain unprotected. We need to do much more. We must work with our European partners on holding Russia to account and on the maintenance of existing sanctions.

More generally, the Government should suspend all arms sales where it is thought or suspected that violations of human rights exist or where violations are contrary to international humanitarian law. The UK is well aware that creating power vacuums allows instability to fester, and we all have to work towards a meaningful and lasting political solution in Ukraine, even if that task appears to be mission impossible at the moment.


9.58 am

Mr Jonathan Djanogly (Huntingdon) (Con): I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing the debate and on leading the recent delegation to eastern Ukraine, which I had the privilege of joining. That was not my first visit to Ukraine, but it was my first visit to the Donetsk region. To see the challenges posed in places such as Kramatorsk and Avdiivka next to the Donetsk airport, where so much blood was recently spilled, was an eye-opening experience.

This is still a hot war, and Ukrainians are being killed on a weekly basis, with shelling happening more days than not. We visited a coke coal plant near the separatist lines, which had half its water tanks blown up, severely impacting production. The people who work there just get on with running the plant. I very much agree with my right hon. Friend that they are very brave people indeed, not least given that they are living under the threat of invasion, death and displacement—we are talking about some 1.5 million internally displaced persons who, if they are permitted or dare to go back to the occupied zone at all—say, to visit relatives—suffer the humiliation of rough border searches and poor treatment from separatist militia, many of whom are criminals or mercenaries.

Much humanitarian and foreign aid is getting to free east Ukraine, but that is a very poor area and its economic and infrastructure needs are extremely pressing. Like my right hon. Friend, I was very moved by the dedication of the students and staff of the Gorlovka institute of foreign languages at the Donbass State Technical University, which has been re-established in unoccupied Bakhmut. Those displaced young students were making the best of a very basic building and facilities. We had a meeting and question-and-answer session with about 100 of them, and I found moving and inspiring their desire to educate themselves, to develop their country and to look westwards to the
values of EU countries. It was also a reminder that although media interest may have moved on from Donetsk, the underlying issues have not.

I appreciate that the UK is giving Ukraine a lot of assistance, not least in terms of non-lethal military help and training, and also on governance issues, but I ask whether more of our Department for International Development resources could be spent helping those on our own continent who are clearly in need.

As my right hon. Friend said, it may be that for many of our citizens, Ukraine, let alone east Ukraine, is a distant place that they have little thought for or, if they do think of it, there is little feeling of common cause. At this point, I need to refer to the elephant in the room: Russia and its vicious warmongering and anti-humanitarian actions along its borders. Ukraine has 20% of its territory occupied, and so does the republic of Georgia.

Many other neighbouring states, not least the Baltics, have the same fear of Russian aggression. It is not for no cause that British troops, planes and ships have been moved east of Germany for the first time in more than a century. Of course, Estonia is in NATO and Ukraine is not yet a member, although I hope that one day it will become so. What is clear, however, is that Russia is using Ukraine as a test case for trying out its latest hybrid warfare, which has involved the use of everything from agents provocateurs or little green men and the mass use of propaganda and cyber-warfare, right through to drone technology and the development of conventional military tactics.

To those who are still wondering what this matter has to do with the UK, I say this. It is unlikely, although by no means impossible, that Russia will wish to invade more of the lands to the west. That is because garrisoning and paying for the failing economies in the lands that it has already occupied have badly stretched Russia’s already weak economy. However, it also seems increasingly clear that what Russia really wants is a series of weak and corrupt vassal states surrounding it that it can control and bully and that it believes will act as a buffer against western European economic and cultural advancement.

Sadly, however, that is not where it stops, because Russia also seems intent on using the skills that it picks up while abusing its neighbours in order to disseminate destabilisation, hatred, corruption, criminality and fear among NATO countries. I am talking about things such as the mass use of false accounts on Twitter and Facebook to polarise society through the spreading of fake news—for instance, by propagating anti-Islamic messages after recent atrocities or by trying to affect campaigns such as that for the EU referendum. I am sure that that will be the subject of another debate, but I mention it here because UK citizens need to realise that Ukraine’s fight for its right to live as an independent sovereign nation is also our fight. Ukraine is our ally in dealing with that threat, and we should be helping it more. In my view, that should be help in rebuilding its society and infrastructure and in building up its defences. It should also include providing Ukraine with defensive military equipment, not least Javelin anti-tank missiles capable of dealing with the huge Russian tank build-up in occupied Ukraine.

Of course, the UK will not solve this issue working alone or just militarily. In that context, I congratulate the EU on deciding last week to maintain sanctions against Russia for a further six months. We must remain united with the EU and robust on sanctions post Brexit.

Mr Seely: Is my hon. Friend aware that the pro-Russia separatists in eastern Ukraine have more tanks than the British and French armies, and has he any idea where they may have got those tanks from?

Mr Djanogly: I was aware, but that fact needs to be well publicised; it is not known widely enough.

We must also be welcoming here to Ukrainians. The Schengen area has just awarded visa liberalisation to Ukraine. I accept that that is unlikely in the UK until we know where we stand post Brexit, but the bitter complaints that I heard from Ukrainians about the lack of efficiency in the existing process demand a review now.

The other key issue that came up during our visit related to the development of Ukrainian civil society. At this point, let me recognise that that is a different society from our own. Ukraine suffered greatly under communism; and, with its early-stage capitalist, oligarch-controlled economy, it is prone to corruption and political stagnation, in a way that can be unnerving and sometimes shocking to many of us in the west.

Reforms are being made, not least to liberalise and regulate the economy, and that has sometimes led to hardship for people—for instance, in relation to energy prices. However, it was made clear to us by many whom we met that although the Ukrainian Government keep saying that change must be gradual, large numbers of Ukrainians are getting impatient with the slow state of reform. I did not get the feeling that that will result in another Maidan-scale revolt at the current time, but it will be important that we do what we can to encourage accelerated reform.

By the way, I was very impressed by our embassy’s resolve and action to do exactly that. Let me recognise also that there are a number of excellent, reform-minded new and younger Ukrainian MPs, who see a better future for their country and are determined to fight for that future. We also saw some very impressive reforms, not least the local government and police permit one-stop shops, where permits can be applied for under one roof: because the issuing department does not directly interface with the applicant, corruption is largely stopped. So credit where credit is due.

It does sometimes seem, however, that it is one step forward and then one step back. The appointment of new Supreme Court judges was for the most part seen by civil society activists whom we met as a win against corruption, but reports came through a few days ago concerning the attempted suppression of the National Anti-Corruption Bureau of Ukraine and its lead Artem Sytnyk, which points badly. Given the problems with corruption, I would say that establishing a system of anti-corruption courts and ensuring clean judges for them should be a priority for Ukraine next year. Those concerns are shared by the EU, the US, the World Bank and the International Monetary Fund. If we are to help Ukraine, we must also insist that Ukraine help itself. Of one thing I am convinced, however: this is our continent, and Ukraine’s battles are our battles and part of the UK’s future. We should not be neglecting them.

10.7 am

Mrs Pauline Latham (Mid Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mrs Gillan. I welcome this debate initiated by my right hon. Friend
the Member for Maldon (Mr Whittingdale) on the situation in Ukraine, but I wish to go back in time a little and speak about the tragic legacy of the Ukrainian holodomor, from 1932 to 1933, which continues to have an enormous impact on the Ukrainian people today.

The holodomor was a forced famine orchestrated by Joseph Stalin’s communist regime and it resulted in the deaths of millions of Ukrainian people. It was a crime fuelled by a repugnant political ideology. Stalin wanted to starve the so-called rebellious Ukrainian peasantry into submission and force them into collective farms. Subsequently, the Ukrainian countryside, once home to the “black earth”—some of the most fertile land in the world—was reduced to a wasteland. The holodomor stole away between 7 million and 10 million people. Entire villages were wiped out, and in some regions the death rate reached one third of the population.

Inevitably, the events of the Ukrainian holodomor undermined national confidence. It continues to have an impact on the consciousness of current generations, as it will future generations. Indeed, the many descendants of Ukrainian people in this country are still very concerned about what happened. Last month, I held a Westminster Hall debate on the issue, in which I called for the Government to recognise the holodomor as a genocide. As the hon. Member for Ealing North (Stephen Pound) said so pertinently in that debate:

“No one can visit Ukraine today without seeing that it is still a live wound, a bruise and a source of pain.”—[Official Report, 7 November 2017; Vol. 630, c. 531WH.]

John Howell: My hon. Friend mentions the word “genocide”. Does she recognise that without Ukraine, we would not have the term “genocide” or, indeed, “crimes against humanity”? As Philippe Sands pointed out in his book, it was the invention of those at the time of the second world war that has prompted all our subsequent activity in this area.

Mrs Latham: Yes, I thank my hon. Friend for that intervention, because I will come on to that. It seems ironic that that is where the term “genocide” came from, yet this country does not recognise it.

On 7 December it was the 85th anniversary of this atrocity. I was pleased to see that the UK was represented by the British embassy’s chargé d’affaires during the commemoration service held by President Poroshenko on 25 November. The Ukrainian people have suffered for so long. Following the 85th anniversary, now is an appropriate time to officially accept that the holodomor was a genocide. Acknowledging that would be in accordance with the Ukrainian people’s wishes.

In 2006, the Government of Ukraine passed a law recognising the disaster as genocide against the Ukrainian people and have sought for the international community to follow suit. Many countries have recognised this, including the US, Canada, Australia and many others. Since the formation of the convention on the prevention and punishment of the crime of genocide, which was adopted by the UN Assembly in 1948, it has been possible to designate events. This has strengthened the hand of the international community, if it wants to take action in those cases.

The Government’s current position is that international law cannot be applied retrospectively unless subject to a legal decision. I understand that the holocaust, although it took place before 1948, has an exclusive status, since it was the basis for the legal determination of genocide by the convention. However, as my hon. Friend the Member for Henley (John Howell) said, it was actually the holodomor that started it. It should be noted that the holodomor was directly referred to by Raphael Lemkin, the author of the convention, as a classic example of genocide. We recognise the Jewish holocaust retrospectively, so why do we not recognise the holodomor, which started before the second world war, nearly two or three years before the holocaust?

If the Government maintain their position, I ask again: will they consider initiating an inquiry or judicial process to help ensure the Ukrainian holodomor is given its rightful status as a genocide? I understand that the 1994 killings in Rwanda and the 1995 massacre in Srebrenica were both recognised as genocides as a result of legal proceedings. It is only right that the UK accepts the definition of the Ukrainian holodomor as a genocide. It would be a mark of our respect and our friendship with the Ukrainian people today. We must expose violations of human rights, preserve historical records and help to restore the dignity of victims through the acknowledgment of their suffering.

10.12 am

Mr Bob Seely (Isle of Wight) (Con): I thank my right hon. Friend the Member for Maldon (Mr Whittingdale) for calling this debate. To give a bit of background, I lived in the former Soviet Union and then Ukraine from 1990 to 1994. I have been conducting academic research into Russian warfare on and off since, and in the last couple of years I have made four or five trips to Kiev and to the east of the country to interview academics, soldiers and other people involved in the current conflict.

My right hon. Friend is correct to ask why we should care about Ukraine. It has had only a modest impact on our imagination and for much of the modern era it has been part of the Russian empire, although Ukrainians point to earlier periods in their history as proof of historic statehood, such as Kievian Rus’ and the republican, egalitarian Zaporizhian Cossack Host, the Hetmanate. I think we should care about Ukraine for the following reasons. The creation of an independent Ukrainian state was probably the single most important thing that happened after—or accompanied—the collapse of the USSR. It removed from the Russian state a population of approximately 50 million people, its main agricultural base and one of its industrial and defence heartlands. It completed the journey towards statehood begun by the Ukrainians in the 19th century.

More broadly, in the east Slavic world there are three states: Russia, Belorussia and Ukraine. Russia is now an authoritarian state and its population is fed a daily diet of illiberal and anti-western propaganda. Belorussia, sadly, is an external colony of Russia and Russia’s recent troop movements into that state are likely to reinforce that. Then we have Ukraine. Out of the three, only Ukraine makes any real pretence at being anything approaching a functioning democracy. Ukraine is the only country in the east Slavic world that seeks a role as a European state within a European fraternity of nations. Ukraine is the only country in the east Slavic states with
a civic society that is neither being actively oppressed nor co-opted by the state. In my mind, much depends on the future of that civic society.

There are undoubtedly problems. Post-Soviet corruption has been as endemic there as anywhere else. We underestimate the appalling impact of socialist totalitarianism on the destruction of human societies; my hon. Friend the Member for Mid Derbyshire (Mrs Latham) spoke about holodomor, the genocide of the Ukrainian peasantry, which is only one example.

However, it is worth pointing out that corruption has been fostered, in part, as a means of Russian subversion and control. The purpose and the intent of Russian activity in Ukraine, sadly, is to undermine Ukrainian statehood, and, indeed, a Ukrainian identity that exists separately from Russia. For many people in senior positions in the Kremlin, Ukrainian statehood and a Ukrainian identity separate from Russia is the cause of something approaching apoplexy, and touches significant raw nerves within the Russian psyche.

We see some of that Russian subversion in our own state, and I suspect we will be discussing it tomorrow, but in Ukraine—as various speakers have pointed out, including my hon. Friend the Member for Huntingdon (Mr Djanogly), who spoke with great eloquence on this—they are subjected to a much greater degree of that pressure. That includes the compromising of individuals and classes, and the diet of media control and messaging, which is not just up-market PR, but a kind of violence against the mind, designed to demoralise and disorientate.

In Soviet days, such disinformation, espionage, sabotage and occasional assassination were known as “active measures.” We are still reaching for a new name; some of us are calling it “full-spectrum effects”. It is the combining of these active measures, which used to be run by the KGB and the Communist Party of the Soviet Union, with other forms of violence, including conventional military work. Under President Yanukovych, for example, NATO assistance programs were halted, and the Ukrainian defence establishment hollowed out, which explains why the Ukrainians did so badly at the beginning of the war. Attempts were made to rewrite Ukrainian identity in new historical textbooks. Oil and gas were used as a means of control and bribery. Russian businesses were used to exert indirect control over the Ukrainian state.

On top of that, in the past few years since the Maidan revolution, we have had direct violence via proxies, some of which were local, but many of which have been controlled by the Federal Security Service of the Russian Federation and the Glavnoye razvedyvatel'nnoye upravlenie—the Russian Main Intelligence Directorate. Pro-Russian demonstrators as well as violent thugs, the so-called Titushky, were used or bused in.

It is worth remembering that Russia’s plans at the time were ambitious and it was co-ordinating a series of uprisings in almost all the Russian speaking countries: Odessa, Nikolayev, Dnipro, Kharkiv and Zaporizhia. In many of these places the uprisings failed and were put down by the Ukrainians—not always particularly well, but they were. One should remember that outside Donetsk and Luhansk, the Russian attempts to subvert and undermine Ukrainian statehood largely failed. Crimea was clearly an exception to that as well.

There are some people who say, “Let’s understand Russia,” which I think is too often a code for appeasing Russia. I think one should always understand Russia, talk to Russians as much as possible and engage with them, but I do think it is important to stand up to them and not appease them. If we appease them and effectively give them a sphere of influence within eastern Europe, there will be years and decades of instability, which will threaten us and cost us a great deal in time, effort and money. The peoples of countries such as Georgia and Ukraine, as my hon. Friend the Member for Huntingdon pointed out, are not just pliable entities. They do not aspire to be under the thumb of the Russians. There is a direct link between democratising and the desire to move out of Russia’s orbit, to be part of the west, to be part of a global society, to be wealthy and to be free.

Russia’s response is too often to blame the west, fascism or the CIA, which runs the internet, blah, blah, blah; it is never to examine the reason why people would want to be out of the Russian yoke or to move away from what has historically been seen as brutal and somewhat arbitrary control. Russia’s response to this, as we have seen in Georgia, Moldova and Ukraine, is to increase the levels of destabilisation and conflict, and to disorientate a force countries back to accepting Russian suzerainty. However, there is hope. Many Ukrainians now see their future in the west. Vladimir Putin’s greatest achievement in the east Slavic world may be the creation of a single, Ukrainian political identity.

There is a grand bargain here. I very much encourage the Minister to consider it, although I suspect that the Government will not make it. That grand bargain is as follows. We spend vast sums in war zones and they have produced little; I have lost count of the number of ridiculous and failed DFID projects that I have patrolled past in Afghanistan and Iraq, which stand like monuments to the vanity liberal imperialism. There is an opportunity as part of this Marshall plan to offer significant funding and support for a country that is near us and the stability and prosperity which would yield not some generalised warm and fuzzy feeling, but significant geopolitical dividends in terms of peace, locking in the post-cold-war world and extending the EU’s influence.

I am a Brexiteer, but I accept that many people in eastern Europe look to Britain and the EU as models—I do not doubt that at all. We spend billions on Africa and ridiculous sums on the EU. Can we please spend some bilateral aid to do something that will significantly encourage stability in eastern Europe and specifically in Ukraine?

I will wind up in the next minute or two, as I am aware that others wish to speak. The quicker that Ukraine reforms, and it has been pitifully slow, the stronger it and its people will be, and the better able to resist Russian active measures Ukraine and eastern Europe will be. The Ukrainians need to help themselves, but I believe that as part of a grand bargain with that important strategic country there is much more that we could be doing.

I recommend greater involvement, including greater DFID involvement, and working with the EU, the US and our Canadian allies, who are very influential in Ukraine because of the Ukrainian diaspora—it is not only in Derby, but in many parts of the Canadian plains—to increase our leverage and to offer a grand bargain to the Ukrainians as part of a significant geopolitical victory in eastern Europe.
Mrs Cheryl Gillan (in the Chair): Before I call Luke Graham, I must say that I will try to get colleagues on the Opposition side of the House in.

10.22 am

Luke Graham (Ochil and South Perthshire) (Con): It is a pleasure to speak under your stewardship, Mrs Gillan. I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing this debate. I will keep my comments short this morning for fear of repeating something that other hon. Members have raised.

As hon. Members across the Chamber have recognised, Ukraine has been a proud and independent country since the collapse of the Soviet Union in 1991, and before the uprising in 2014 there was little evidence of widespread support for separation in either Crimea or Donbass. As we have heard, in February 2014 a pro-Russian militia, later confirmed to be Russian troops, seized control of state institutions in Crimea and installed a pro-Russian Government. That was followed in March 2014 by another pro-Russian militia seizing control of the Donbass region.

Since then, a number of developments have taken place. One of the most significant is that more than 10,000 people have died in the Donbass region alone. Russia has been accused of providing the militias with equipment, training and intelligence support. We have heard about the number of tanks that have mysteriously appeared throughout the territories—Russia claims that it is a humanitarian convoy—and retired Russian servicemen and volunteers have bolstered the ranks of the separatist forces. Meanwhile, the international community, including the United Kingdom, still recognises Crimea as part of Ukraine.

The international community is right to be deeply concerned by these developments. At a time of globalisation we must respect the integrity of sovereign states and international law, and the sovereignty of Ukraine must be respected. That is why I support the actions of the United Kingdom Government with others since 2014 to impose sanctions on individuals, businesses and officials from Russia and other associated separatists.

What we are seeing in Ukraine is an example of some of the worst excesses of strident nationalism. I am not comparing one country’s nationalism with another, as no two nationalist causes are exactly alike, but I have spoken before about the rise of nationalism throughout the world and how it is a negative force—nothing we witness in Ukraine demonstrates otherwise.

Sanctions are only one tool that we have to support Ukraine. We must also encourage and strengthen cultural and diplomatic ties so that we can provide the hope and help that the people of Ukraine truly desire. As has been mentioned, we must also engage with Russia—less through RT, and more through diplomatic means—and Ukraine, so that we work together as one country, through this place, to enforce sanctions and provide constructive options as well. I hope that this crisis will be ended soon by the full implementation of the Minsk II protocol and that there will be a full ceasefire and the reintegration of separatist-ruled territories so that they return to Ukraine and peace and international law reign supreme.

10.25 am

Stephen Pound (Ealing North) (Lab): It is obviously a pleasure to serve under you, Mrs Gillan.

The right hon. Member for Maldon (Mr Whittingdale) asked at the beginning why we are concerned about Ukraine and why it is an issue. Well, we have heard many reasons why Ukraine is important. The fact that it is significant in this Parliament is very much to his credit, that of the hon. Member for Mid Derbyshire (Mrs Latham) and her holodomor debate, and—if I am allowed to mention him—the noble Lord Risby, who has been a consistent voice for Ukraine in both Houses.

During the holodomor debate I referred to my chairmanship of St Michael Mission Trust, which renews and rebuilds churches mostly in western Ukraine, around Fastiv and in that general area. I was asked whether I should have declared that. May I just point out, for the sake of the record, that I received absolutely no financial remuneration whatsoever from it? In fact, if anything, it cost me quite a bit of money, but I am absolutely delighted to do that. I am proud of the work that we do in Lviv and the Kiev oblast, and we work through the Dominican fathers.

The hon. Member for Huntingdon (Mr Djanogly) referred to the elephant in the room. I see a more ursine creature. I see a vast bear in the room—a bear with sharp claws that is looking westwards at the moment. He and I have been in the region and have seen the influence. That is why it is all the more important that with the influence that this country has and, please God, will continue to have even after Brexit, we place on record our concern about what is happening there. If sunlight is the best disinfectant, we have to shine the sunlight through the mist of battle and this current murky war.

I have a couple of questions that I specifically want to put to the Minister. May I say that I am delighted that the right hon. Gentleman is in his place? There could be no better Minister to respond to this debate than a man who has shown his knowledge, expertise and humanity in this area, and that is very much to his credit.

We heard earlier about the fact that the Russian Federation has withdrawn its military officers from the Joint Centre for Control and Co-ordination. That happened this week; it happened only yesterday. This is a shifting situation. What possible signal does it send, in particular to the Minsk process, if the Russian Federation unilaterally, without any discussion or negotiation, withdraws its military officers from that? That sends a very obvious signal. I sincerely hope that it is not so that they have denied any opportunity to participate in the peace process, but it looks to me as a neutral observer as though they are simply walking away from a war that they are contributing to, funding, stimulating and facilitating.

This was the first time I have heard the hon. Member for Isle of Wight (Mr Seely) speak. I was massively impressed by the depth of his knowledge and his passion and commitment, and it was a real privilege to hear that. We have heard about the projects that the United Kingdom is involved in by giving assistance through the FCO and DFID. I think that we have actually given about £42 million in the last two years. I would like to hear some commitment from the Minister to a continuation of that financial support, because that money is multiplied
by a factor of 10 at the least when it comes to its effectiveness within Ukraine.

The Foreign Secretary is heading for Russia. I think all hon. Members feel a certain trepidation when they hear about the Foreign Secretary heading out to countries—who knows what may happen? I profoundly hope that, as the first Foreign Secretary to visit Russia in about five years, he will not forsake this opportunity. He is a man of great generosity of spirit—of great breadth and depth of learning—but he needs to speak truth to power on this occasion and to make some of the points that we have heard today. The FCO has not yet made a public statement on Russia’s withdrawal from the Joint Centre for Control and Co-ordination; this would be an ideal opportunity for one.

A draft Sanctions and Anti-Money Laundering Bill is wending its way through the upper House. It would be interesting to see whether, in the light of the Russian Federation’s current aggression—not just the military aggression but the human rights violations in Crimea—that Bill might include additional sanctions.

We heard that nothing stirs the bear into an apoplectic fit more than the expression of Ukrainian nationalism. There is a hope in some dark quarters of the Kremlin that Ukraine will go away and be quiet—that it will be absorbed into greater Russia. The extraordinary success of Ukrainian athletes at the last Olympics and their achievement of rising so high up the medal table inspired passion throughout the world, not just in the Ukrainian diaspora, although they were dancing in the streets of Sheffield. I mention Sheffield because it is the home of Marina Lewycka, one of our more famous members of the Ukrainian diaspora, who wrote the magnificent and very serious book, “A Short History of Tractors in Ukrainian”, which I recommend to everybody.

Anyone who saw that Olympic success will know that Ukrainian nationality, pride and recognition of its own identity is absolutely unbreakable and irrefragable. It will never be destroyed. People can do their best—or their worst—but Ukraine will be Ukraine. Debates such as this are so important for putting those markers down. I look forward to hearing from the Minister. In the words that the right hon. Member for Maldon and I heard in the Euromaidan, “Slava Ukraini!”.

MRS CHERYL GILLAN (IN THE CHAIR): I would like to call the Front Benchers at 10.35 am.

10.32 am

JOHN GROGAN (KEIGHTLEY) (LAB): I will make four points in about two and a half minutes. I have heard every word of this debate, Mrs Gillan. I would not miss the introductory oration of the right hon. Member for Maldon (Mr Whittingdale); one of the best things I have done in Parliament was to introduce him to Ukraine some years ago.

We heard about the diaspora and the Ukrainian athletes. As the grandson of an Irish migrant in Yorkshire, my first contact with Ukraine was on the football fields with the grandsons of Ukrainian migrants. I remember that they tackled hard. The next contact was in the 2005 Orange revolution, when I thought that there was only one side to be on—that of freedom and of democracy. That is why I got involved.

We heard about the withdrawal of the truce monitors. The Foreign Secretary is going to Russia at a fortuitous time because even more than my hon. Friend the Member for Ealing North (Stephen Pound), I worry that that will precede additional violence at Christmas. That has happened before when the world’s eyes were looking elsewhere. Over the next few days, we have to be careful that the world’s eyes are on Donbass. It may be time to revive the idea of peacekeeping forces, which the Ukrainian Government have argued for in the past. It would not be acceptable to have Russians as part of that force, of course, because as Ukraine has argued it would have to be stationed across the whole of Donbass and at the border. That needs to be looked at.

On corruption and the economy, the Ukrainian Parliament has an important decision to make on Thursday. I hope that it will confirm the new central bank governor. That decision is on a par with the publication of assets, which recently meant that about a third of judges resigned immediately. That sort of bold measure is needed to tackle corruption.

I disagree with the hon. Member for Huntingdon (Mr Djanogly) who argued that Ukraine should join NATO. I think that would divide the Ukrainian nation. Even now, opinion polls do not suggest huge majorities for that; they suggest divisions.

On language, it is important that the Russian language is cherished in Ukraine; someone can be a proud Ukrainian with Russian as their first language. In recent years, one of the great symbols was when Shakhtar Donetsk played at Lviv. Obviously, they could not play at their home ground, so they played in west Ukraine. There was a recognition that although the teams came from different parts of Ukraine, they shared that Ukrainian identity. Long may that continue.

10.35 am

MARTIN DODCHERTY-HUGHES (WEST DUNBARTONSHIRE) (SNP): It is good to see you in the Chair, Mrs Gillan. I thank the right hon. Member for Maldon (Mr Whittingdale) for bringing this important debate to the House and congratulate him on reminding us about the progress that the Republic of Ukraine has made in taking its place as one of the world’s modern liberal democracies. That progress may sometimes seem painful and slow, but liberal democracies are not built in a day. I pay tribute to the hon. Members for Mid Derbyshire (Mrs Latham), for Huntingdon (Mr Djanogly) and for Isle of Wight (Mr Seely), who again mentioned a Marshall plan for Ukraine. If that proposal were brought to the Floor of the House, I might agree with him about it, although not about leaving the European Union.

I shall begin with a quick precis of my position, which is also that of my party and of the Scottish Government, on the situation in Ukraine. The illegal and illegitimate annexation of Crimea by the Government of the Russian Federation—I say that deliberately; it is not by the Russian nation but by the Government who lead it—has been the biggest challenge to European security since the Balkan conflicts. The current destabilisation of eastern Ukraine must be similarly condemned and we must be robust in our defence of international norms. As such, the Scottish National party and Scottish Government support the European Council’s firm commitment to the full implementation of the Minsk...
agreements. Although we may not always agree, we firmly support the UK Government’s efforts in tackling Russian disinformation and propaganda.

Despite the Minsk agreements and various ceasefires, eastern Ukraine is certainly not a place of peace today. This week, I was sorry, as I am sure other hon. Members were, to see evidence of some of 2017’s worst violence: the settlement of Novoluhanske was shelled, which caused the death of at least eight civilians. It seems clear that the shells were of a type prohibited under the Minsk agreements and were fired from around the town of Horlivka, which is under non-governmental control. It is indescribable that almost 1 million people are approaching their fourth Christmas with the spectre of this conflict hanging over them. We must make it clear that the Government of the Russian Federation and their proxies must respect those agreements and stop the violence.

Although that which I describe is a reminder that we may not have left the horrors of 20th-century Europe behind, I am more worried by the developments in modern warfare that have resulted in the Government of the Russian Federation using Ukraine, as it has Syria, as a testing ground for a very 21st-century version of electronic and cyber warfare. We have heard reports of jamming and spoofing of devices used by Ukrainian forces in Donbass and Luhansk. Attacks have targeted the cyber infrastructure of energy networks and other businesses in the rest of the country that some people have described as a “digital blitzkrieg”—as the Member for West Dunbartonshire, I would not use the word “blitzkrieg” lightly.

I will try to be quick, as I am aware we are cutting it fine for time. That is most worrying because those attackers are doing that almost at will. Their controlled, heuristic manner suggests that they are testing the limits of their technical capabilities and seeing how much the international community will tolerate without responding. That worry was echoed in my conversations with state officials all along the Russian periphery. The SNP believes that we must stand up fully for the sovereignty not only of the Ukraine, but of other Baltic and eastern European states that are on the receiving end of those unattributable hybrid attacks.

Last month, my hon. Friend the Member for Glasgow South (Stewart Malcolm McDonald) and I met the Ukrainian ambassador, whom I am glad to see in the Public Gallery. We agree that there is much work to do and that Ukraine must be given all the support it can be given to become a full member of the European family of democracies. Although such discussions are difficult, we cannot discuss the sacrifices of the Ukrainian people to bring their country towards the goal of European Union membership, which I agree with, whether at the 2014 Maidan or in eastern Ukraine now, without reflecting on the disaster of Brexit.

I have some specific questions for the Minister. Most pertinently, will he provide some clarity on how the United Kingdom will continue to support sanctions against the Russian Federation after we leave the European Union? I make a plea to him to consider changing the UK’s position on refusing to engage with the Russian Government. I do not excuse the Russian Government for one minute; as a gay man, asking for engagement with Ukraine or the Russian Federation does not come easy. [ Interruption. ] I am talking about myself; I would never make assumptions about anyone else.

It was sadly overlooked, but 2017 marked the 50th anniversary of the Harmel doctrine. I may be showing my bias when I point out that it was a policy that was promoted by a smaller European state and that mixed hard deterrence with the opening of a diplomatic track that offered a way out of strategic impasse. I am glad that the right hon. Member for Maldon mentioned it in his speech.

The United Kingdom has serious obligations, because it was a signatory—along with the former Soviet Union and the United States—to the Budapest memorandum, which has been conveniently forgotten by many. I ask the Minister to be very clear about how we take forward our role as a signatory and ensure that, having worked with the European Union on sanctions, we continue to hold the Russian Federation to account after we leave.
Amid the chaos, Russia occupied and annexed the Crimean peninsula in March 2014 and began fomenting an uprising by pro-Russian separatists in eastern Ukraine’s Donetsk and Luhansk provinces, an area collectively known as Donbass. Following months of fighting between heavily armed separatists and Ukrainian armed forces, supplemented by private militias and Russian troops, a truce was brokered by France and Germany and agreed in Minsk on 5 September 2014. Fighting nevertheless continued largely unabated. Following a major separatist offensive in January 2015, a second ceasefire agreement, known as Minsk II, was reached in Minsk on 12 February 2015. The February agreement continues to provide a framework for international diplomacy on the situation in Ukraine.

According to the UN, as of 12 March 2017, at least 9,940 people had been killed since the fighting in eastern Ukraine began three years ago. That figure, which the UN describes as a “conservative estimate based on available data”, includes more than 2,000 civilians. A new ceasefire was announced on 18 February 2017, following talks between the Foreign Ministers of Ukraine, Russia, France and Germany at the Munich security conference. The German Foreign Minister, Sigmar Gabriel, said that the agreement aimed “to do what has long been agreed but never implemented: to withdraw the heavy weapons from the region, to secure them and enable the OSCE monitors to control where they are kept.”

A number of hon. Members raised the significant issue of corruption in Ukraine. We need to consider how best to support democratic institutions to overcome that problem. We should consider carefully the comments of the hon. Member for Isle of Wight (Mr Seely), who brings phenomenal expertise to the debate; I do not necessarily agree with everything he said about Brexit, but I commend the rest of his speech. The structure is really important. The international Ukrainian diaspora seeks to work with Ukrainians to establish a better anti-corruption structure and restore the status of the Ukrainian community. We are trying to help and support that work, and we will see how it goes.

Hon. Members also mentioned DFID’s humanitarian support efforts, which are very important. As the hon. Member for Isle of Wight said, it is not just about putting money in, but about seeing how projects are implemented and delivered on site.

I would also like to raise the miners’ dispute. Miners have had no bonuses since August, and their average wages are £231. It is important that we examine that issue, particularly since 94 miners are going through the judicial process. They are being prosecuted for what they stand for. Does the Minister have any words of support for the 94 miners on trial?

As my hon. Friend the Member for Ealing North (Stephen Pound) asked, what role will the Government play post Brexit in securing the influence that we need to exert to move forward? Germany and France have played a pivotal role, but our role has not been significant. We need to ensure that we continue to contribute and consider the moves we need to make an important part of that, and we need to consider how to continue to reinforce them. I thank the right hon. Member for Maldon again for securing the debate.
backwards and take the path of their predecessors. Having come so far and achieved so much, it would be heartbreaking if Ukraine were to revert to past mistakes.

The UK is doing everything it can to prevent that. This year we are investing £30 million in helping the Ukrainian Government and their people fight corruption, improve governance and deliver critical reforms in the defence and energy sectors. We are also taking a lead internationally, so that it can be much more of a collective effort. In July, the Foreign Secretary hosted the inaugural Ukraine reform conference, which brought together Ukraine’s international partners, built political support for its reform agenda, and secured Ukraine’s commitment to reform over the next three years. At next year’s conference in Denmark, we and the wider international community will be watching. We very much hope that Ukraine will be able to demonstrate further progress.

Ukraine’s other battle is in overcoming Russia’s attempts to destabilise the country. My right hon. Friend the Member for Maldon referred to that specifically. Even as we debate the issue today, there has been a sharp increase in ceasefire violations, reaching levels this week that were last seen in February. There has been an attack on the Novoluhanske area by Russian-led forces. Fighting has also resumed around the Donetsk filtration station. That is extremely dangerous, because it houses hundreds of thousands of tonnes of chlorine gas.

The conflict in the Donbass has killed more than 10,000 people and maimed almost 25,000. The UN estimates that almost 4 million people need humanitarian aid and around 1 million have been internally displaced. It is a sad irony that many of those affected are Russian-speaking Ukrainians, the very people whom Russia claimed they were trying to protect. Ukraine, Russia and indeed the UK are bound by the commitments we have undertaken in the UN, the OSCE and the Council of Europe—commitments to ensure human rights and the rights of minorities are upheld, but also to respect each other’s sovereignty and territorial integrity. The violation of Ukraine’s territorial integrity by Russia, including its destabilisation of eastern Ukraine, continues to cause untold suffering for the population there, and it jeopardises wider European security.

The UK Government are helping to alleviate suffering by providing aid, improving access to healthcare and helping the displaced get into work. UK aid is also providing psychosocial support to survivors of sexual and gender-based violence and to those affected by trauma. All sides of the conflict must do more to alleviate the suffering by unblocking the delivery of humanitarian supplies. The Ukrainian authorities must also enable internally displaced people to gain access to social support and other services.

It is clear that the conflict can be resolved only through negotiation. If, as Russia claims, it truly cares about the people of the Donbass, it should end the fighting that it started, withdraw its military personnel and weapons, cease its support for the separatists, and abide by the Minsk agreement commitments it signed up to in 2015.

John Cryer (Leyton and Wanstead) (Lab): Will the Minister give way?

Sir Alan Duncan: I do not have time.

I can assure the House and Members who have raised the matter that until the fighting ends, sanctions against Russia must and will remain in place. Our resolve on that is steadfast, and we continue to work with our partners in the EU and the G7 to maintain a united international position.

In direct response to the question asked by the hon. Member for West Dunbartonshire (Martin Docherty-Hughes), we will engage with Russia. I was there 10 days ago, and the Foreign Secretary will be there tomorrow. We will uphold sanctions, and in order to ensure that, we will pass the Sanctions and Anti-Money Laundering Bill, which has already completed most of its stages in the other place. It will come to us in the Commons in the spring.

In talking about Ukraine, we should not and must not forget about the situation in Crimea, which has also deteriorated. Ethnic Ukrainians and Crimean Tatars have been particularly singled out. On behalf of the UK Government I again call for the release of all political prisoners by the de facto and Russian authorities and the immediate return of Crimea to Ukraine.

There were a few points raised that I will have to scot over quickly because of time. On the question of the holodomor, there was an Adjournment debate on 7 November, to which I refer my hon. Friend the Member for Mid Derbyshire (Mrs Latham). In short, the issue has to be determined by the courts, rather than by us. On the Joint Centre for Control and Co-ordination, we very much regret the Russian withdrawal. It has done some very good work that we would like to continue. On the question of visas, I have been in vigorous correspondence with the Home Secretary. So far I have been rather disappointed by the response we have received in the Foreign Office to our detailed comments about the deficiencies of the visa system in respect of Ukraine. On that note, and leaving a mere 30 seconds to my right hon. Friend the Member for Maldon, I hope I have answered the debate.

10.59 am

Mr Whittingdale: I thank all Members who have taken part in this debate. The fact we are squeezed short of time at the end is an indication of the strength of feeling that exists in all parts of the House. I hope we have sent a strong message today to Ukraine that we will give them support. I hope the Foreign Secretary will take the message to Russia that we expect it to abide by the Minsk agreement and to respect the territorial integrity of Ukraine. We will continue to press it until that happens.

Motion lapsed (Standing Order No. 10(6)).
Kevin Foster (Torbay) (Con): I beg to move,
That this House has considered the closure of Torre post office.

It is a pleasure to serve under your chairmanship, Mrs Gillan, and it is great to hear you pronounce “Torre” perfectly. I am particularly pleased to see the Minister, and also her PPS, my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), who I suspect are pleased to be in their places today. I had applied for this debate to be an Adjournment debate on the last day, so it is certainly welcome to have it here in Westminster Hall today.

I want to pay tribute to the Torre and Upton Community Partnership, particularly its chair, Margaret Forbes-Hamilton. They have campaigned hard on this issue, along with hundreds of residents, the many businesses based in Torre, and local elected representatives who have supported the campaign on a cross-party basis. I will cover a few key points. For example, where is Torre post office and why does its location matter? Why does it matter to local people? What are the benefits of its current location and what alternatives are there to the plan put forward by Post Office Ltd to close Torre post office? This is about closing Torre post office, not moving it to another location, and I will outline why.

This is an opportune day to secure a debate on Torre post office, given the announcements about the Post Office this morning. It is welcome to see the network back in profit for the first time in 16 years and a commitment to £370 million of new Government funding. Little did I realise when I applied for this debate the effect it would have. It is particularly pleasing to see the references to village post offices and to money being invested to bring in new services and technology. Torre is an urban village, so I hope that some of the funding will be able to assist in ensuring it can keep its post office.

The news today is a long way from the era of a decade ago, when the size of the network was cut, with the lowest point coming in the quarter ending on 30 September 2008, when there was a net reduction of 641 post offices in that one quarter, according to the Library. In 2008-09, nearly 12% of post offices disappeared: 12% of the whole network. Thankfully, since 2009, the network has been stable, and I really hope that today’s announcement will confirm that that will be the case for the people of Torre.

Some watching this debate will wonder where exactly Torre post office is and why it is so important for local people. There has been a post office in Torre since before 1832, and today the area retains its village feel, despite Torquay having expanded around it and to the north of it since then. Torre still has its own railway station and Christmas lights display, but sadly no bank, as the last branch, Lloyds, closed recently. Interestingly, it told its customers it would be okay as they could bank at Torre post office just down the road, but now that is under threat as well. Removing this brick in the local infrastructure makes no sense, particularly now that there are two recently approved developments that could bring more trade to it. There is the long-awaited regeneration of the B&Q and Zion church site nearby where planning was approved by Torbay Council earlier this year, and recently the council approved planning permission for 75 new apartments at Torre Marine. Assuming both developments are completed, they will help to create a significant increase in local resident numbers and boost the status and energy of the area generally.

There are signs that the area is starting to regenerate. Although the consultation is based on the premise that the branch is moving, not closing, the site suggested in Lymington Road is outside the Torre village shopping centre, meaning it is a closure for the local community. The location where it is proposed to move to is where a previous sub-post office closed a decade ago, partly through a lack of footfall, which was the reason cited for its closing.

So why does it matter to local people? More than 600 residents have written letters objecting to the Post Office’s plan. I must compliment the excellent one from Dr Patrick Low, which sets out perfectly the reasons for keeping the post office where it is and protecting the service in Torre. As he outlines, some traders and businesses will lose considerable time and income if the post office moves to Lymington Road, owing to the distance for posting and collecting parcels, and people will not use their local shops where the post office is not part of the district’s centre.

Most of the businesses based in Torre are small and independently owned. The time deficit would amount to a significant number of productive working hours, in some cases requiring smaller shops to close while staff are out. That might also cause queues at the site in Lymington Road, which would be a sub-post-office as part of a shop, because Torre traders would probably need to prioritise similar times of day for posting, with additional loss of time and productivity. It is worth noting that in Torre the post office is now the sole provider of banking services, with its free ATM heavily used by businesses and other customers. Again, that links to the closure of the nearby bank, since the post office is now the key provider of counter banking services in the area and the only provider of a reliably free ATM as a place to take out money. My goal, and that of local residents and the council, is to regenerate Torre, and the retention of post office services is a key part of ensuring it remains a viable district centre. That is why it matters to local people.

What are the benefits of the current location? Parking is far superior in Torre than at the suggested new branch in Lymington Road. Parking at Torre is available directly outside the post office and in the nearby car park, where Torbay Council allows people to park for 20 minutes for nothing to allow them to use services such as the post office. The increase of internet businesses in the area makes that especially important for traders and customers posting and collecting parcels. Some of the strongest feedback in the consultation was from those who rely on the post office for making deliveries in connection with businesses that they run from nearby homes. It goes without saying that the ability to park easily and safely is very important for the disabled, the elderly, and mothers.

Torre has a car park and on-street parking as well as facilities nearby to easily access the post office. Lymington Road is a busy road with limited parking. It certainly does not have a car park and at many times during the
day it can be awkward to park. Accessibility is better at Torre post office than at the proposed location, not only because of how people get in and out of the shop, but because it is in walking distance for many more customers and businesses than the site at Lymington Road. There is also a bus stop just across the road, which is served by one of the most frequent buses in the bay, the No. 12, and wheelchair access is available via a ramp. In terms of accessibility, the current location is far preferable to the new location suggested by Post Office Ltd.

A slightly smaller concern, but still a big one, is that the location suggested on Lymington Road is a busy cut-through route for the area and it is not a place where anyone feels particularly safe getting out of a vehicle, especially with young children, whereas the area outside Torre post office is a semi-pedestrian zone with very light traffic. That re-emphasises why the current location is the right place for a community post office. We also have to look at alternatives to the plan put forward by Post Office Ltd. I am conscious that we cannot simply come to a debate bemoaning someone else’s plan; we have to come along with our own plan. Too often I sit in this Chamber hearing people bemoan proposals and have a go at things, and when challenged on their own proposals, they seem somewhat lacking in ideas about exactly how they would solve the problem they are complaining about.

When I first met the Post Office, it indicated that the reason for looking at the closure in Torre was the lack of alternative options: something I was very sceptical of. If Torre post office was in an isolated location, with no other businesses nearby, I could perhaps have seen the argument, but it is part of a reasonably vibrant local shopping centre, with many local businesses that depend on footfall, and presumably welcome the footfall from a post office coming in and out of their businesses. It was therefore really hard to believe that no one on that street would be prepared to pick up the service and provide it in the interests of the local community.

A number of alternatives were suggested. Again, I praise the work of the local community partnership in actively contacting local businesses to see if they would help put the matter to bed by expressing an interest in providing a post office if Post Office decides not to consider continuing with the stand-alone facility, which would be my personal preference. If it is determined not to do so, the question is whether another business is prepared to pick it up.

I was therefore very pleased to receive an email today from Stuart Taylor of Post Office outlining a meeting that Post Office’s network operations manager had yesterday with Barney Carter and his family. The name Carter may not mean much to people in the Chamber, but in Torbay, Carters is a well-known local chain of convenience stores. Helpfully, it has a branch a few doors down from the current post office location. That store is regularly used—it is actually where I regularly buy my newspaper, because my office is based in Torre.

Although my preference would still be a dedicated Post Office branch, if the proposal outlined in that email can be taken forward it would at least fulfil the vital criterion for local people of keeping a service in Torre’s shopping centre. I urge Post Office to enter any talks with Carters in a positive spirit, looking to get a result, rather than conducting the talks in a way that might be used to justify its original proposal. For me, this morning’s news is very welcome, and I hope it will go from being a suggestion to a reality.

This morning, the Secretary of State for Business said that Post Office is “at the heart of communities across the UK, with millions of customers and small businesses relying on their local branch every day to access a wide range of important services”.

I hope that the Minister will agree that Torre post office is a perfect example of how a post office can be more than just a place to buy a stamp or post a parcel. It is a service that sits at the heart of the Torre district centre, providing a range of financial services and access to facilities and opportunities that would not exist if the post office disappeared.

The point I made to Post Office when I met its representatives is that its brand is so strong that the phrase in the English language for what it provides is “a post office”. The very words that define what they do are their brand. I therefore hope that the Minister will relay the view of the whole community in Torre that 2018 should not mark the Last Post for Torre post office.

11.13 am

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): It is a pleasure to serve under your chairmanship, Mrs Gillan. I congratulate my hon. Friend the Member for Torbay (Kevin Foster) on securing this debate on the closure of Torre post office, and on his comprehensive and well-argued contribution to the proceedings. He clearly set out the importance of Post Office services for the Torre community dating back to 1832, and the concerns that he, the community, business representatives, and local residents across the board have raised in respect of the proposed new location on Lymington Road. I fully appreciate the concerns that he has outlined.

The Government recognise the important role that post offices play in communities across the country. Between 2010 and 2018, the Government will have provided nearly £2 billion to maintain, modernise and protect a network of more than 11,500 branches across the country. Today, the Government announced a further £370 million to be made available as an investment over the next three years for Post Office to continue its successful modernisation, and to meet the challenges of a changing market. Today, there are over 11,600 Post Office branches in the UK, and the number of branches in the network is at its most stable for decades. That is because Post Office is transforming and modernising its network, thanks to the Government investment.

More than 4,400 branches are now open on Sundays. Nearly 1 million additional opening hours per month have been added to the network. The modernisation has also meant that losses in the business, excluding any subsidy, have reduced from £120 million in 2012 to a profit of £13 million, announced today—the first profit in 16 years. That has allowed Government subsidy to be reduced by more than three quarters since its peak back in 2012. The Conservative party has committed in successive manifestos to securing the future of the Post Office network, which is now at its most stable, with customer satisfaction remaining consistently high.
I understand that my hon. Friend has benefited from 422 additional opening hours across his constituency, with 11 of the 18 branches in his constituency now open on a Sunday. Post Office is offering more for customers, doing so more efficiently for the taxpayer, and ensuring that its services remain on our high streets throughout the country. Make no mistake about the Government’s commitment to Post Office.

Turning to the situation in Torre, I fully appreciate that there can be uncertainty and disquiet in communities when a change to Post Office services is proposed, and that those communities, like the community in Torre, hold strong views and perfectly valid concerns regarding planned changes. My hon. Friend has spoken passionately about his concerns regarding the existing proposal to relocate to the McColl’s store on Lymington Road. I fully understand the many points that he has made, including about the local area having many elderly and vulnerable people who will find it difficult to travel to the new location, especially given the limited direct bus services and parking in that area.

Of course, Post Office needs to continue to take steps to ensure that its branches remain sustainable for the future, as it is doing for Torbay. It does not propose such changes if it does not consider them necessary, and I want to make a couple of points about why some change, at least, is necessary. The current post office in Torre is run on a temporary basis, following the resignation of the previous postmistress. It is costly to maintain, and there are concerns about its long-term viability, given its limited supporting retail offer and the fact that its lease is up for renewal in 2019. The relocation proposal seeks to find a permanent and more sustainable way to provide Post Office services to the community, which I am sure my hon. Friend will agree must be the best outcome for all concerned.

Kevin Foster: I am finding the Minister’s comments very interesting. Does she agree that given that the lease is not up until 2019, even given interim arrangements that would give an opportunity for Post Office to engage properly with other providers to keep the service in Torre? As she said, we need to keep the services on the high street.

Margot James: I will answer that question directly. I agree that the timing of the lease renewal affords a little more time to get the best possible outcome for my hon. Friend’s constituents, but I slightly take issue with the implication that Post Office has not been properly consulting to date. I know it has been working very hard to find the best possible solution, and is taking on board the concerns that he and his constituents have raised.

For example, my hon. Friend mentioned the latest positive development, which is some interest expressed by a shop called Carters. Post Office has visited Carters twice. The management at Carters initially did not want to take on a post office counter, but it is marvellous that they are now undergoing a change of heart, and Post Office will conduct meaningful discussions with them.

Given the challenges faced by the current branch, Post Office acted proactively by putting out advertisements looking for operators willing to take on the post office. Advertisements have been running intermittently since October 2016, but sadly there have been no applicants from the Torre community. Post Office tried its best to make people aware by visiting local businesses and engaging with the community but, as with many such situations, the implications of the proposed outcomes are only realised only belatedly in communities like the Torre community. Post Office recognises many of the points that my hon. Friend made and is delighted at the increased level of interest from the community.

McCull’s Retail Group showed interest and successfully completed the application process, and that is why it was selected as the proposed retail partner for the Torre community. The selection was not for want of trying to find a retail partner that met the aspirations so well put forward by members of the Torre community and by my hon. Friend this morning.

Kevin Foster: To be clear, there was no contact with myself or the community partnership on trying to identify an alternative prior to the consultation. The first we knew was when I received the letter notifying me, as the MP, about the start of the consultation.

Margot James: I am glad my hon. Friend has put that on the record. There may well be a case for Post Office to undertake more contact, certainly with colleagues prior to issuing consultations, but considerable work was done behind the scenes and during the consultation. It has run a consultation process because it does want people’s views; that is why it organises meetings and attends public events—to engage with the community to help it shape its plans. It consults in line with its code of practice on changes to the network, and that code has been agreed with Citizens Advice. I am aware that Post Office representatives have met, albeit possibly belatedly in his view, with my hon. Friend to discuss the matter, as well as with business and community leaders.

The consultation period on the proposed change has now ended and Post Office is now carefully considering all feedback received, of which I know there was a considerable amount in relation to this proposal, before it finalises its plans. I very much agree with my hon. Friend that it is vital that Post Office engages with the local community when planning for the future, but the decisions must ultimately be commercial ones for the business to take, within the parameters laid down by Government, to ensure that we protect our network across the country. Post offices operate in a highly competitive retail environment and we need to allow the business to assess how best to respond to the challenges it faces and secure Post Office services for communities in the future.

I understand that interest has been expressed by community partnerships and other interested local businesses in taking on the post office, including the example of Carters that we have already discussed. I am delighted to announce that Post Office has decided to pause its process in order to explore that interest fully, without prejudice to anyone involved. I reassure my hon. Friend that, thanks to his efforts and those of his community, no final decision has yet been made on the proposal to relocate the service to the McColl’s store.

Kevin Foster: I just want to say how welcome the news is that the process has been paused to allow for the exploration of alternatives that would keep the service in Torre.
Margot James: I thank my hon. Friend for his remarks, and I am sure Post Office will be delighted to hear them as well. Post Office has been undergoing a successful transformation programme across its network. The consultation process has been a positive and effective way of engaging with local communities. Current discussions between the Post Office and the community show that that process is working, and I am delighted that it is working in Torre.

Citizens Advice recently reported that the process has become increasingly effective, with improvements agreed or reassurances provided in most cases. In the last year, that has been the case after nine out of every 10 of Post Office’s consultations. I assure my hon. Friend that Post Office is committed to maintaining services to the community and to finding a permanent solution that best meets the needs of the business, its customers and the overall community.

I echo the note on which my hon. Friend started his speech and congratulate Post Office on the fact that it is now at its most stable for years. More than 3,000 “last shop in the village” branches in rural areas have been protected. After a decade of underinvestment and closures up to 2010—my hon. Friend detailed several of those years— the network is now increasing its number of outlets. As I reported earlier, it is now in profit and able to make the investment in new technology that it will need and in new banking services that it now offers by virtue of an arrangement with Lloyds Bank.

Post offices will now be able to meet 95% of the banking needs of small and medium-sized enterprises and 99% of those of consumers across the country. That is a huge achievement. I pay tribute to the hard work of Paula Vennells, the chief executive, her leadership team, members of the Communication Workers Union, sub-postmasters and sub-postmistresses and all staff working in the Post Office, who have effected that marvellous turnaround over the last decade.

Question put and agreed to.

11.25 am

Sitting suspended.

Corrosive Substance Attacks

2.30 pm

Lyn Brown (West Ham) (Lab): I beg to move,

That this House has considered the Government response to corrosive substance attacks.

It is a pleasure to serve under your chairmanship, Mr Bailey. I welcome the new Minister to her post. From the little I know of her, I trust that we will have a good and constructive debate today.

Sadly, Newham has been labelled as the acid attack capital of Britain, and the extent of the problem has made headlines not only locally, but nationally and internationally. It is not a reputation that my right hon. Friend the Member for East Ham (Stephen Timms) or I embrace for our borough. The challenge posed by the attacks is undeniable, and an effective response is urgently needed. There have been 82 attacks using corrosive substances in Newham in the past year; in the whole of London, there were 449 attacks. Since January 2012, the number of acid attacks in London has gone up by a horrifying 550%.

The police have flagged 14% of the attacks this year as being gang-related, 22% as robberies and 4% as being related to domestic abuse, but even my maths tells me that the data is therefore incomplete and we do not have a full picture. We need a clear picture of what is going on and the motivations behind the attacks if we are to create an effective remedy to them.

Members will not need to be reminded of the horrifying damage that corrosive substances can do to the human body or the psychological trauma that inevitably follows. We should not forget the fear of attacks, which can be corrosive within communities. Throughout this year, I have heard from constituents whose lives have been blighted by fear. Some have told me that they are afraid to leave their homes. They tell me stories about home invasions or carjackings where corrosive substances have been used to terrible effect. Whether such stories are an accurate reflection of events or simply urban myths is almost irrelevant; people are living in fear, and that is utterly destructive.

I want to start today by talking about victims. Katie Piper was attacked in 2008 by an accomplice of her then boyfriend Daniel Lynch. He was driven by misogyny, narcissism and a dangerous need for control. He had previously raped, assaulted and imprisoned Katie in a hotel room for more than eight hours. Lynch conspired with his accomplice to attack Katie with acid in the street. She was approached and high-strength acid was thrown directly over her head. Katie’s face had to be encapsulated in this quote:

“When I held the mirror up I thought someone had given me a broken one or put a silly face on it as a joke. I knew that they’d taken my face away and that it was put somewhere in a bin in the hospital, but in my head I assumed I’d look like the old Katie, just with a few red blotches...I wanted to tear the whole thing off and make it go away. There was nothing about me that I recognised. My identity as I knew it had gone.”

Katie’s courage and her will to survive and thrive are simply amazing. She has had to undergo more than 250 surgeries since the attack. Understandably, she still
has bad days, but she has transformed her life. She now dedicates herself to improving the lives of other acid attack survivors, partly by telling her own story of survival by partly by funding groundbreaking cosmetic procedures through her charitable foundation. I wanted to start by revisiting Katie’s story, because victims like her need the Government’s help. It is important that the policy response to the issue should be comprehensive and effective. I ask the Minister to remember Katie’s story, because the use of acid as a tool of the misogynist could be forgotten as we talk about access to corrosives, the concentrations they can be sold at and the legal responses to this crime. Our policy responses have to be broad and preventive, but we also need a victim-focused strategy.

The Government have made a number of policy announcements in the months since we last had the opportunity to discuss corrosive substance attacks in this place. Consultation has just finished on several proposed new offences, all of which are designed to bring the law around the possession and use of corrosive substances into line with the law on knives. That is exactly the right principle; I and other colleagues have been calling for that, and victims want to see it put into place quickly. I strongly welcome the announcements, and I hope the Minister will be able to tell us when the new offences will be brought on to the statute book.

An area where more action is necessary is the sentencing of those found guilty of these horrific crimes. In late July, the Crown Prosecution Service announced that it would be seeking much tougher sentences for offenders who use corrosive substances across every category of the existing law, and that is welcome. As we know, sentencing is a matter for judges, based on Sentencing Council guidelines. Campaigners have argued for years that the sentences handed down are inconsistent and often far too light. Will the Minister clarify what is happening in that area? I know it is not in her brief, but unless the Sentencing Council takes action, the welcome shift by the CPS may not have the intended effect.

The first steps that the Government have taken have been promising, but they are playing catch-up. A number of changes to the law were made in 2015 as part of the Deregulation Act 2015—the red tape bonfire. The Act scrapped the obligation on sellers of dangerous substances, including acids, to be registered with their local council. That was despite opposing advice from the medical experts and the Government’s own advisory board on dangerous substances. I fear that those changes are partly responsible for the rise in acid attacks. Removing the licensing system allowed the big online retailers and a wider range of small shops to sell these dangerous products, making it easier for corrosive chemicals to be accessed by criminals and children alike. It would be appropriate for the Minister to comment on that abolition of regulation. Does the Home Office stand by it, or does it now accept that there perhaps were unintended consequences?

Let me help with the thinking. The Minister must be aware that it is currently extremely easy to buy the corrosive chemicals, such as concentrated sulphuric acid, that have done so much damage. They can now be bought from anyone from any kind of retailer, subject only to a standard labelling instruction and a requirement to report “suspicious transactions”. There are a number of practical problems with that requirement. It is unlikely that it has any success at all in preventing attacks. The responsibility to report suspicious purchases exists for all retailers, including massive and impersonal online retailers. As a matter of practicality, how are such companies going to assess whether a purchase is suspicious?

The guidance that the Home Office has produced does not contain any specific recommendations for online retailers that would solve the problem. The general recommendations it offers are not realistic for online sellers. The current guidance is in the “Selling chemical products responsibly” leaflet, but that was published in 2014, so it does not reflect the changes made in the 2015 Act. It contains a list entitled “How to recognise suspicious transactions”. The signs listed include noticing that the customer

“Appears nervous, avoids communication, or is not a regular type of customer”,

and

“Is not familiar with the regular use(s) of the product(s), nor with the handling instructions”.

How is an online retailer supposed to use that guidance? They do not have access to face-to-face communication and do not ask detailed questions before accepting an order.

It is equally unclear how the Home Office checks that the reporting requirements are being complied with, even by local retailers. I asked the Home Office about that previously, and the Minister’s predecessor said that test purchases are a tactic sometimes used by the Home Office. The Government are vague about whether any test purchases have actually taken place; I think they should have done some to monitor compliance with the regulations after two years. There is also no evidence that the law has ever been enforced by the taking of a retailer to court for failing to put procedures in place to stop suspicious transactions.

The Government implied that answering my written questions properly would jeopardise operational security. Really? I honestly cannot see how that can be true. I do not want names and dates. I just want an indication of whether there is a programme of test purchases to monitor the suspicious purchases requirement. I do not expect that information this afternoon, but I hope the Minister will provide more information about it soon.

Thankfully, Newham Council is taking steps to address this issue in the absence of legislation. It is working with the Met and local retailers, and recently launched a scheme encouraging shops voluntarily to restrict the sale of acid and other noxious liquids to young people by challenging their age. Some 126 retailers are participating in the scheme thus far, and I hope it will provide an effective stopgap to prevent easy local access to corrosive chemicals. The Minister will be aware that such schemes have limits—they are voluntary, they are restricted to a relatively small geographic area, and we cannot rely on the force of the law to enforce them—so I fear that stronger regulations are needed quickly.

The Poisons Act 1972, as amended following the bonfire of 2015, creates a category of substances known as “regulated poisons”, which require a licence for purchase. Sales must be restricted to those presenting a retail ID. The simplest and most effective way to limit access to dangerous corrosive chemicals is to move them into the regulated poisons category. I am sure that can be done simply through a non-contentious statutory
instrument. The Government say that they plan to move concentrated forms of sulphuric acid into the regulated poisons list. I welcome that, but when will it be done?

Furthermore, as the Minister will know, sulphuric acid is far from the only corrosive substance that can inflict serious trauma. The British Burn Association advised me that the strongest-level restriction should apply, at a minimum, to phosphoric and hydrochloric acids and to the alkalis sodium hydroxide and ammonia. The Met performed forensic testing on 28 samples from corrosive incidents between October 2016 and March this year, and 20 contained ammonia, which is not regulated. Hydrofluoric acid is also extremely dangerous. Exposure to it on as little as 2% of a person’s skin can kill. It, too, is currently not subject to licensing.

All the chemicals I mentioned can currently be bought without a licence and from unlicensed retailers. The evidence about exactly which chemicals are being used in corrosive attacks is not fully clear. Even if most recent attacks have involved a smaller range of chemicals, such as sulphuric acid or ammonia, a broad approach is obviously needed. The regulations need to cover every corrosive substance that poses a threat to our communities; otherwise, those wishing to use corrosives as a weapon will simply switch from one chemical to another. I accept that there might be a problem with definitions—we faced that problem in relation to the Psychoactive Substances Act 2016—but we need to look at this issue properly and in the round.

Campbell’s Garden have suggested a number of promising reforms to the regulations. For example, purchasers of poisons could be restricted to those willing to use a bank card, which would link purchases to individuals and aid criminal justice professionals with investigations and prosecutions. Raising the chance of being caught after committing an attack would hopefully increase the deterrent effect. I would like to hear from the Minister whether that is one of the changes that the Home Office is considering. Given the extent of the increase in attacks and their impact, we cannot be content with token changes to the rules that make no difference to the availability of dangerous chemicals to perpetrators. Any new restrictions have to be effective in practice.

I am sure hon. Members know that there is no age restriction on purchases of dangerous chemicals. As news reports and Met briefings have indicated, many of the suspects identified in connection with corrosive attacks in recent months have been under the age of 18. I am pleased that the Home Office is now consulting on a new offence of supplying people under 18 with certain corrosive substances, but sadly it has been unclear about three essential elements. We have not heard yet which substances the Government have in mind in connection with under-18 sales or what the process will be for putting that list in place, and as with other issues I have raised today, we have no timescale.

These decisions need to be made clearly, transparently and in a way that allows for parliamentary scrutiny. The system we use for implementing and amending the schedules for controlled drugs might be a good model, because it allows for scrutiny on the basis of the Advisory Council on the Misuse of Drugs’ expert advice. Before the 2015 deregulation, there was a permanent advisory body on toxic chemicals called the Poisons Board. If it had not been bonified, it could have played a similar role to that of the drugs advisory council.

I hope the Minister will reflect on the need to maintain scientific expertise and links with victims’ advocates to ensure policy keeps pace with the situation on our streets. If the Government do not want to re-establish the Poisons Board, they need to ensure they have a team within the Home Office that has the resources, time and expertise necessary to keep track of the situation and do this important work.

We also need to consider the effectiveness of our first responders—our police officers, ambulance crews and fire fighters. Thanks to changes made by the Met earlier this year, rapid-response cars are now more likely to carry bottles of water, and the fire service is more likely to be called on to help with corrosive injuries in London. Quickly applying water to a corrosive injury can make a big difference, but specialist rinses, such as Diphoterine, are designed to do that job better than water alone. I want that option to be fully considered. Victims of such attacks deserve the best possible chance of a full recovery from their ordeal. Just to be clear, Diphoterine is not cheap, so that change would cost money.

Before I finish, I want to return to my point about the impact of the changes made in 2015. I genuinely cannot see any reason not to have licensing on both sides of the transaction—for sellers as well as buyers. That seems a straightforward way to maximise public safety. I believe that a comprehensive review of the regulations is needed to answer the questions I have raised, so that future changes are timely, realistic and effective, and to ensure that every aspect of the problem is considered.

As Katie Piper’s case should remind us, corrosive substances have long been used as a tool of misogyny against women and girls. Although stronger regulation and improved criminal laws should help with such crimes, unfortunately they will not solve the problem on their own. We need a longer-term strategy to deal with the root causes of the recent upsurge in youth and gang violence. We also need a strategy to deal with the violence within relationships, primarily against women and girls, which has long been a common feature of corrosive substance attacks in the UK and around the world. Survivors of such attacks deserve to know that the problem will be understood, that the Government will see it resolved and that people in my community will no longer live in fear.

I look forward to hearing from the Minister about her plans to make changes and her timescales for them. I commit to working with her to ensure that effective improvements to policy can be made quickly and in a way that works for our communities. I accept that she might not yet have considered some of the things I have raised this afternoon and so might not have a note in front of her, but I am happy to receive something in writing at a later date.

Mr Adrian Bailey (in the Chair): For your guidance, I intend to call the first Front-Bench spokesperson at 3.30 pm, subject to any interruption from votes in the main Chamber. That should give ample time for Back Benchers who wish to contribute to do so, but take more than 12 or 13 minutes and I might start to get a little fidgety because that would take time from subsequent speakers. Bear that in mind.
2.51 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in Westminster Hall at any time, but especially so after the hon. Member for West Ham (Lyn Brown). She compassionately, directly and consistently puts forward her point of view. We have had Adjournment debates in the main Chamber and we have discussed the matter with Government in the past. We all feel very strongly, which is why I want to add my contribution.

It is nice to see the new Minister in her place—I wish her well—and the shadow Minister, the hon. Member for Sheffield, Heeley (Louise Haigh), in hers. I hope we can look forward to a contribution from us all that is of one mind and one voice, and I hope that the Minister’s reply will be of that one voice. We look forward to that.

The issue of corrosive substance attacks is one that seems foreign to me, to be honest, and I cannot understand for a minute the things described by the hon. Member for West Ham. She has had direct experience through her constituents, but it seems a bit like “The Twilight Zone”, happening somewhere else and not real—but it is real. That is what the hon. Lady has described.

I cannot begin to understand how anyone might think of going out with acid, intending to throw it at someone. I cannot fathom that evil or understand how anyone can feel in any way that that is what they should do when the after effects are so gross. I do not understand the hatred that someone must feel to consider taking an action that will so horribly disfigure someone for life—I am thinking here of the lady whose story was told by the hon. Member for West Ham, because that story is very real for me, on paper if not in reality, after she told us about it. I cannot fathom how on earth someone could be so despicable as to want to burn through other people’s flesh with acid and watch them suffer. Just because I cannot fathom it, that does not mean it does not happen. It does happen, it is happening more and more and we need to do our part to legislate against it.

The hon. Lady clearly outlined a number of issues that the Government should respond to, and I suggest they would be good ways to take the legislation forward and are what we might wish to see. I will mention some of my thoughts as the debate proceeds.

In the past, before acid attacks became more prevalent in London and parts of the UK, my knowledge of them came through my position as chair of the all-party parliamentary group for international freedom of religion or belief. I have had occasion to have direct contact with some of the groups in Iran that were, unfortunately, able to supply some very graphic evidence—pictorial and video—of attacks on people there. Those people were subject to acid attacks simply because they had a different religious opinion, simply because they were women and simply because they spoke on behalf of other women for equality and human rights. How can anyone feel justified in attacking those ladies, disfiguring them for life, with some of them losing their eyesight as well? I just cannot come to terms with the horribleness and brutality of it all.

I want to have this on the record, although again it is not the Minister’s responsibility, but through her good offices she will make my comments known, and perhaps those of other Members, that we are very concerned about Iran and what is happening there. The attacks are brutal and painful. I recently highlighted the acid attacks in Iran and was appalled at the damage caused. Then to learn that acid attacks in England and Wales have more than doubled since 2012 certainly reminded me that evil is restricted to no postcode and that those attacks are happening worldwide. We need to address them in whatever way is necessary.

Figures from the Metropolitan police, which the hon. Member for West Ham referred to in her introduction, show that men are twice as likely to be victims of acid attacks in London as women. The attacks have been linked to gang crimes—there is a gang culture that sees acid purchased as a weapon. People do not need to have a gun or a knife; they can use acid, which will leave lasting physical and visual effects, which are another way of scoring, so to speak, but the others respond as well.

The vast majority of cases, however, never reach trial. Again, this is not the Minister’s responsibility, but I pose the question: why is that the case? Is it down to evidence? The evidence may be very clear, but perhaps it is down to those who wish to make complaints, or it is the response of the police. We need to ask ourselves why such cases are not reaching trial and what we must do to facilitate the successful trial of someone who makes the decision to carry out that heinous act. Today, at long last—thank the Lord for it—we had a sentence that equals the crime, with 20 years for a person who blatantly, directly and without any recognition of the people, attacked a number of them in a nightclub in London. The sentence gave me, and I suspect all of us, heart.

In the news, Dr Simon Harding, a criminologist and expert on gangs at Middlesex University, commented that acid is fast becoming a “weapon of first choice” and:

“Acid throwing is a way of showing dominance, power and control, building enormous fear among gang peer groups”—the hon. Member for West Ham referred to that in her speech. When I read that, I was horrified, but even more horrified to realise that to use acid is becoming a calculated move. The debate today is therefore very timely, and it is appropriate to discuss the subject. We look to the Minister and to the Government for how best to respond.

Many people have the idea that there are advantages to using acid to hurt someone rather than a knife: they will not kill someone, but disfigure them for life, disadvantaging them in what they can cope with and leaving women especially with a disfigurement, which means vastly more to them—I mean no disrespect to men. We must look at the fact that the charges are more serious for someone caught with a knife and the tariff for prison sentences much higher. As I said earlier, we are very pleased about the sentence from the courts we read about today—perhaps that is the start of something. Will the Minister respond to that?

Afzal Khan (Manchester, Gorton) (Lab): I also put on record my thanks to my hon. Friend the Member for West Ham (Lyn Brown) for securing this very important debate. The hon. Gentleman was talking about such cases and the courts, and I have some concerns. First, the CPS has new powers to produce community impact statements. Fear goes through the community whenever this sort of attack happens, so it is important to get such assessment reports before the courts so that when they sentence, they take them into account. Secondly,
the figures from the London boroughs show a large number of incidents in areas that are ethnically very diverse. Does the hon. Gentleman agree that the CPS and the police should pay attention to that and consider whether they are therefore aggravated offences, pressing charges that will take that into account?

Jim Shannon: I agree with hon. Gentleman. I asked the Minister in an earlier comment where we are with the trial process, and why it seems that many cases do not get to trial. Is there a problem with the police, or with the CPS? Whatever it is, the hon. Gentleman is absolutely right and we need to put that on record.

Dr Harding added that, “acid is likely to attract a ‘GBH with intent’ charge”—in other words, not the same seriousness—“while using a knife is more likely to lead to the attacker being charged with attempted murder”.

We need to have hard court action and the sentencing that is necessary. We perhaps need a new vigour from the police and from the CPS. The fact that that could be a case—that an acid attack would be grievous bodily harm with intent, and would not be equalised to using a knife and attempted murder—disgusts me. It is clear that we need to legislate for that.

Times have changed, and in the same way as we are legislating for online offences, we need to move with the times and legislate accordingly for the sort of crime we are discussing. Online offences were never on the books, but unfortunately, the way of hurting people is changing. We need to legislate so that no gang member thinks, “I will use acid so that it will be easier on me if I end up getting caught”. We need to make changes and make sure that he or she understands that what they are doing will have repercussions.

I was greatly touched by the courageous tale of Katie Piper, as I am sure all hon. Members were. I know her story from having read about it in the press. I could not read that story and not be touched by it. She showed intensely personal and private images in order to highlight the sheer horror of an attack and the length of time that it takes to even begin the healing process physically and emotionally. It has shown that we need to change the legislation and we need to represent those people who are attacked.

I sincerely urge the Government to take all the arguments into consideration and put acid attacks on a par with knife violence crimes, to ensure that the sentence fits the crime. This crime leaves a life destroyed and a person undergoing perhaps 20 operations or more and still unable to breathe or walk without horrific pain. I applaud Katie Piper and others like her for putting their face to this crime and I stand with all victims who say that the attitude towards this crime must change. That must begin as a matter of urgency in this House.

3.3 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to see you in the Chair, Mr Bailey, and to see the Minister in her place. Most importantly, I congratulate the hon. Member for West Ham (Lyn Brown) on bringing this important and timely debate to the House, and on her comprehensive and passionate analysis of where we are and where we need to get to.

On a Saturday night back in October, three men in Abonhill in my constituency suffered life-changing burns during an attack with corrosive liquid, after the front door to their flat was kicked in and they were confronted by two men in dark clothing with their faces covered. It was a shocking reminder that this type of appalling attack can happen anywhere. Until then, I was probably in the same twilight zone as the hon. Member for Strangford (Jim Shannon) in thinking that this happens somewhere else. Although, as we have heard, this new phenomenon so far has wreaked its tragic consequences most significantly on the good people of London, it is only a matter of time before we see those consequences more widely spread, unless urgent action is taken to stamp it out now.

Hon. Members have set out the scale and the nature of the issue we must address, with 454 crimes related to noxious or corrosive fluids in London alone during 2016. The UK now has one of the highest rates of acid attacks in the world. As has been said, these attacks very often appear to be gang-related, which is a distinct feature of the challenge we face in the UK. What needs to be done? I very much welcome the steps that the Home Office has already taken to try to combat the recent increase in acid attacks in the UK. A proposed ban on the sale of the most corrosive substances to under-18s is certainly a step in the right direction, considering that the majority of acid attack suspects in the last couple of years have been aged between 10 and 19, if I am correct. The hon. Member for West Ham raised some very sensible questions in that respect.

The Government review on corrosive substance attacks and associated punishments is welcome. That review explains that, given the mixture of devolved and reserved competencies potentially involved here, the UK Government are working closely with the Scottish Government on this issue. Indeed, as Annabelle Ewing, the Minister for Community Safety and Legal Affairs in the Scottish Government, has said, it makes sense to adopt a “consistent approach across the UK” with regards to corrosive substance attacks.

I believe that the immediate priority must be to further clamp down on access to these substances. The hon. Member for West Ham said that that could be done in a fairly straightforward manner, by identifying the most harmful corrosive substances that are currently considered only reportable substances, such as sulphuric acid, and reclassifying them as regulated substances. That means that members of the public would require a licence to purchase such substances. Other options have been highlighted that would allow purchases of substances to be more easily traced, such as requiring the use of a bank card. We need research to be conducted to establish whether those corrosive substances that are found in everyday household items can be deconcentrated but maintain effectiveness. That could be an important contribution to what we are trying to achieve. We also need to think about online sales, perhaps requiring a collection point where age and licensing requirements can be enforced.

We need to examine the criminal law on possession and I look forward to seeing what evidence has been submitted to their Government review. Ultimately, there is a persuasive case for changing the criminal law so that the onus for proving the reason for carrying a corrosive substance lies on the carrier to provide an innocent
explanation, rather than on the prosecution to have to uncover criminal intent, thus bringing the offence into line with knife crime legislation. The precise changes that should be made, and the range of responses that are required, should be informed by what comes out of the consultation.

As the hon. Lady highlighted, the final word must be with the victims, such as Katie Piper. Action to ensure appropriate support, including the immediate medical response and the long-term recovery plan, is necessary and absolutely is the right thing to do. Let us act quickly to ensure that the number of future victims is as close to zero as we can get. Ultimately, prevention is the best response and must be our priority. Obtaining a dangerous corrosive substance should not be as easy as it currently is, when one can just walk into a shop and select it from a shelf. Let us change that as quickly as we can.

Stephen Timms (East Ham) (Lab): I congratulate my constituency neighbour, my hon. Friend the Member for West Ham (Lyn Brown), on securing this debate and I agree with every word of her informative and wide-ranging speech. I am pleased to follow the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who made the rather startling claim that we now have one of the highest per capita rates of corrosive substance attacks in the world. I think that he is right about that—I noticed that Rachel Kearton, the assistant chief constable of Suffolk police and the National Police Chief’s Council lead on corrosive attacks made exactly that point just a couple of weeks ago:

“The UK now has one of the highest rates of recorded acid and corrosive substance attacks per capita in the world and this number appears to be rising”.

That highlights the need for a rapid and effective response to this growing problem.

I have had a number of discussions with representatives of moped delivery drivers. They say that there are now parts of London where their drivers are not willing to go, because of the danger of attacks. I think that we would all regard it as unacceptable that there are no-go areas in parts of London and the UK. Significant action will be required to deal with the problem, as others have said.

On 17 July, we had an Adjournment debate on this subject. My hon. Friend the Member for West Ham contributed to that debate, as did the Minister’s predecessor—I welcome the new Minister to her post. I called for three specific actions: first, a review of sentencing for acid attacks. Secondly, I called for sulphuric acid to have a licence for that purpose. Thirdly, the possession of acid should in itself be an offence in exactly the same way that possession of a knife is an offence.

I was pleased by the Minister’s response in the previous debate on this subject. In fact, by the time we got to that debate the Government had already committed to a review of sentencing for acid attack convictions. At the Conservative party conference in October, the Home Secretary committed to act on the other two measures and to take some other actions as well. I welcome those responses but, like others in this debate, I am starting to get a little anxious about when these things are actually going to happen. Perhaps the Minister can reassure us about that when she winds up the debate.

On the review of sentencing guidelines—my hon. Friend the Member for West Ham referred to this—we have had new guidance from the Crown Prosecution Service to prosecutors, but not, as far as I know, any new guidance on sentencing. As my hon. Friend said, it is sentencing guidelines that determine or influence the decisions that judges make about sentencing. As far as I have been able to tell, we have not heard anything on that front since the Government made their commitment before our summer break. Will the Minister tell us when new sentencing guidelines will be issued, hopefully to enable more consistent and indeed tougher sentences for these offences when people are convicted of carrying them out?

On the other two measures, as my hon. Friend has said, reclassifying sulphuric acid would be a fairly straightforward thing to do with a statutory instrument in secondary legislation. I hope we can look forward to that coming forward quickly. Can the Minister indicate when that will happen? A new offence that made possession of acid an offence would, I think, require primary legislation. I do not know when a vehicle for that is likely to become available. I was under the impression that we were expecting a criminal justice Bill at some point quite soon. If there is a Bill, I hope this measure will be in it. Any information the Minister can give us about when we will get that much-needed change in the law would be of great interest to the House. In responding to the previous debate in July, the Minister’s predecessor said she would “seek the earliest possible legislative opportunity.”—[Official Report, 17 July 2017; Vol. 627, c. 688.]

I am keen to know when that will be.

In her speech, my hon. Friend the Member for West Ham referred to our local borough’s acid sales scheme. As she said, 126 Newham retailers have participated in the scheme, which underlines the fact that retailers are very concerned about what might be done with the acid products that they sell. They are eager to take part in a scheme such as Newham’s or in other arrangements to limit the damage from the acid products that they sell. Under the Newham scheme, shopkeepers are asked to sign up to an agreement to challenge any customer who is under 25 and to refuse to sell to anyone under 21. I think the Home Secretary suggested that people could not be sold acid if they were under 18, but I think there is a strong case for making that 21. Might the Minister consider that in taking that proposal forward?

The Newham scheme involves retailers committing to challenge people under 25. It is not a ban on sales to under-25s, but a Challenge 25. Would the Minister consider such an arrangement being introduced nationally in line with the Newham scheme, which is proving a useful mechanism for starting to tackle the problems we are considering in this debate?

I have one final point to make. In opening the debate, my hon. Friend referred to Diphoterine. I have certainly seen evidence in recent months that if we can treat an
Acid wound with Diphtherine within literally a few minutes—a very small number of minutes—we can potentially completely eradicate the damage. If someone can get treatment with that substance within 24 hours, it can significantly reduce the damage. As my hon. Friend said, it is a costly chemical, but the benefits of its being available perhaps in police cars and certainly in hospitals would be considerable. I hope we see that initiative taken forward in response to the worrying and troubling increase in attacks that we have seen over the past two or three years.

3.16 pm

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to see you in the Chair, Mr Bailey, and I welcome the Minister to her place. I also welcome the opportunity to take part today and I give credit to the hon. Member for West Ham (Lyn Brown) for securing a debate on a subject that is obviously so important to her constituency.

It has been a good debate during which we have heard many powerful points. The hon. Lady started by speaking about the impact of these outrageous attacks on families right across the borough. She really brought that home by telling us about the experience of Katie Piper and of the inspiring work that she has done since her attack to highlight the issue. The hon. Lady made a strong case for how the abolition of licensing has led to it actually becoming easier to obtain corrosive substances.

The hon. Member for Strangford (Jim Shannon), a Westminster Hall season ticket holder, made an excellent contribution. He said something that we can all emphasise with: how he failed to understand the motivation to carry out these sick and vile attacks. He also mentioned that evil was restricted to no postcode. The immediate priority of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), was to clamp down on access to the most corrosive and dangerous substances. I agree with him entirely that the burden of proving a good reason for carrying a corrosive substance should lie with the person in possession; it should not lie with the prosecution to prove intent.

The right hon. Member for East Ham (Stephen Timms), who has spoken on this subject before, told us, rather shockingly, that moped delivery riders and others now feel that there are no-go areas in London, and he had three key asks of the Minister, which I wholeheartedly support. He also said that some of the action required might need primary legislation and he inquired when the time for that might be available.

Some of the stark statistics bear repeating. The Metropolitan Police confirmed that the number of acid attacks in London has risen sharply in recent years. Noxious or corrosive fluids were used in 454 crimes in 2016: an increase from 166 in 2014. Figures also suggest that violent acid attacks increased by more than 500% between 2012 and 2016. It is deeply concerning that Newham in East London, which has been mentioned, had three times more acid attacks than the next highest borough. As the hon. Member for West Ham stated, it is known as the acid capital of the UK. It is vital that local police services and politicians understand why this crime is more common in Newham than in other parts of London.

I am aware that the right hon. Member for East Ham has spoken about the “cracks of austerity” and how reducing police numbers could be key influences in the rise of acid attacks. I think that needs a lot more time. As he says, yesterday’s announcement that the police service in England and Wales, which is already stretched—at times beyond capacity—will be financed with a flat cash core settlement from central Government will do nothing to help in the fight against such abhorrent crimes.

As we have heard, the UK has one of the highest rates of recorded acid attacks in the world, and, disappointingly, of the more than 2,000 acid attacks recorded for the years 2011 to 2016, only 414 resulted in charges being brought. I hope the Minister can explain, as others have asked her to, why so few cases end up in court. We should remember that acid attacks are not limited to Newham—or even London for that matter, although they may be more prevalent there: there have been reports of those horrendous crimes taking place throughout the UK.

However, the issues in this country are different from those faced by countries such as Bangladesh and Pakistan. The reporting of the crimes highlights a lack of understanding about what is really happening. The BBC published an article last month, which it says provides the most comprehensive data to date on acid attacks in London. It suggests that three fifths of the suspects and more than two thirds of the victims were male. That is an important distinction in relation to other countries. Another point to note from the findings is that those who commit such horrendous acts are not confined to one religion or ethnicity. We should therefore reject the notion, often cited, that acid attacks involve only the Asian community. That bears no relationship to the evidence and our efforts to tackle acid attacks will be undermined if we follow that prejudiced approach.

A feature common to acid attacks committed here and elsewhere is that all too often those violent offences go unreported; the majority of those that are reported will never reach trial. I share the concern of the hon. Member for Strangford about attacks overseas. The Acid Survivors Trust International correctly points out that acid attacks are a worldwide problem. Although the UK may be a slightly different case, those grotesque crimes disproportionally affect women—80% of attacks are on women.

The United Nations has also recognised the gender aspect of attacks. UN Women supports the efforts of female parliamentarians in Pakistan who back new legislation to put a stop to a horrendous crime. I am keen to learn what discussions the Minister is aware of the Government having with the United Nations about efforts to eliminate acid attacks overseas, and what lessons that we can learn from that.

Like most gender-based violent acts, the crimes in question go largely unreported; as many as 60% of acid attacks do. In addition to taking action to punish the perpetrators, we must listen to the experiences of those who have survived attacks. We need to know what they think can be done to eliminate the problem and how can we help them to overcome the barriers that prevent so many victims from reporting the crimes.

Although the gendered nature of the attacks is more prevalent in other parts of the world, we cannot, as the hon. Member for West Ham said, ignore the fact that a proportion of attacks that happen here continue the
violence that far too many women experience at the hands of a male perpetrator. One effort that would help to deal with the problem would be tackling the inequality and discrimination that women still face on a daily basis. A report by the Avon Global Centre for Women and Justice at Cornell Law School states that Governments must do the following to eradicate acid violence:

“(1) enact laws that adequately punish perpetrators of attacks and limit the easy availability of acid, (2) enforce and implement those laws, and (3) provide redress to victims”.

I believe those basic, simple recommendations would be a good starting point for the UK Government.

For their part, the Scottish Government welcome further steps to limit the harm from crimes involving corrosive materials. In October, the Scottish Justice Secretary Michael Matheson pledged that views on tackling the corrosive substance attacks will be carefully considered by the Scottish Government. That is in the context of a consultation announced by the UK Government in October on an approach to tackling the issue effectively. The Scottish Government have been in dialogue with the UK Government since an action plan to tackle the use of corrosive substances in attacks was announced in July. The two Governments are committed to working together on those important issues, and part of the work will include considering whether, following the consultation, there should be a UK-wide approach to legislation. A consistent approach across the UK would be better, so that there will be no loopholes to take advantage of.

Owing to the increasing frequency of acid attacks, there have rightly been calls for the Government to introduce further restrictions on the sale of acid—particularly sulphuric acid—and to criminalise the possession of acid without good reason. That would be somewhat akin to the current law on knives, as has been mentioned. It is an undeniable fact that it is still far too easy for the wrong people to get their hands on those dangerous substances, which cause life-changing harm to people. Of course, restricting access to dangerous acids will in many cases simply force the perpetrator to find a different method of continuing their violence, so in addition to a commitment to efforts to end acid violence, we need the attention that they deserve. However, I hope that the UK Government will deliver on previous commitments and take action to restrict the availability of acid for sale. I urge them to introduce a new offence applicable to those who look to cause harm through the possession of a corrosive substance. Acid attacks are instant attacks with life-changing consequences for the victims, and there is a need for drastic and urgent action.

3.25 pm

Louise Haigh (Sheffield, Heeley) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. I shall not detain the House for long, as the Minister has been asked many questions and I want to leave plenty of time for her to reply. There has been unified support from right hon. and hon. Members for regulation and licencing, and for acid possession offences. My hon. Friend the Member for West Ham (Lyn Brown) made a compelling case for restrictions on and licensing of acid, including what she said about the implications of the bonfire of the quangos in 2015, and the consequences of that deregulation. She also spoke compellingly about Katie Piper and her bravery—it was a powerful contribution—and about the importance of putting victims at the heart of all we do in response to such horrific crimes. I should be grateful if the Minister updated us on what has happened to the victims law promised by David Cameron in 2015, of which we have since seen nothing.

There has been strong support for tougher sentencing and the sending of a message from the courts and from this place about the abhorrence of the crime in question. I congratulate my hon. Friend the Member for West Ham on keeping the issue firmly on the agenda. She and my right hon. Friend the Member for East Ham (Stephen Timms) have led the way and are largely responsible for the good progress that has been made by the Government so far. This is the first Westminster Hall debate that I have taken part in with the Minister in her present role, and I congratulate her again and welcome her. I look forward to working constructively with her, particularly in the area that we are considering.

I pay tribute to the brave victims who gave evidence in the most recent trial, which resulted in a man being sentenced to more than 20 years for an attack in a London nightclub, in which he indiscriminately sprayed acid over a dance floor packed with people on an Easter bank holiday. He injured 22 people and 16 of them suffered serious burns. Their courage in facing up to their despicable attacker ensured that justice was done. It is encouraging that he was charged under section 18 of the Offences Against the Person Act 1861 and received a significant sentence. However, sentencing in acid attack cases is inconsistent, which is probably because there is an array of selectable charges for prosecutors to consider. Acid is not explicitly considered an offensive weapon, so I echo the request for clarification on the updates and on progress at the Sentencing Council. Will the Minister’s Department work with the Crown Prosecution Service to gather data on what charges are successfully prosecuted, so that the public can have clarity as to how offenders are being punished? As my hon. Friend the Member for West Ham said, the data is incredibly incomplete, so it would be helpful to have an update on the progress of research about the motivation for attacks, and, indeed, on test purchases.

Emerging evidence is clear; individuals are making use of corrosive substances because of the difficulty of tracing them back to the perpetrator, and the looser laws on possession. The proposed offences mirroring existing knife laws, on which the Government have consulted, will have our full support, and I commend my right hon. and hon. Friends for putting the issue firmly on the Government’s agenda. I would also welcome clarification on timings.

On the matter of sales, there is not the same harmony between the Government and the Opposition. The Government’s proposal to restrict the sale of acid to over-18s is of course welcome and will gain our support, but it is nowhere near enough. I am equally interested in the proposal of my right hon. Friend the Member for East Ham with respect to sales to under-21s, and what is happening in Newham at the moment. First, the data return from 39 forces showed that only one in five of those people bought the substances for themselves is up for debate. That is a critical point, because until now the Government’s response on the restriction of
sale has, I regret to say, been weak. We need a comprehensive approach to restrictions on sale, and a focus on under-18s entirely ignores the evidence and fails to consider the issue in the round. The Government need to put that right because the changes made under the Deregulation Act 2015 were clearly a mistake.

Previously, the most dangerous substances could only be sold by a pharmacist in a retail pharmacy business, and sales had to be recorded on a register. Substances in part II of the poisons list could only be sold by retailers that had registered with their local authority. Under the previous system, acids could be purchased only from registered retailers, usually hardware or garden stores. According to the Government’s explanatory notes, the Deregulation Act 2015 intended to “reduce the burdens on business. The Poisons Act 1972 and the Poison Rules 1982 were highlighted as adding burdens to businesses”.

The Minister at the time, the right hon. Member for West Dorset (Sir Oliver Letwin), referred to retailers being unable to sell “perfectly innocuous” substances because of red tape.

We also know that the Government rejected the views of the now abolished Poisons Board during the 2012 review, which suggested tighter controls on the sale of corrosive substances. Those changes mean that “reportable substances” such as sulphuric acid, hydrochloric acid and ammonia can be bought by any person in any retailer, and that that retailer does not even need to register. Answers to my parliamentary questions have shown that at least 69 attacks have been from ammonia and therefore from “reportable substances”.

We would like the Government to go much further in this area. We would like the reform of individual licences, so that where there is clear evidence that an acid is causing harm, it is designated as a regulated substance that will require retailers to enter the details of any sale. That would include substances such as sulphuric acid, hydrochloric acid and ammonia, which have no place on general sale.

Some have said that such a measure would be excessive, but it has been proposed by the British Retail Consortium, whose members have agreed voluntarily to stop selling sulphuric acid products. It points out that under the Control of Poisons and Explosives Precursors Regulations 2015, which are intended to restrict the supply of items that could be used to cause an explosion, sulphuric acid is covered but it is found under the lesser “reportable substance” category. The consortium proposes that sulphuric acid be promoted to the “regulated substance” category. Regulated substances require an explosives precursors and poisons licence, and a member of the public needs to show a valid licence and associated photo identification before making a purchase. That proposal is also supported by the Association of Convenience Stores.

I was extremely concerned to read in an update letter from the Minister’s predecessor that the limit of the Government’s action for retailers was to consider a series of “voluntary commitments”. Will the Minister update Members on what those voluntary commitments will be, and what use they will be?

I have been out with Operation Venice, which is a team in Islington and Camden that tackles moped crime. It is a real credit to the Metropolitan Police. One issue that the police and the Police Federation raise with us consistently is the current law on pursuits. I know that the Home Office is looking into that and the hon. Member for North West Norfolk (Sir Henry Bellingham) made a compelling case yesterday in a ten-minute rule Bill. I would appreciate an update on that review.

Finally, the Opposition will take a constructive approach to this issue. Where the Government warrant our support, they will have it, and where we feel they should go further we have been clear about what changes we would like to see.

3.32 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Bailey, and I thank hon. Members for their kind comments about my new position. It has been a pleasure to listen to the debate initiated by the hon. Member for West Ham (Lyn Brown), who has run a concerted campaign on this issue, together with the right hon. Member for East Ham (Stephen Timms). Sadly, that campaign has been through necessity; we heard today about the terrible incidence of acid and corrosive substance attacks in the borough of Newham. I put on the record my appreciation of the efforts to which they have gone to represent their constituents and try to ensure that we address this issue as quickly and effectively as possible. I am grateful to all other Members who have contributed to the debate. Its tone has been one of agreement, which I hope will continue through our dealings on this matter.

Sadly, there is increasing evidence of a growth in the number of corrosive attacks, many of which are in London. It was also interesting to hear from the hon. Member for West Ham that crime can result in huge distress and life-changing injuries for victims and survivors—and, of course, their families; if a loved one suffers those injuries, that impacts on their family members as well.

No one can have failed to be moved by the experience of Katie Piper. The hon. Member for West Ham cited Katie as saying that she felt as though her face had been taken away and was in a bin in hospital, and that those people had taken her identity away. That is heartbreaking, and sums up the issue in just two sentences.

The Government are determined to work with the police, retailers and local authorities to stop such things from happening, but we cannot pretend that that will happen overnight, or that there is just one solution. That is why in July the Home Secretary announced an action plan based on four key strands: ensuring effective support for victims and survivors; effective policing; ensuring that relevant legislation is understood and consistently applied; and working to restrict access to acids and other harmful products. The Home Office, police, retailers, local authorities and the NHS have been working hard since the launch of that action plan to bring those four strands into action.

Let me consider the last of those four strands, which is restricting access to these substances in the first place. By definition, if we make it as hard as possible for young people to get hold of acid and other substances...
before they go out on the street or into a night club, that will prevent the harm that follows. We have reviewed the Poisons Act 1972, and on 3 October the Home Secretary announced that some high-strength sulphuric acid in the list of regulated substances. That will mean that above a certain concentration, it will be available for purchase only with a licence held by a member of the public.

Colleagues have pressed me about when that will happen. I am told that it will be as soon as possible, subject to parliamentary time, but I am conscious of the need to move this matter forward as quickly as possible. I am grateful that this debate will show that there is the will in the House for that to happen. We will continue to review the Poisons Act 1972 to ensure that the right substances are controlled in the right way. We have also developed a set of voluntary commitments for individual retailers.

**Lyn Brown:** I am pleased to hear what the Minister is saying, but I ask her to commit to look again through my speech after today—on Christmas day, obviously!—and note down some responses to my more detailed questions. I know that the Minister has committed to include sulphuric acid in the list of regulated substances, but in reality, if we restrict only sulphuric acid, those who are using and weaponising corrosive substances will find a different poison of choice with which to continue their campaign. Acid can be carried through a knife arch or in an innocuous water bottle. Just restricting sulphuric acid will not be enough.

**Victoria Atkins:** I am grateful to the hon. Lady for her intervention, and I will move on to the more detailed points of her speech. My speech is a bit of a patchwork, and I am conscious of time. I want to allow her to respond formally to the debate, but I hope that she will glean from parts of my speech the intention of the Home Office at this stage.

We hope to announce a set of voluntary commitments shortly. They have been developed with the British Retail Consortium and tested with the Association of Convenience Stores and the British Independent Retailers Association to ensure that they are proportionate and workable for any size of retailer: large, medium and small. I encourage all retailers to sign up to those commitments once they are in place—indeed, I would be grateful if hon. Members would encourage retailers in their constituencies to sign up to them.

I also commend those retailers who have created their own voluntary initiatives. The right hon. Member for East Ham mentioned 126 in Newham, and I commend and thank them for taking such steps. But we know this has to be co-ordinated, which is why we have not only voluntary commitments but other plans further down the line. We hope that that will make a real difference on the street.

**Stephen Timms:** I have listened with great interest to what the Minister has said. Does she recognise that there is a case for making the cut-off age 21 rather than 18, which is the age the Government have referred to so far?

**Victoria Atkins:** Let me put it this way: I listened to the right hon. Gentleman with great interest, and I will certainly go back and discuss that with my officials. I will leave it there. We will work our way through that. However, I take his points, particularly about gang membership. Last week, I visited an amazing organisation called Safer London, which does a lot of work with gangs and their victims. The age profile of the people it works with is striking. I thank the right hon. Gentleman for that point.

I also thank the hon. Member for West Ham for her point about online sales. The voluntary commitment we are developing will apply to both over-the-counter and online sales. We are also in discussions with online marketplaces about what action they can take to support our action plan and restrict access to the most harmful corrosive products.

The hon. Lady and several other hon. Members asked about the licensing system. In 2015, the Home Office introduced a cohesive licensing regime for explosive precursors and poisons, including substances such as hydrochloric acid, nitric acid and sulphuric acid. We continue to review whether the restrictions in the Poisons Act 1972 need to be extended to cover other substances and, as I said, we are developing a set of voluntary commitments for individual retailers in relation to access to those products. I listened with care to the hon. Lady’s points about licensing.

The hon. Lady and the hon. Member for Sheffield, Heeley (Louise Haigh) concentrated on the Deregulation Act 2015. The Government did not remove controls on sulphuric acid through that Act. Prior to the 2015 amendments to the Poisons Act 1972, no checks were required when a business was registered with its local authority to sell sulphuric acid and other poisons. The 2015 changes placed a mandatory requirement on retailers and suppliers to report any suspicious transactions involving the listed poisons and other substances, and introduced a requirement for members of the public to obtain a licence to purchase higher-risk regulated substances. Restrictions on who could sell the most dangerous poisons, and requirements for details to be registered when they were sold, were retained. However, we understand why hon. Members posed those questions. We are all talking about trying to restrict access to these terrible substances.

We are also looking at what manufacturers can do to help, which includes looking at packaging. We have spoken to the UK Cleaning Products Industry Association and the Chemical Business Association to see how they can support the action plan. We fully recognise that we need the help of manufacturers and retailers to stop these substances from getting into the wrong hands. However, we must ensure that there is effective support for victims and survivors in the event that they do, and the action plan puts them at the heart of our response.

It is vital that appropriate support is available to victims, both through the initial medical response and beyond. In the critical moments after an attack, victims must be treated quickly and correctly. The hon. Member for West Ham made interesting suggestions about various substances that may help. We have tried to ensure that the emergency services’ response is co-ordinated. The police, fire and rescue and ambulance services have developed a tri-service agreement on responding to this sort of attack. That means that the control room has an agreed checklist to provide advice, which ensures a consistent response from all three emergency services. That agreement has been trialled in London and will be rolled out nationally. The National Police Chiefs Council
[Victoria Atkins]

has also developed training and advice for first responders and police officers about how to treat victims at the scene. The situation is very dynamic in those vital first minutes, so the more we can do to help them, the better.

We also want to try to help the public to understand what they should do if they are on the scene of this sort of incident. NHS England, along with the British Association of Plastic, Reconstructive and Aesthetic Surgeons, has launched advice to the public about what to do in the event that they are caught up in an acid or corrosive substance attack. That advice is three words: report, remove and rinse. People should report an attack to the emergency services as soon as they can, remove any garments that may be storing or have soaked up corrosive substances, and then rinse, rinse, rinse with water. Obviously, the emergency services can do more when they arrive.

This is, of course, not just about the few minutes after an attack—it is also about aftercare. The Department of Health and NHS England have mapped the specialist burns services that acid attack victims can access for treatment, which helps to ensure that there is consistent national provision for victims and their families. NHS England is also working with the British Burn Association to review all national burn care standards and outcomes to try to ensure that people are treated consistently and properly. However, as hon. Members explained, such attacks have a psychological impact as well as a physical effect. The Department of Health is engaging with NHS England’s lead commissioner to ensure that psychological support is provided to victims through all referral routes, including hospital emergency departments, GPs and ophthalmic services. We are conscious that we need to help people not just in the short term but in the longer term.

Putting the difficult medical aspects to one side, we need victims’ help to bring criminals to justice, so we want to try to ensure that victims feel as confident as possible about coming forward to report crimes and to support prosecutions. Hon. Members mentioned that is a matter for the Ministry of Justice. That is not a terribly satisfactory answer, so I will write to her after I learn the status of that from the Ministry of Justice.

Finally on justice, the hon. Member for Sheffield, Heeley asked me about the victims law. I am told that that is a matter for the Ministry of Justice. That is not a terribly satisfactory answer, so I will write to her after I learn the status of that from the Ministry of Justice.

Stephen Timms: I thank the Minister for her comprehensive response. One issue I do not think she has touched on so far is the possible timing for the new offence of possession of acid. The Government made the welcome commitment to introduce that, but when can we look forward to it coming forward?

Victoria Atkins: We have committed to a consultation, which has just closed, and we are reviewing its results. This debate is helpful in showing the concern Members have about the need for such an offence and getting it on to the statute book as quickly as possible, but at the moment we must concentrate on reviewing the results of the consultation.

Justice cannot be secured without effective policing. The Home Office is working closely with the National Police Chiefs Council lead, Assistant Chief Constable Rachel Kearton, and the Metropolitan Police Service to ensure that the policing response is effective in preventing these crimes from happening in the first place, but, if they do happen, to ensure we provide a strong and robust response and appropriate support to victims.

In addition to the policing strategy and medical training I have already mentioned, specialist investigative guidance has been developed for officers regarding conducting the forensic search. We want to help officers understand how to recover substances and any exhibits safely and to handle them in a way that helps provide the evidence to build a case for prosecution.

The National Police Chiefs Council lead has also commissioned data from all forces to develop our understanding of the scale and extent of attacks. I know data collection has concerned hon. Members. In addition to that, the Home Office has commissioned academic research to develop our understanding of the motivations of those who carry and use acid and corrosives in violent attacks and other criminal acts. We want to use the findings from that research to help inform our prevention and enforcement responses. We very much hope to have the findings available in the middle of next year.

The last category in the four-point action plan is that of ensuring that legislation is understood and consistently applied. We have reviewed the current legislation to ensure that everyone working within the criminal justice system, from police officers to prosecutors, has the powers they need to punish severely those who commit these appalling crimes.

Hon. Members will be aware that, as we have discussed, this autumn we launched a consultation on new laws on offensive and dangerous weapons, which included proposals to prohibit sales to under-18s and to make it an offence...
to possess a corrosive substance in a public place without good reason. I can tell from the contributions of those present that that offence would meet with a lot of agreement in the House of Commons.

We also looked into the proposal of introducing minimum custodial sentences for those caught carrying corrosive substances repeatedly. Of course, we hope that an offender would receive a custodial sentence on the first offence anyway, but we want to make it clear that the continued carrying of such substances is not acceptable. The consultation closed on 9 December and officials are working on it carefully and quickly. We will consider the responses to that consultation in the proposals.

We have also been clear that the life sentences should be not just for the victims of these horrendous attacks. Anyone using acid or other corrosive substances in an attack has committed a very serious offence of assault and, depending on the severity of the injuries, can be prosecuted with offences attracting substantial custodial sentences on conviction, including life imprisonment for a section 18 assault—grievous bodily harm. Indeed, mention has been made of the sentence delivered yesterday to Arthur Collins of 20 years’ imprisonment and five years on licence for his appalling attack in a nightclub. May that sentence ring loud across the streets of London—the judiciary will not accept that sort of conduct in their courts.

I was asked about the Sentencing Council. It is currently developing a new guideline on possession of dangerous weapons and threats to use them. The guidelines will also take into account offences involving acid, which would be categorised as a highly dangerous weapon, given the significant harm that it is likely to cause victims. Possession of, and threats to use, a highly dangerous weapon would place the offender in the highest category of culpability. We hope to have those guidelines soon, but in the meantime the Sentencing Council has confirmed that the use of corrosive substances shows high culpability and should attract higher sentences.

I thank hon. Members again for their contributions and want to make it clear that the Government are committed to tackling the use of acid and other corrosives in violent attacks. It is vital that we work together to protect the public and prevent attacks, which is why we are working so closely with a range of partners including the police, the CPS and retailers. We will continue to review and monitor the implementation of the action plan. In addition to the action plan, the Government are committed to tackling serious violence, and that is why the Home Secretary has announced a new serious violence strategy, which will be published in early 2018. I very much see acid attacks being included as part of that strategy.

I hope that hon. Members are reassured about the progress being made with the action plan and about our continued commitment to tackle and prevent these terrible crimes. The words of Katie Piper and other victims ring loud in our ears. We will not allow these people to take victims’ identities away.

3.57 pm

Lyn Brown: I am grateful for what has been a really good debate. I thank all hon. Members who came and contributed. The substantive contributions by everybody to a person were valuable, so I thank everyone, especially on effectively our last day of term. That goes to show the commitment and work ethic of hon. Members.

I say gently to the Minister that I am not currently reassured that we are making sufficient progress in a timely manner. I am not reassured that the voluntary processes she outlined will have the kind of impact I would like to see for my constituents. What Newham Council—this little red dot in the east of London—is doing is wonderful, but as she will know we have massively good transport links in London. If other local authorities will not take their responsibilities as seriously, it will not be hard for some little tyke in Newham to access those corrosive substances from elsewhere.

The Minister has made a good fist of it, given that this is her first time out. I gently ask that she reviews the content of the contributions. We heard a number of questions that have remained unanswered and I would be so grateful to her if she looked at those. I thought I dealt with the weaknesses around suspicious substances reports with irony and gentle humour. Perhaps next time I will be a little more direct and say, “It’s rubbish, and frankly it needs to be properly looked at.” Frankly, one can buy anything one wants online without having to be asked by anybody what one’s intentions are or having good eye contact and so on. I must admit that the leaflet reminded me a little of the ones put out about a nuclear explosion.

Nevertheless, I wish everybody here a merry Christmas and a happy new year. I look forward to hearing in due course a substantive comment on my speech from the Minister.

Question put and agreed to.

Resolved.

That this House has considered the Government response to corrosive substance attacks.
International Human Rights Day

[Ms Nadine Dorries in the Chair]

4 pm

Ann Clwyd (Cynon Valley) (Lab): I beg to move,

That this House has considered International Human Rights Day and the UK’s role in promoting human rights.

It is a pleasure to serve under your chairmanship, Ms Dorries. I am very pleased to have been given a Westminster Hall debate this year to mark International Human Rights Day, which was on Sunday 10 December, and to discuss the UK’s role in promoting human rights, including on the international stage.

Highlighting the fundamental importance of international and universal human rights to each and every one of us in the UK and abroad, and of the UK remaining a human rights champion on the international stage, is still vital. The international human rights framework, much of which emerged out of the destruction and the depravity of the second world war with millions killed, destruction and despair widespread and those deemed undesirable led to the gas chambers, is under considerable threat. Authoritarian regimes the world over are trampling over hard-won rights such as freedom of expression, assembly and association, the rule of law and judicial independence, the right not to be arbitrarily detained or tortured, and even the right to life itself.

Jim Shannon (Strangford) (DUP): I thank the right hon. Lady for bringing this debate to Westminster Hall. Unfortunately, half an hour is not enough, but that is by the way. Does she share my concerns that, according to the Pew Research Centre, approximately four out of every five people on this planet live in countries where their right to freedom of religion or belief is significantly and violently restricted?

Ann Clwyd: Yes indeed, and I thank the hon. Gentleman, who is always about on these issues, and is very often heard in the Chamber.

Principles, processes and people are unfortunately viewed as expendable if that is justified by the needs of the ruling elite: national security, state unity, the fight against terrorism and/or the quest for greater development or prosperity. That is increasingly apparent in a growing number of countries, such as Russia, Egypt, Turkey, Bahrain, Ethiopia, Cambodia, Burma, North Korea and Venezuela. Of course, that list is not exhaustive; I could go on and on, unfortunately, as I have not even mentioned those countries being ravaged by violent conflict.

Joan Ryan (Enfield North) (Lab): My right hon. Friend and I have taken part in other debates in this Chamber relating to Turkey. Does she agree that we need our Ministers to speak truth to power in Turkey and in Sri Lanka—two countries I am particularly involved with? It seems to me that trade comes before human rights on many occasions, and that is of great concern.

Ann Clwyd: I thank my right hon. Friend very much for making that point; I absolutely agree with her, and I will come to that in the course of my speech. I have not talked about countries being ravaged by violent conflict, where, as well as human rights, basic principles of international humanitarian law meant to protect civilians from the worst effects of conflict are disregarded every day.

Dr David Drew (Stroud) (Lab/Co-op): As always, my right hon. Friend makes a compelling case. Does she agree that one of the biggest threats to our world is the growth of slavery? To be fair, this Parliament and this Government have done what they should do, but I attended a film yesterday about the return of a slave, a woman named Mende Nazer, who went back to the Nuba mountains in South Sudan, a place I know very well. It is horrifying to know that, as a result of the conflict there, slavery is—dare I say it—alive and well.

Ann Clwyd: Again, I am grateful to my hon. Friend for making that point. I know the Government have been particularly active on that matter. I have been to South Sudan myself in the past, looking at aid agency distribution to the very many starving people in that area. I was not able to go to the Nuba mountains, because I was not allowed to go there at the time. I am glad he raised that issue.

In the countries I have already mentioned, civilians and civilian infrastructure, such as hospitals, schools and markets, are targeted either deliberately or through negligence. Citizens who are not involved in the fighting are held under siege and starved. I would also add Libya, Afghanistan and the Central African Republic as conflict hotspots where civilian suffering is widespread. I am very concerned that we in the UK, and those who support and believe in fundamental human rights, are not doing enough to push back. We have to raise our game.

Mr Virendra Sharma (Ealing, Southall) (Lab): I congratulate my right hon. Friend on securing this important and timely debate. Staff from the Department for International Development and many from the Foreign and Commonwealth Office do fantastic work in defending and promoting human rights around the world, but sadly the Secretary of State for Foreign and Commonwealth Affairs has severely harmed the human rights of Nazanin Zaghari-Ratcliffe by his mistakes. My hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) has been more effective in helping Nazanin. I would like to put on the record my thanks to her and to suggest—

Ms Nadine Dorries (in the Chair): Order. This is a 30-minute debate for short interventions, not speeches.

Ann Clwyd: I understand the point my hon. Friend makes. I have raised the case of Nazanin Zaghari-Ratcliffe on several occasions. I have spoken to a number of people: Iranian Members of Parliament, the Iranian Foreign Minister and the vice-president. I think we have all made the same case: that we would like to see Nazanin and the other dual nationals released as soon as possible.

We must work together to ensure that human rights obligations, which most states have signed up to, are respected, and that serious and systematic violations of, and wholesale disregard for, the international framework are addressed. We must do that by ensuring reform and
punishing the perpetrators, because bad practice is spreading, particularly on the limitation of space for legitimate civil society activity. The labelling as foreign agents, criminals, terrorists or traitors of those who are critical of the state or try to call it out on its failure to respond effectively to the needs of its citizens, or on the ill-treatment, or worse, of its citizens is also disturbing.

We must do more to identify the spread of this contagion, and to confront it. The path to dictatorship and serious, systematic human rights violations is often a series of less drastic events, which ultimately culminate in brutal repression or horrific atrocities. It can start with a few people being arrested for opposing land grabs or for anti-corruption drives, in an attempt to silence brave human rights defenders, whether community leaders, journalists, opposition politicians, lawyers or representatives of non-governmental organisations. Those people may inconveniently report on or condemn missing government funds, the eviction of neighbourhoods to make way for luxury developments, appalling conditions in prison, or a government’s narrative aiming to scapegoat a disadvantaged community.

Rachael Maskell (York Central) (Lab/Co-op): My right hon. Friend is an outstanding campaigner on human rights. Does she recognise the work of the University of York’s Centre for Applied Human Rights in supporting human rights defenders who come here to have some space and gain knowledge? Does she also recognise that York is the first human rights city in the UK, and does she see that as a platform from which to promote human rights across the UK?

Ann Clwyd: I of course pay great tribute to the activities in York, which have been going on for a long time; they are nothing new. I know exactly what has been done there, and I congratulate York on that.

If the populations are sufficiently cowed in those countries, worse often follows, including systematic torture, long-term, indefinite detention, disappearances and extra-judicial killings. As the chair of the all-party parliamentary human rights group—the PHRG—which has worked cross-party since 1976 to raise greater awareness of these matters, I have seen this kind of pattern repeat itself time and again.

Take Burma. We have been raising concerns about the Rohingya for at least a decade. This is nothing new. They have been cruelly persecuted and ruthless dehumanised for a very long time. Despite, or perhaps even because of, limited attempts to democratisé recently, minority communities in Burma remain very vulnerable—and none more so than the Rohingya, who are denied citizenship and vilified by many in Burma, who have come to believe that they do not belong in that country, and that they can be abused, chased out and killed.

Although the international community did not commit the terrible crimes culminating in the crisis we now face, we bear some responsibility. We did not do enough to prevent the situation from escalating. We did not do enough to call out officials and hold them to account, whether that be the military, which is carrying out the campaign of ethnic cleansing—it is perhaps even genocide—or the elected politicians, such as Aung San Suu Kyi.

Many of these issues were raised in a recent report from the Foreign Affairs Committee, of which I am a member. Its summary says: “This crisis was sadly predictable, and predicted, but the FCO warning system did not raise enough alarm. There was too much focus by the UK and others in recent years on supporting the ‘democratic transition’ and not enough on atrocity prevention and delivering tough and unwellcome messages to the Burmese Government about the Rohingya.”

Take Yemen, where there is a humanitarian crisis of extraordinary proportions, much of which is man-made, caused by ongoing armed conflict. The UK and others continue to sell arms to Saudi Arabia, but have frankly not done enough to ensure that the Saudi-led coalition complies with international humanitarian law and does not actively prevent desperately needed aid from getting through. The Houthis are also responsible for breaches of international humanitarian law and human rights violations, and we must work with them, too—but the UK is not selling them weapons.

Take Turkey, where last year’s attempted coup has been used as another pretext to further curtail many rights and silence many peaceful critics. The UK and others in the international community have been far too ready to buy into the Turkish narrative that the threat of Gülenists—or terrorists, or whatever—is so dangerous that it justifies the shutting down of the independent media, the hollowing out of opposition parties and the arrest and detention of tens of thousands of academics, journalists, judges, lawyers and political activists, as well as non-governmental organisation representatives, including some from Amnesty International.

Amnesty International’s “Write for Rights” campaign raises such situations of concern by focusing on individual cases that illustrate wider problems. The campaign also serves to highlight the importance of taking action to protect individual defenders, for they are like the canaries in a coalmine: when they are being attacked, it must serve as a warning sign and a wake-up call that the Governments concerned are on a downward path so far as human rights are concerned.

For example, the Istanbul 10 are 10 people who have dedicated their lives to defending human rights in Turkey, and are now themselves in danger. They include Idil Eser, of Amnesty International, and Özlem Dalkıran, of Avaaaz and the Citizens’ Assembly, who are under investigation for terrorism-related crimes—an absurd accusation intended to put an end to their human rights activism.

There is also prominent Egyptian lawyer Azza Soliman, who has dedicated her life to defending victims of torture, arbitrary detention, domestic abuse and rape, and who is now labelled a spy and a threat to national security. She has been put under surveillance, targeted by smear campaigns and harassed by security forces and pro-Government media outlets. She faces three trumped-up charges, as part of the politically motivated “case 173”—the foreign funding case, which targets NGOs—and, if found guilty, she will be sent to prison. The PHRG has had the honour of hosting Azza Soliman in Parliament and will continue to follow her case closely.

Prominent Palestinian human rights defenders Issa Amro and Farid al-Atrash face prison sentences for their peaceful campaigning against illegal Israeli settlements in the city of Hebron in the occupied west bank. Award-winning housing activist Ni Yulan, who has defended Beijing residents against forced eviction for nearly 20 years, faced harassment, surveillance, restrictions on her movements,
detention and physical attacks. She has used a wheelchair since being badly beaten by the police in 2002. LGBTIQ activists Xulhaz Mannan and Mahbub Rabbi Tonoy were killed by members of the armed group Ansar al-Islam, which is linked to al-Qaeda in Bangladesh. Little progress has been made on bringing the perpetrators to account.

What tools does the international community, including the UK, have to end violations and to ensure that those instigators, facilitators and perpetrators of abuses are held to account? First, there is the UN Security Council, which remains an important mechanism. I am aware that the UK, with its permanent seat and through our indefatigable ambassador, Matthew Rycroft, has raised a number of important issues, such as serious humanitarian crises in Syria and Lake Chad basin, with a view to getting the international community to take action. However, as all my hon. Friends know, the UN Security Council so often does not work for the benefit of those in desperate need—at least, in part, because we cannot get states with veto powers to refrain from preventing initiatives from getting off the ground.

Secondly, international justice, such as through the International Court of Justice, was also a great hope of ensuring that the perpetrators of serious international crimes are punished, particularly when the states where the crimes were committed either would or could not do so in their own courts. That should also have a significant preventive effect, by getting those thinking of carrying out such crimes to think again, in the knowledge that they would someday be held to account.

The international community has had some notable successes in assisting in obtaining justice, particularly in connection with the Balkans, Rwanda and Sierra Leone, but far too many people with blood on their hands are able to walk away freely with little if any concern about having to stand before a judge any time soon. Many states, including the US, China and Russia, are still not state parties to the Rome statute, and a number of African states are threatening to pull out. Referrals to the International Criminal Court by the UN Security Council are very difficult to secure.

The UK continues to support the ICC’s work, not least with funding, but international justice all too often is not working for the victims, such as those in Syria, Sudan and Yemen. For instance, Sudanese President Omar al-Bashir continues to be at liberty, despite having been indicted by the ICC for genocide and war crimes in Darfur. When al-Bashir visited South Africa in 2015, Zuma’s then Government ignored their legal obligations and refused to arrest him. That was powerfully highlighted in The Observer’s editorial last Sunday, headed “World justice is failing the innocent when tyrants kill with impunity”. It quotes the current ICC chief prosecutor, who released her annual report this month. She believes it is imperative to close the “impunity gap” and says:

“What is required, today more than ever, is greater recognition of the need to strengthen the Court and the evolving system of international criminal justice. It is up to States Parties, first and foremost, as custodians of the Rome Statute, to stand firmly by its values and further foster its positive impact in practice.”

I return to the UK’s role specifically. It does not help that the UK Government often undermine their status as an international human rights champion by turning a blind eye when one of their allies or competing national interests are involved. Continuing to sell arms to Saudi Arabia does not help us when we are trying to get others on board to improve the situation in Syria. It does not help the UK either when at the UN Human Rights Council, the UK Government try to water down resolutions against Bahrain because they want to continue believing that Bahrainis are on the path to reform, despite mounting evidence to the contrary, such as the ongoing judicial persecution of Nabeel Rajab, the reprisals against family members of human rights defender Sayed al-Wadai, continuing reports of the use of torture by state officials and the resumption of military trials against civilians.

With the UK Government and Parliament preoccupied by the reassessment of our relationship with the European Union, I worry that we are taking our eye off the ball. The term “global Britain” keeps being bandied about, but what does it actually mean? There is a lot of talk about Britain becoming a pre-eminent trading nation, pushing for trade agreements with many countries across the globe, but we have to ask, trade at what cost and to what effect? The PHRG meets too many people from around the world who are negatively impacted by the operations of mining and other resource extraction companies, some of which are based in the UK. Those people are lobbying for clean water, against land expropriation and for better local services, and they are often threatened, attacked and stigmatised for being anti-development and anti-patriotic.

Finally, I look forward to the UK Government talking a lot more about values that will contribute to making the world fairer, less violent and more humane and, even more importantly, taking concrete action with members of the international community to ensure that those values—our values—are at the heart of our relations with other states and are a reality for many more people.

4.24 pm

The Minister for Asia and the Pacific (Mark Field): I thank the right hon. Member for Cynon Valley (Ann Clwyd) for initiating the debate and commend her for all her work as chair of the all-party parliamentary group on human rights.

It is perhaps trite simply to observe that human rights matter, but they do matter, because they, and they alone, are guardians of fairness and opportunity for all. They reflect the widespread belief in freedom, non-discrimination and the innate dignity of each and every human being. Human rights are more than simply articles of international law, although that in itself would be reason enough to defend them. They also protect collective opportunities and freedoms that are the key to achieving long-term prosperity and security.

On the issue of the Rohingya, the right hon. Lady knows that as a Minister of six months’ standing, these matters are incredibly close to my heart, and they more or less give me sleepless nights. I want to work as far as I can with NGOs across the world to ensure that, as she rightly says, those who commit these crimes are not able to do so with impunity. As I said on the Floor of the House, we can be very proud of our humanitarian work, but if that work somehow crowds out the diplomatic and political work that needs to be done, we are simply
saying to the next set of dictators who wish to rid themselves of an inconvenient minority within their own country that they can get away with it with impunity, if they look upon what has happened after August 2017 in Burma. I hope I will work closely with her and many others across the political divide and the world to ensure we have genuine progress and to make sure not only that there is justice in Burma for the Rohingya but, more importantly still, that we set a template for the future in this very important area of human rights.

My time is very limited, but I will say a little bit about the Government’s policy on human rights. We believe that this fight is central to foreign policy. I understand why the right hon. Member for Enfield North (Joan Ryan) said what she did in her intervention. There are times when we seem to be compromised by elements of trade and trading relationships. I very much hope, at least in my role as a Minister in the Foreign Office, that we will put human rights at the top of the agenda. I will not pretend that there will not be moments when we feel slightly compromised. The right hon. Member for Cynon Valley was correct when she said that Matthew Rycroft, our man at the UN—I have just come back from there on Friday and am going for two days in January—does a terrific job in addressing these issues and ensuring that our agenda is at the top.

We recognise that all rights set out in the UN declaration of human rights and in international law are of equal importance, but to achieve maximum impact, we prioritise certain issues. We want to tackle modern slavery, to defend freedom of religion or belief and freedom of expression, to end inequality and discrimination and to promote democracy. I would like to briefly give hon. Members a quick insight into some of the FCO’s work in each of those areas.

Modern slavery is one of the great human rights challenges of our time. It is appalling that it still exists in the 21st century. Eradicating it through concerted and co-ordinated global action is one of our top foreign policy priorities. Freedom of religion or belief matters because faith guides the daily life of more than 80% of the world’s population, whatever their faith may be. That freedom also applies to those who do not have a faith at all. The issue of apostasy is also something I wish to look at in my time as a Minister. Freedom of religion or belief also matters because promoting tolerance and respect for all helps us to have inclusive societies that are more stable, more prosperous and better able to resist extremism. We can be very proud of our record in the UK. It is not perfect, of course, but we have a pretty good record. I see a number of London MPs here. Our capital is a rich city of such diversity, and that sense of tolerance is something of which we can all be very proud.

We promote and defend those values in a variety of ways, including by directly lobbying Governments, as I do regularly when I see high commissioners and ambassadors. I do so privately sometimes, which is the right way. We always make the case repeatedly, and I never resist that, because the moment we do not mention human rights when talking about trade and other connections, the message is misconstrued that we somehow care a little less for it. That topic comes up in every conversation I have, but they will sometimes be private conversations, and I hope the right hon. Member for Cynon Valley understands that.

We need to maintain great consensus on the issue by working with international partners and by running a list of projects that promote understanding and respect and celebrate diversity. Many of those projects are run in co-operation with a range of civil society groups. The freedom of individuals and organisations to discuss, debate and criticise—to go through what we go through each and every day—or to hold their Governments rightly to account is an essential element of a successful society. That is why we believe it is another universal human right that we work very hard across the globe to uphold.

I could say so much more, but I fear my time is limited. The right hon. Lady understandably wanted to have her say, and she made heartfelt comments. In the 70th year since its adoption, the UN declaration of human rights remains the most powerful statement of hope and aspiration for us all. There has been tremendous progress in the past 69 years, but we know there is still so much more to do. This Government will continue to lead the way on promoting human rights, as they have always done, to ensure that human rights are truly enjoyed equally in every corner of the globe by the whole of humankind.

Question put and agreed to.
Delivery Charges (Scotland)

4.30 pm

Douglas Ross (Moray) (Con): I beg to move, That this House has considered delivery charges in Scotland.

It is a pleasure to serve under your chairmanship, Ms Dorries. Unfair delivery charges to Moray and other parts of Scotland are not new. The despicable practice of hiking up prices to deliver to mainland UK has been going on far too long and people are fed up. That was one of the key themes that I mentioned in my maiden speech when I came to this place and it follows on from the work of my predecessor and other hon. Members who have been seeking a solution to the problem. I welcome the true cross-party approach to tackling this injustice, to calling out the unscrupulous companies that think they can treat people in the north as second-class citizens and to highlighting this shoddy behaviour for what it truly is—an inexcusable rip-off of consumers in Moray and across Scotland.

What is the issue that we are seeking to resolve? First, I have to commend the work of Royal Mail, which continues to deliver parcels anywhere in the UK for the same price. When I visited my local delivery office on Monday morning, I spoke with the manager, Mike Sinclair, and the huge number of parcels to be delivered by our local posties over the next few days was clear. People who use Royal Mail can do so with confidence that a parcel going from Moray to Manchester will cost the same as one going from Manchester to Moray. Sadly, the same cannot be said for other companies and couriers.

So often I am contacted by local people who are frustrated because they have tried to buy something online, only to be let down at the final stage. They have browsed the products, made their choice and selected a delivery option that clearly states “delivery to mainland UK”, only to be told when they put in their postcode the IV or AB parcels in Moray are in fact on some island offshore the mainland. If that were not so duplicitous, it might be funny, but it is not. It is a lie these companies peddle to hike up charges, and we will not stand for it any more.

Jim Shannon (Strangford) (DUP): I asked the hon. Gentleman before the debate for permission to intervene. He will know that the Consumer Council for Northern Ireland has brought this issue to the attention of people in Northern Ireland, where consumers are affected by it greatly. Some 33% of UK retailers apply a delivery restriction to Northern Ireland and 26% of Northern Ireland consumers are charged additional delivery costs. They are asked to pay 41% more on average than consumers anywhere else in the United Kingdom; the average charge is £11.89. Does the hon. Gentleman agree that Scotland is important, but Northern Ireland is equally important? We want fair play as well.

Douglas Ross: I am very grateful to the hon. Gentleman for raising that point. Before the debate, the parliamentary digital team created a video illustrating it and asked for people’s responses, and one response came from Northern Ireland. Sandra Dean said: “I have been refused delivery from England to Northern Ireland, too. It is cheaper with some couriers to get a parcel delivered from UK to the Republic than to Northern Ireland!” I therefore fully agree with the very valid points made by the hon. Gentleman.

Mr Alister Jack (Dumfries and Galloway) (Con): Does my hon. Friend agree that the picture of delivery charges across the country is inconsistent? When couriers or retailers advertise free delivery to the UK mainland, that should obviously include mainland Scotland and mainland Northern Ireland.

Douglas Ross: I fully agree. I will come in a moment to the fact that the Advertising Standards Authority is looking into that specific issue, because I want now to talk about some of the research that has been done on this matter.

As hon. Members will know, Citizens Advice Scotland issued a report on delivery surcharges in Scotland, and I raised that report directly with my right hon. Friend the Prime Minister recently. It highlighted the fact that up to 1 million consumers in Scotland are affected by excess delivery surcharges; the incidence of refusal to deliver at all has increased; and in the areas of Scotland affected by this problem, people are asked to pay, on average, at least 30% more than people elsewhere on the British mainland, rising to more than 40% in places such as Inverness and the rural mainland highlands and 50% on some of the Scottish islands.

That was excellent research from Citizens Advice Scotland. I welcome the follow-up work that it has proposed, including the establishment of a parcel delivery forum, support for pilot projects to test innovations that may reduce the need for surcharging, clarification of the information available to consumers, and evaluation of current consumer protection in the parcels market to determine whether it needs to be improved.

The Advertising Standards Authority has also been involved, and I welcome the action that it has taken to enforce the ASA rule on advertising parcel delivery charges: the advertising must be clear and not mislead. That is the point that my hon. Friend the Member for Dumfries and Galloway (Mr Jack) was making. In its briefing for today’s debate, the ASA says: “We consider that it is reasonable for consumers in Scotland to expect a definitive claim about ‘UK delivery’ to apply to them wherever they live, even if they are located in a remote village or island. So, if there are delivery restrictions or exclusions then these need to be made clear from the outset.” I particularly welcome the view that information in an advert must complement the main headline claim, not contradict it. For example, one advert said “Free delivery on all orders.”

However, there was a link to another page on the website that had additional information. It said that anything north of Glasgow or Edinburgh would incur a surcharge of £20 to £50, depending on the products and the postcode. In the ASA’s words, “This information contradicted the main claims, rather than clarifying them, so we upheld the complaint on grounds of misleadingness and qualification.”

We need more of that type of action. If companies get the message that they will not get away with that type of behaviour, we can start to right this wrong.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I congratulate my hon. Friend on securing the debate. He has been at the forefront of this campaign, standing up for his constituents and, indeed, all residents of the highlands and the northern part of Scotland who have been affected by this practice. Is he aware of the additional problem that affects cross-border communities
in my constituency? Postcodes on the Scottish side do not get deliveries from courier companies based in England, and Scottish courier companies do not often deliver to postcodes south of the border, because of the cross-border nature of some postcodes. I wonder whether that is also an issue for some parts of the highlands.

Douglas Ross: My hon. Friend raises a very important point; I would expect him to highlight this crucial issue for the borders, as he has done so ably. I think it is something we have to address as we progress this campaign.

The final piece of research that I want to mention is by Ofcom, which has now completed a two-year study of this issue. I welcome the confirmation that I recently received from the Minister that she will work with the Consumer Protection Partnership to establish a review of the evidence collected by Ofcom so far on excessive delivery charges and see what can be done to protect Scottish consumers from excessive charging. I would welcome further comments from the Minister on that point in her response today.

For me, the most important part of today’s debate is sharing just some of the examples that I have received from constituents and others through Parliament’s digital engagement team since I secured the debate. Their testimonies speak far better than anything that we politicians can put forward.

For example, Lynn from Moray was going to order a product from Groupon, but was disgusted to discover that the shipping does not cover her IV36 postcode, with the company saying that it delivers only to mainland UK. On its site, it had a map showing in red the areas to which it would not deliver. However, that red covered hundreds of square miles and included two cities—Aberdeen and Inverness—all of which are most definitely on the UK mainland. When the delivery company said that it would not deliver because it would have to take a ferry to reach Lynn’s address, she made the very valid point that it would not have to do so and, crucially, someone could continue to drive for another three hours north, east or west and still not require a ferry. We are definitely part, and an integral part, of mainland UK.

Lynn finished her correspondence to the company by saying:

“This is a blatant, lazy, cost saving exercise on the part of whichever delivery company this producer is using and is factually incorrect. This is disgusting and insulting.”

I absolutely agree with Lynn.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Perhaps through the hon. Gentleman, we could remind Lynn that actually ferries are very good at carrying parcels as well and the fact that they have to go on a ferry should not be an excuse for a further surcharge.

Douglas Ross: I am sure that the right hon. Gentleman will make that point again as the debate progresses. However, I think that using a ferry to get to Moray would incur a greater surcharge when we can use the road, rail and planes as anyone else would.

Marion from Speyside bought a new shower earlier this year. She knew the design that she wanted; she knew the model, the product, but she ended up buying it from Germany with free packaging and postage. That was cheaper than using other firms that advertise free UK mainland carriage, because of the large surcharge on AB and IV postcodes. She added in her email to me,

“It is this type of pricing that really annoys me as you are often at the final stages of paying before you find out. I am glad you and Mr Lockhead are highlighting this issue.”

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I am grateful to the hon. Gentleman for securing this debate. Having worked for Parcelforce for 27 years and been a union rep, I am well familiar with the surcharge debate, because we have been arguing about this for 20 years.

This is the problem: these companies, which the hon. Gentleman is referring to and his constituents have talked to, advertise postage and packaging and they make a massive profit out of it, but the final mile is left with Royal Mail. These companies charge a fortune for the parcel, take a piece of the postage and packaging, and make a massive profit by only handling the parcel once; the parcel is given to Royal Mail and we do the final mile. That is why our wages have been under threat, because that is a cost efficiency that costs Royal Mail a lot of money. These people need to be exposed and I thank the hon. Gentleman for doing that today.

Douglas Ross: I am grateful to the hon. Gentleman for his intervention. The discussion I had at my local sorting office on Monday suggested that these companies pick all the low-hanging fruit. They are quite happy to deliver to the more urban areas where they can get these parcels out very quickly, but they leave the more challenging areas to Royal Mail, or, as we are speaking about the private couriers, they just refuse to deliver to some of these areas at all. That is unacceptable.

I have spoken about a number of products that I expected to speak about in this debate, such as showers. I did not think I would be speaking about pigeon racing, but I have a constituent from Elgin, whose hobby is pigeon racing. He is a member of the North of Scotland Federation and the Elgin and District Racing Pigeon Club. He tells me that all the members of the Elgin club send away for various products for their pigeons and most of the companies that sell to them believe that Moray is not attached to the UK mainland.

As soon as you punch in “IV30” to the address section, up pops an attachment saying that special terms apply. He tells me that there is in fact a website from Spain that will deliver cheaper to Scotland than the biggest online pigeon supplier in the UK, which trades from Scarborough. That is surely not acceptable.

Finally, I want to mention Rebecca from Stacks Coffee House and Bistro in John O’Groats, who started a change.org campaign in July to help bring to light the widespread issue of delivery costs to the highlands and islands, and Scotland as a whole. As of this afternoon, that petition had attracted 13,600 signatures. The website they have set up is a great way of presenting the case against these rip-off charges and to show people that the politicians are taking their views seriously. One quote on the website summed up the situation well. It said:

“If a company can deliver to Land’s End for free…they can also deliver to John O’Groats.”

A gentleman called Alan, who had seen me raising this at Prime Minister’s questions, contacted me. He had tried to get a kitchen worktop delivered to the Kyle of Lochalsh. The delivery was £475. However, when he put in his in-laws’ address in Fife, it reduced to £40.
[Douglas Ross]

Someone I know from Wick contacted me about how it was cheaper to get something for his business delivered further south in Scotland, but it also had a delivery guarantee for the next day. When it did not arrive on time, he complained and sought a refund. The company refused. When he said he would pursue this, he was told that they would cancel his whole order and take back all the goods. In other words, a very blatant threat of blackmail: “Don’t speak up about delivery prices and standards, and if you do, we will punish you.” It is simply not good enough.

This does not just impact individuals. I have heard from a small business in Moray, which regularly gets better service from a supplier in Lower Saxony, Germany, than from the United Kingdom. The point is that high delivery charges contribute to a relatively high living cost in remote and rural areas. It acts as a disincentive to entrepreneurs setting up businesses, which could mitigate depopulation caused by declining employment opportunities in traditional sectors. I hope that the Minister will agree with me that this should be of concern to Highlands and Islands Enterprise and I am very keen to work with it to ensure that we can move this campaign forward.

In the last few minutes, if hon. Members will allow me, as the mover of this debate, I will finish with some personal experiences. My wife is celebrating her birthday today in the north of Scotland, separated from me by 500 miles. While I cannot be with her, I was hoping that if I mention her in the debate tonight, that may make up for my absence. That allows me to say that given that her birthday is on 20 December, it is difficult for me, like any man, to come up with present suggestions. She is always very efficient. She gives me a list and does not trust me to use my own initiative; I have a list of the presents I have to buy her for her birthday and Christmas every year. But like all of my Moray constituents, when I purchase these presents for her and I put in my IV30 postcode, I get charged a fortune to have it delivered.

Jim Shannon: She’s worth it!

Douglas Ross: She’s absolutely worth it! I thank the hon. Gentleman for that clarification, just in case there was any doubt. While it is worth it, I was thinking about this recently when I bought my easyJet flight down from Inverness to London, as I do on a weekly basis. As ridiculous as this may sound, when I paid for the flight, it turned out that rather than getting parcels delivered to my home in Moray, it would be cheaper for me to get them delivered here to the House of Commons and then for me to buy a seat for that parcel on an A320 aircraft, to get it home to Moray. That is a ridiculous situation and just shows how much people are taking advantage of my constituents and others who suffer in this way.

The Minister has heard from me, and will hear from other hon. Members. Members, just how significant this problem really is. She will be aware from the meetings that I have had with her and the Secretary of State earlier this week that this is an issue I will pursue until consumers in Moray are treated the same way as those elsewhere in the United Kingdom. I am keen to hold a roundtable in Westminster with companies that believe they can take advantage and impose these rip-off charges on Scotland, and I have requested an inquiry on this issue with the Select Committee on Scottish Affairs.

Gavin Robinson (Belfast East) (DUP): In the last 18 months or two years we had exactly that roundtable, hosted by the hon. Member for Grantham and Stamford (Nick Boles), who was the Minister’s predecessor. It was a very successful engagement. Many companies go the extra mile and the extra cost to ensure that the hon. Member for Moray (Douglas Ross), those of us in Northern Ireland and others in the Channel Islands are not disadvantaged, but many do not. Rather than do exactly the same thing again, I suggest to the Minister that now is the time to start talking about how we encourage and force companies to recognise that in this United Kingdom, we should all get exactly the same service.

Douglas Ross: I fully agree with the points made by the hon. Gentleman. We have had discussions in the Scottish Parliament and we are now discussing this for the first time in this Session, but I do know, and I did accept at the beginning, that this is an issue that has been raised time and again.

We get to the point where the public are fed up of politicians speaking about it; they are looking for action. That is certainly something that I am considering going forward. I am grateful for the support I have received so far from the UK Government on this issue, and I hope that both of Scotland’s Governments can work together with the companies that treat Scotland so badly and deliver what has been called for: quite simply, fair treatment for consumers across the UK, including those in Moray and across Scotland.

Today I am wearing my “We heart Moray” badge. It is inscribed with towns and villages that make up our wonderful community. Those of us who are fortunate enough to live and work there know how lucky we are to stay in such a wonderful part of the country, but we should not be punished for choosing to live there, as we currently are with delivery charges. It is time to end the parcel rip-off. It is time to deliver the message loud and clear to the companies that impose those charges. We can deliver a Christmas boost to Moray and to Scotland, by calling time on this deplorable behaviour.

Several hon. Members rose—

Ms Nadine Dorries (in the Chair): Order. I am afraid that because we have so many speakers and time is running short we have to limit speeches, as a guideline, to three minutes. If anyone takes longer than three minutes, they are taking time off the next person.

4.48 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to serve under your chairmanship, Ms Dorries. I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate. This is an issue that I have pursued over many years; I think it is fully 15 years since I first initiated an Adjournment debate on this subject. In that time, I think that, if anything, the situation has got worse.

In 2002, it was myself, the then hon. Member for the Western Isles and some colleagues from Northern Ireland who were interested in a debate like this. Since then it appears that the contagion has spread, so that it is now as far south as Moray—indeed, we have heard that communities and conurbations as significant in size as Inverness and Aberdeen can often find themselves excluded.
We have heard also, from the excellent piece of research done by Citizens Advice Scotland, “The Postcode Penalty,” that the cost of delivery to island communities can often be more than 50% higher than to other parts of the country. That is why I say to the Minister today that a market that operates in such a way that it excludes this number of people, our own fellow citizens, from any meaningful access to it, is an instance of market failure.

The problem is that, as the hon. Gentleman said, these are all private companies, and they are doing what private companies do; but when a market fails, it ceases to be a matter just for the private companies involved and it becomes a matter for Government. When a market has failed there is a duty on Government and on the competition authorities set up by them to ensure that it is made to operate in a way that is fair to everyone. That is not happening at the moment and there is an opportunity now for the Government to initiate these discussions and to say to this industry, “You are operating in a way that is not fair to too many of our fellow citizens, and if you are not going to put your house in order, as manifestly has been the case for some years, the Government will take some action to make you do that.”

One of the things I always say when people bring me examples of this situation is that there are many local businesses that can often provide the same thing at a comparable price once the delivery charge is taken into account. But there are often many things that are not available for people to buy, especially in our smaller towns and more remote communities.

Ahead of this debate a magazine, *Culture Vulture Direct*, was given in to my office in Kirkwall. It included a piece of furniture that I thought could grace the Carmichael living room this Christmas. It is a lovely little piece of furniture: a two-drawer cabinet, painted grey, with a soft whitewashed finish. Who could resist such an idea? What really sealed the deal for me was that it is called the Orkney narrow two-drawer cabinet. Ideal! Who on earth could possibly not want to have that in their living room in Orkney? Unfortunately, it comes from culturevulturedirect.co.uk, which in relation to this piece of furniture states that delivery is to the Orkney narrow two-drawer cabinet.

I do indeed agree with my hon. Friend about the equality—that is the key word—aspect of deliveries.

The term “remote” is open to interpretation. Could the issue be the centralisation of distribution hubs? Could the dispatch hubs look seriously at the bulky and excessive packaging for small items, where a ballpoint pen is delivered in a box the size of a shoebox, and thereby either increase the delivery capacity of their vehicles or permit the use of smaller, more fuel-efficient vehicles for rural, remote deliveries? Some company websites confirm that a surcharge is applied to remote location deliveries, with “remote” defined as highlands and islands, a postcode that is difficult to serve or a suburb or town that is distant and inaccessible or infrequently serviced. There is a whole range of excuses.

David Duguid (Banff and Buchan) (Con): I thank my hon. Friend for giving way and congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing this debate. As many of my colleagues on the Conservative side of the Chamber will remember, I have an issue with the word “remote”. Does my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) agree that it is the lack of these services or the disproportionate removal of them that makes our rural areas remote?

Bill Grant: I do indeed agree with my hon. Friend. Friend about the equality—that is the key word—aspect of deliveries.

I congratulate my hon. Friend for giving way and congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing this debate. As many of my colleagues on the Conservative side of the Chamber will remember, I have an issue with the word “remote”. Does my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) agree that it is the lack of these services or the disproportionate removal of them that makes our rural areas remote?

Bill Grant: I fully agree, and we need to do more to secure the vibrancy of these remote locations.

Citizens Advice produced a short report entitled “The Postcode Penalty”. It was done a few years ago, and a number of the respondents to the survey were from my constituency in Ayr, Carrick and Cumnock. The report appeared to conclude that some online retailers are disadvantaging Scottish consumers. I think that we could extend that to consumers and our neighbours in Northern Ireland and those elsewhere in our United Kingdom. At that time, approximately 63% of retailers that charged extra for delivery to remote locations did not offer delivery by Royal Mail, which was referred to by the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), as an alternative. It may be prudent to offer the customer this lower-cost and very trusted service.

I understand that it is a breach of consumer protection to add an additional charge after purchase, with the Consumer Protection (Distance Selling) Regulations 2000 providing that prior to the conclusion of a contract from distant sellers—that is, a transaction that is not done face to face—they are required to disclose delivery costs so that the purchaser is not caught unaware by what are, in some cases, very significant charges. However, such transparency does not detract from the often disproportionate and unfair charges for those who,
It is essential that a set of standards are adopted for deliveries to every single corner of the UK, just as we have for the universal service obligation. I am keen that the Minister should tell us today that this will somehow be addressed by the UK Government, because it has been going on for too long and my constituents, and constituents living in rural communities across the UK, deserve better.

4.59 pm

Brendan O’Hara (Argyll and Bute) (SNP): I will keep my remarks brief as a courtesy to colleagues who wish to speak. The issue of fair delivery charges to Scotland has had no greater champion in this place over the last two and a half years than my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry). It is an issue not just for this Parliament but for the Scottish Parliament, and I pay tribute to the work of my Scottish National party colleague, Richard Lochhead, the MSP for Moray, who launched the fair delivery charges campaign and who led a debate in the Scottish Parliament a couple of weeks ago.

In preparing for today’s debate, I sought examples from my constituents and I was deluged—almost overwhelmed—with the examples from the people of Argyll and Bute. The one from Alex Samboerk from Lochgilphead was notable. Lochgilphead is not on an island; it is 88 miles from Glasgow and it takes less than two and a half hours to get there. Alex went online and bought a case of 28 healthy fruit and cereal bars. The cost was £17.81. When he went to check out, he was astonished to see that for the PA31 postcode in which he lives, the economy service was £90 for delivery. Alex is not alone. I have been inundated with people complaining about such things.

My wish is that this is the last time we have to debate this issue. I hope that the Minister can say that she and the Government will take on board the anger and frustration that has been felt throughout rural Scotland at this unscrupulous and outrageous practice by some delivery companies. As I said, I will cut my comments short as a courtesy to other speakers, but let us never have this debate again.

5.1 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I, too, will cut my speech short as a courtesy to everybody else. Along with the hon. Member for Moray (Douglas Ross), it is my mother’s birthday today. I send her a happy birthday—her card is in the post.

In conclusion—I will make it short—Scotland and Northern Ireland are not in isolation. We have roads, bridges, boats and aeroplanes where needed. We—I am talking about the Royal Mail, given my connection with it—deliver six days a week. We keep the universal service obligation—the USO. To those private companies, it is a UFO. Some private profiteers believe that we have UFOs, but we do not. They should stop ripping off customers with these surcharge prices. We can do it; we do it six days a week. We give a fantastic service. I ask Ofcom to look at the prices. If it can set them, we can deliver on time. Then when we talk to customers, we can talk about the quality of service, not the surcharge price.

Finally, on behalf of Santa Claus, I thank all postal workers for the hard, dedicated work that that they do for us, and wish them all a merry Christmas.
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate. Across my vast and very remote constituency—the remotest on the UK mainland, although it is part of the United Kingdom—my constituents face iniquitous delivery charges. It is a scandal. Rebecca from John O'Groats is quite right to establish that petition, and I support her all the way.

As has been said, the cost of delivery charges has a knock-on effect on every other cost in my constituency because it is passed on to other services. Surely the mark of a civilised society is that it looks after everyone on the same level terms, independent of where they actually live. It is completely and utterly wrong that somebody is disadvantaged simply because they happen to live in a very remote part of the United Kingdom.

Kirstene Hair: Does the hon. Gentleman agree that constituents who live in rural areas are being left behind, not just with regard to delivery charges, as some areas of my constituency are, but with slow broadband speeds? Time and time again, residents in rural areas are penalised for choosing to live where they do.

Jamie Stone: I wholeheartedly endorse the hon. Lady's comments. The argument for the interest of the remotest and most rural parts of Scotland is one on which we can unite, regardless of party political divisions. I look forward to working with her on this issue.

I have only a short time left, so I will be brief. Governments on either side of the border have looked at this issue—even, in my own case, once upon a time when I was part of the Government in the Scottish Parliament. We did not deliver on either side of the border. We have to work together to sort this problem out once and for all.

We must remember why the penny post was put in place. Rowland Hill was moved to found it because he saw a young lady who was too poor to pay the charge for a letter from her fiancé—at the time, people had to pay money when they got a letter. That was how sad it was, and that is why we have a universal charge for Royal Mail deliveries, which is something that we should be rightly proud of in this country. It is absolutely essential that we try to deliver on this. I will repeat myself and say that it is wrong for anyone to be disadvantaged because of where they live.

Ms Nadine Dorries (in the Chair): Five minutes please, Mr Hendry.

5.5 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Ms Dorries. I, too, congratulate the hon. Member for Moray (Douglas Ross) on securing this important debate. It is worth noting that he acknowledged the work of his predecessor, Angus Robertson, and, through his constituent, of Richard Lochhead MSP, who has worked very hard on the issue.

The right hon. Member for Orkney and Shetland (Mr Carmichael) rightly described this as market failure. My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) talked about the long-running nature of this issue and the failure of action by the UK Government. It has been going on too long. I hope the Minister is paying attention; we need this sorted out now.

My hon. Friend the Member for Argyll and Bute (Brendan O'Hara) mentioned the long-running campaign by Richard Lochhead and many others. He spoke about being deluged with examples, which is a common experience for anyone who has tackled this issue. To be inundated with requests for help over sharp and unfair practices is all too common. It should not be the case.

The hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) rightly said that it is time to end this rip-off. It is time to get it done, not to wait any longer. Let us just get something done about it. The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) was right about the problem, but this is not an issue that the Scottish Government can directly deal with. This is a reserved matter for the UK Government and it is important that they take action.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): We hear a lot about a UK single market in political exchanges and banter, but the reality is that my constituent wanted to buy five radiators and it was £350 to deliver them to the Isle of Lewis—£10 more than the actual order. A boiler, which was quoted as £24 on the website, ended up at £200. Where is the single and fair market there?

Drew Hendry: That is a good example—one of many—of what affects people across the whole of Scotland, particularly in the highlands and islands. Rural shoppers are one of the largest markets for online shopping, so it is particularly unfair that they are penalised. The lack of transparency that people face is deeply unjust.

There is an alarming lack of understanding of Scotland's geography. When I introduced a ten-minute rule Bill in early 2016, I described one of the mysteries of my constituency in the highlands—not whether the Loch Ness monster exists, but why Inverness is somehow not on the UK mainland. It is outrageous that that myth is still being perpetrated by delivery companies.

The SNP has led a campaign for fair delivery charges. We are delighted that there is now such cross-party agreement that something has to be done. I welcome the fact that we seem to have the momentum together to get a response from the UK Government about what will be done, but that has to be something meaningful.

I mentioned Richard Lochhead, but I will also talk about the exemplary work of Citizens Advice Scotland, as other hon. Members have. I pay tribute to the work it did with the trading standards department at the Highland Council. I was honoured to be leading the council when it did some groundbreaking work on challenging unfair practices. Its officers deserve a lot of praise for their work. I also commend all the constituents who have highlighted the issue. There are far too many to mention individually, but I would have loved to have time to run through some examples.

Richard Lochhead's work has highlighted thousands of cases of injustice. Anybody who has read it will have seen that it costs Scots consumers £36 million more than the rest of the UK. That is not good enough, and something has to be done to change things once and for all. In September 2015, when we were tackling the
issue together, the hon. Member for Belfast East (Gavin Robinson) secured an Adjournment debate on it, as a result of which we had a roundtable. He is absolutely right: let us not hear about any more roundtables that do not achieve anything. We need solid action to get this sorted out for consumers once and for all. Let us see something being done.

As I said, I would have loved to go through some examples, but time is extraordinarily limited, so I will conclude. I welcome the cross-party approach. I hope that the hon. Member for Moray will have a word with his council group. If consumers have a Christmas wish, it is for the UK Government to use their power to deliver. Let us hear from the Minister about how the UK Government will make this the last Christmas in which sharp practice, dodgy geography, false claims and unfairness are visited on shoppers in the highlands and throughout Scotland and other rural areas.

Ms Nadine Dorries (in the Chair): I call Gill Furniss. Five minutes, please.

5.11 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairmanship, Ms Dorries. I will be brief, because we have all had a long week. I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate on a very important issue for his constituents, and I applaud his eloquent speech. The residents and businesses who have campaigned against huge and often arbitrary surcharges and delivery delays deserve much praise for bringing the issue to public attention and forcing the Government to respond. Much credit is also due to the research done by Citizens Advice to draw together evidence of the very patchy picture.

This is not simply an issue that affects a few people on remote islands. According to a Citizens Advice Scotland report, the average delivery charges for customers are at least 40% higher in the highlands than in the rest of the UK, and in the Scottish islands and Northern Ireland they are approximately 50% higher. One million people live in the affected areas in Scotland, despite often living in sizable cities and towns. Being charged up to five times the standard delivery cost is a huge issue, especially for businesses with frequent orders and low-income residents.

It is very welcome that the Government are finally investigating the issue, but Ofcom needs to be empowered to clamp down on geographic discrimination in the provision of deliveries. Ministers would not tolerate it for a minute if delivery charges were higher in their country piles than in inner-city locations, so why should they tolerate it for Scottish families, who are as much a part of the UK as people living at any other address?

Citizens Advice Scotland has recommended that the public and private sectors co-operate to reduce costs. It suggests exploring the possibility of extending Scotland’s network of pick-up and drop-off locations in places such as parcel lockers, convenience stores and post offices, which can reduce costs for delivery companies. Has the Minister considered Citizens Advice Scotland’s recommendations? If so, will she give us a timeframe for responding to them? I would also welcome her response to the suggestion from my hon. Friend the Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), who has had an extensive career in the postal service, that Ofcom could be given the power to cap surcharges.

I look forward to swift recommendations from Ofcom for protecting Scottish customers and businesses from higher charges and slower services. Labour is committed to a high-quality delivery network that provides a timely and cost-effective service for all customers. I conclude by expressing my support for Royal Mail and its deliverers at this busy time, and wishing them all a happy Christmas and new year.

5.14 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): It is a pleasure to serve under your chairmanship, Ms Dorries, and to respond to this important debate. I congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing it and echo the comments of the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) about his eloquent speech. I know that he first raised the issue at Prime Minister’s questions two weeks ago and that he met my right hon. Friend the Secretary of State earlier this week to reiterate his concerns.

Let me start by reminding hon. Members of the Government’s general approach. We are committed to promoting growth in the UK economy, and empowered consumers are vital to that. Consumers who demand quality products and services, and are prepared to take their custom elsewhere if their needs are not being met, drive competition, innovation and productivity. The industrial strategy we published last month reminds us that consumer choices are key to a productive and efficient business base. It also recognises the importance of the local economy and infrastructure.

If consumers feel that they are being unfairly treated because of their location, they can challenge retailers, particularly if they are aware of a particular courier or delivery company that is known to deliver to it more cheaply. It is not unreasonable for businesses to seek to cover the legitimate costs of delivery, but customers in remote areas all too often face charges that go beyond a reasonable rate of return.

Drew Hendry: The Minister says that consumers can complain, but often when they do, nothing is done and they have absolutely no recourse. As we have heard today, the companies offering to deliver can just say, “Well, I won’t deliver to you.” How does she answer that? What will she do about that unfairness?

Margot James: I will come on to the rights that consumers have, but from the strength of feeling that has been expressed in the debate, I recognise that things are clearly not working for consumers in certain parts of our United Kingdom. I have great sympathy for the case made by my hon. Friend the Member for Moray, because it is unfair that consumers in some parts of Scotland and Northern Ireland should be treated so very differently from consumers in other parts of the UK.

I would like to take this opportunity to state that the Government welcome the ongoing activity to address the problem. The work of parliamentary colleagues and consumer bodies to consider local public and private sector solutions, as outlined in the Citizens Advice Scotland report, could result in ideas suitable for all parts of the UK.
Douglas Ross: The Minister mentions ongoing activity on this campaign. We have heard some passionate speeches from SNP Members, presumably about the work of their Scottish Government. Will she confirm what contact her Department has had with the SNP Scottish Government on the issue and what actions they have asked about?

Margot James: I am not aware of any contact. My office has not had any, but I will find out whether any other offices in my Department have had any contact and write to my hon. Friend with the answer. Obviously this is not a devolved matter, but since he has asked, I will give him the answer.

Online shopping is an increasingly important part of our economy.

Christine Jardine (Edinburgh West) (LD) rose—

Margot James: I will give way in a minute, but I want to cover a lot of points made in the debate and I have only 10 minutes or so.

Retailers have legal obligations to be up-front about their delivery charges—where they deliver to, what they charge, and any premiums that apply—before an order is placed, so that consumers at least have the information they need under consumer law and can make informed decisions before purchasing online.

Christine Jardine: Does the Minister agree that it is frustrating that Sir Robert Smith, the then MP for West Aberdeenshire and Kincardine, introduced a private Member’s Bill to address this very issue back in 2013—yet here we are, four years down the line, and no progress has been made?

Margot James: I certainly understand the hon. Lady’s frustration, and the frustration felt and expressed by other Members of Parliament this afternoon. I was not aware of that, although I was a Member at the time. I missed that private Member’s Bill, but clearly this issue has a lot of history, and is all the more frustrating for that, as the hon. Lady says.

Consumers must have the information needed under consumer law. At the same time, if retailers are to exploit fully the vast market potential of online business, they will need to listen to and respond to the needs of consumers in all parts of the country, developing effective delivery solutions throughout the United Kingdom.

The Government strongly encourage businesses to provide consumers as far as possible with a range of affordable delivery options. It is really up to businesses to determine the most appropriate delivery options for their products.

Angus Brendan MacNeil rose—

Jamie Stone rose—

Margot James: I will give way one last time to the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil).

Angus Brendan MacNeil: I understand from my colleague, the hon. Member for Strangford (Jim Shannon), that the situation in the Republic of Ireland is not the same as in Northern Ireland or Scotland. Would our Government perhaps take the time to look, as they are responsible for this matter, at what the situation is in the Republic of Ireland, and to perhaps learn from Ireland?

Margot James: I did hear the intervention from the hon. Member for Strangford (Jim Shannon), and I will look into that.

Businesses have a choice through the universal service obligation, which the hon. Member for Ayr, Carrick and Cumnock (Bill Grant) reminded us about. Royal Mail can deliver parcels up to 20 kg, five days a week, at uniform rates throughout the United Kingdom. Regrettably, some businesses and retailers choose not to use that option, and the Government are not in a position to oblige business to choose a particular delivery supplier. There are no regulations that prevent differential charging for deliveries by companies other than Royal Mail. A competitive market should be a sufficient incentive to put pressure on charges applied by retailers and delivery operators, and consumer law requires traders not to mislead consumers or partake in unfair practices.

Mr Carmichael: The Minister comes to the nub of the matter: a competitive market should provide the solution. In fact, the way this market is operating now is the problem; competition will not be the solution. Will she look at the issue of market failure, on the basis that courier companies are now a quite different and discrete market from Royal Mail?

Margot James: If the right hon. Gentleman will allow me, I will come on to what I propose to do before I close.

We already have legislation in place under the general Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, which apply to online purchases. They make it clear that information given by traders to consumers regarding delivery costs must be up front and transparent before a transaction is entered into. Any consumer who believes those rules are being breached should report it to trading standards through the Citizens Advice consumer service.

If misleading advertising about the cost of delivery is an issue, the Advertising Standards Authority, which has responsibility for ensuring compliance with the code of advertising sales, promotion and direct marketing, will act to ban or amend advertisements that have the potential to harm or mislead the public. Decisions on complaints are made public, and where necessary the ASA will report persistent offenders to trading standards for further enforcement action.

The Government’s view is that regulating prices, or intervening in how businesses and retailers establish their pricing structures, would not overall be in consumers’ best interests, because they are commercial matters. The market is highly competitive and innovative, with many different types of companies being selected by online retailers to provide delivery solutions. That has given rise to new ways of receiving packages, such as collecting them from more secure and more convenient locations and post offices.

The issues involve a three-way relationship between consumers, online retailers and delivery companies. As Members stated in the debate, the postal sector regulator, Ofcom, has just concluded a two-year study of parcel delivery surcharges that reflect the cost to operators and go beyond them. It found that some retailers apply a surcharge to consumers for delivery to certain locations, while others do not. It is therefore not clear that surcharges...
applied by parcel operators to online retailers are automatically passed on to consumers in all cases. The Government will consult Ofcom further on what might be done to improve competition. As highlighted by my hon. Friend the Member for Moray, the Consumer Protection Partnership, which brings together enforcement bodies and advice providers and is chaired by my Department, recognises that this is a priority that requires further work. It brings together a number of important bodies with an interest in this vexatious matter.

A number of Consumer Protection Partnership members, including Citizens Advice Scotland, the Consumer Council for Northern Ireland, the ASA and other enforcement bodies, along with Ofcom, are working together to undertake a review of parcel surcharging. That review is looking at the existing research, evidence and legislative framework, with the aim of improving compliance by online retailers with consumer protection law. It will also consider further proposals relating to concerns about the level and fairness of parcel surcharging, about which we have heard so much this afternoon.

Jamie Stone: I appreciate the Minister’s sincerity. Could she please add to the list she has just outlined the petition from Rebecca in John O’Groats? It is heartfelt, genuine and has masses of support, and a moral imperative behind it.

Margot James: I will certainly ask the partnership to take into consideration the petition to which the hon. Gentleman refers.

Recommendations will be considered by the Consumer Protection Partnership in early 2018, with the intention of agreeing a co-ordinated package of activities for organisations across the UK. I look forward very much to receiving that advice, and considering its recommendations as to what further action we can take to enforce the law and ensure fairer treatment of consumers—something which we have heard so much about this afternoon.

I am convinced by the strength of feeling expressed by hon. Members that some action is required, so the Government will publish a consumer Green Paper next year that will look at issues such as transparency and fairness across a range of markets. I expect that those responding to that paper will want to comment on how business treats customers, including in respect of delivery charges, and how it reacts to their complaints. That, too, will inform the Government’s approach.

I thank my hon. Friend the Member for Moray for dramatically raising the profile of this issue, and I will be interested in further input from him and other colleagues across the House in the future. I end by adding my thanks and Christmas wishes to all staff at Royal Mail, as mentioned by the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney). We wish all our posties a very merry Christmas. I thank hon. Members and, as it is my last debate of the year, I will also say that I have enjoyed debating with the hon. Member for Sheffield, Brightside and Hillsborough, and I wish her a merry Christmas as well.

5.27 pm

Douglas Ross: Thank you, Ms Dorries, for the way you have chaired today’s debate. I thank all right hon. and hon. Members for taking part in it. As we have heard, we have had a lot of discussion on this issue up to now, but that does not mean that we should stop speaking about it. It will remain on the political agenda only if MPs continue to raise the issues on behalf of their constituents. I welcome the speeches made by the right hon. Member for Orkney and Shetland (Mr Carmichael), my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) and the hon. Members for North Ayrshire and Arran (Patricia Gibson), for Argyll and Bute (Brendan O’Hara), for Coatbridge, Chryston and Bellshill (Hugh Gaffney) and for Caithness, Sutherland and Easter Ross (Jamie Stone), as well as the very valuable interventions Members made during the debate.

I echo the comments that everyone made about our appreciation of the dedication of each and every member of Royal Mail at this incredibly busy time of the year. When I visited them on Monday, I took some home baking to keep them going. That seemed to be totally ignored when they started on their bacon and egg rolls. I am not sure if the hon. Member for Coatbridge, Chryston and Bellshill followed a similar diet, but it was certainly getting the posties in Moray through the very busy final Monday prior to the Christmas period.

This is an extremely important issue for constituencies, particularly in the north of Scotland, but as other Members have said, across Scotland and in Northern Ireland, too. I hope people watching at home today can take comfort from the fact that their politicians, their elected representatives, are raising this issue. I particularly welcome—I want to put this on the record—the commitment from the UK Government given by the Minister to publish a Green Paper next year. I think I heard acceptance across the parties that that is an important move forward. I know that consumers will want to use it to ensure we get the best possible deal on delivery charges in Scotland.

Question put and agreed to.

Resolved.

That this House has considered delivery charges in Scotland.

5.30 pm

Sitting adjourned.
Leasehold and Commonhold Reform

1.30 pm

Sir Peter Bottomley (Worthing West) (Con): I beg to move.

That this House has considered leasehold and commonhold reform and leasehold abuses.

May I first say that we are grateful for your chairing the debate, Sir David? We hope that the next time we debate this issue, it will be on the Floor of the House. The all-party parliamentary group on leasehold and commonhold reform, which now has more than 130 members from both Houses, is probably one of the largest and most active all-party parliamentary groups that there is. One reason for that is that leasehold abuse is a desperate problem, which I am grateful to the Minister for recognising through his presence in the Chamber.

We have been able to be so active because of the work of two people in particular, Martin Boyd and Sebastian O’Kelly, from the Leasehold Knowledge Partnership—LKP. They also help run the good cause campaign, Better Retirement Housing, which was once known as Carlex—the Campaign Against Retirement Leasehold Exploitation. The debate will not focus primarily on the elderly, although it could, as their exploitation is a big problem. It will also not focus primarily on park homes, another form of tenure through which people can be exploited by scoundrels, crooks, rogues and those who exploit the law by making those who are badly off even worse off; through some legal stratagems, they can manage to take away the last assets that some people have.

Leasehold is a form of residential tenure that has been abolished in most places around the world and should be ended in this country. When I say this country, I basically mean England, or England and Wales; the situations in Northern Ireland and Scotland are different, and it needs to change here. That was recognised by Martin Boyd and Sebastian O’Kelly when they started asking Parliament about the plans to bring in commonhold ownership, which should have taken away half the opportunities for exploitation. It should have eliminated the problem; it would not be a question of a small fix—it would be solved.

As it happens, since Parliament passed the Commonhold and Leasehold Reform Act 2002, things have gone wrong. We have not had the growth of commonhold, which in Australia might be called strata title. The reason for that is that the responsibility for it was left with the Ministry of Justice, and of all its concerns, the condition of people living in leasehold homes was not one.

In the years since Parliament last gave serious attention to this issue, we have had a succession of Governments from both parties, and a coalition Government, and we have had Housing Ministers who I think have not been properly advised, because their officials did not actually understand the scale of the problem. At one stage, people thought there were about 2.5 million residential leasehold premises in the country. It is quite clear from the work Martin Boyd and Sebastian O’Kelly have done—with the help of Sir Nigel Shadbolt, Sir Tim Berners-Lee and the Open Data Institute, to whom I pay credit—in getting information that is publicly available and putting it together that the actual number of residential leasehold premises is between 5 and 6 million.

I do not want to get myself too involved in some figures in the Department’s announcement at one minute past midnight today. I do not think they have the number of new leasehold houses right, but that is immaterial to the debate. What matters is that what was an anomaly in the north-west—selling houses as leaseholds when they could be sold as freeholds—began to spread. To those who say that the leasehold house was sold at a lower price than the freehold house, LKP’s work shows that that is not correct. It was just a way of exploiting leaseholders, who thought that it was a normal way of taking on a home.

Of course, when the ground rent on a leasehold was a peppercorn, there was no problem at all. When it is £10 a year and doubles every 20 years, from £10, to £20, and to £40, people cannot see the problem. However, when it starts at more than £200 and doubles every 10 years, that is a 7% increase per year.

Mark Tami (Alyn and Deeside) (Lab): I praise the hon. Gentleman for all the work he has done on this; I think we have moved a long way from where we started. He is absolutely right that this is a scam, and it has spread. It is not only about the ground rent issue but all the other onerous requirements. If people want to change the flooring, they have to apply and are charged a ridiculous fee. It has also spread to the management costs of looking after the ground around the premises. It is a scam, and it needs to be treated as such.

Sir Peter Bottomley: I think people will accept that. I ought to say that we are not trying to solve all the problems with all forms of housing in one short debate. I will try to limit my remarks and leave space for others to bring up issues, although we do not expect the Minister to answer every point today. The Government’s announcement was welcomed by most people in the field as a step forward that is less than is needed but is dramatically more than anyone had expected.

Hilary Benn (Leeds Central) (Lab): I join my hon. Friend the Member for Alyn and Deeside (Mark Tami) in congratulating the hon. Gentleman on the work he has done on this and on securing the debate. While the legislation the Government have announced to ban the practice in the future is, of course, very welcome, many people have already been caught by the scam, including constituents of mine who purchased leasehold homes from Miller Homes in my constituency, in Hunslet. They have found that the company that the freehold has been sold on to is now asking for unreasonable charges in order to buy out the freehold, which they cannot afford. Does he agree that, as well as the original housebuilders being asked to set up compensation schemes, as the Government propose, they should be required to do so? Otherwise, people can find themselves in a home that they cannot actually sell.

Sir Peter Bottomley: That matches the problems of some park home owners. If I had the time, I would get into the activities of Barry Weir, the Smart family and various others who have ruined people’s lives.
On solving the doubling of ground rents for residential properties, whether houses or flats, it is quite clear that there are three approaches that will work. The first is trying to deal with the problem with the first buyers. I congratulate Taylor Wimpey and Countryside on trying that, and pay tribute to them and their shareholders for making that decision. The Minister will write to the other companies to ask what they will be doing. I am grateful for that. However, that does not solve the problems for the second-hand buyers.

The second is changing the unfair terms, which are in either leasehold or some freehold contracts, where people cannot make changes without getting permission, which can be expensive. That is added to by the problem that, when a leaseholder or interested resident tries to challenge something, the property tribunals have not always worked properly.

The cost of a leasehold valuation tribunal was supposed to be limited to £500. However, as Mr Dennis Jackson discovered, he was about to lose £600,000 of equity after he and another elderly leaseholder challenged some costs. They were awarded three quarters of their claim, but then the costs went out of control. His home was going to have to be forfeited, and the surplus after the costs were paid would not go to him or his mortgage company—it would have gone into the hands of the freeholder. That cannot be right, and it has to change.

The law on forfeiture is another thing I hope the Minister considers. Is the freeholder to be regarded as trusted friends? There, when you want to extend and any valuation fee if you purchase any more. It is a way of dealing with things. When I raised that with the present leaseholder chairman, who I doubt will be chairman for very long—they did not respond in a way that I regard as proper.

My biggest condemnation is this. Who knew most about the problems of leaseholders? The advisory service that leaseholders would ring up. Who should pass on to Ministers that there are problems? The Leasehold Advisory Service, LEASE. Did it? No. Because it is pre-Christmas, leaseholders would ring up. Who should pass on to the Minister for Newcastle upon Tyne Central (Chi Onwurah) the problem of National Trust leaseholders be raised. I also want to pass on the strong encouragement from my hon. Friend the Member for Eddisbury (Antoinette Sandbach), who has a constituency engagement and cannot be here but wishes to be associated with all that we are saying.

How is it that past Ministers failed to get a grip or an understanding? One reason—I make this direct accusation—is that the present and past chairmen of LEASE, the Leasehold Advisory Service, were not up to the job. They were supposed to be the ones providing impartial advice to leaseholders and others. In practice—perhaps, they can argue, because they not properly or fully funded—they had to raise money commercially. Their idea of raising money commercially was to run a conference where lawyers, accountants, surveyors and freeholders came together to swap ideas on how to put one over on the leaseholders. Only when the Leasehold Knowledge Partnership charity started pushing did some of the leaseholders get invited to a little bunfight afterwards. The trustees of LKP were not invited to the conferences, but some of them decided to go anyway. That is a crazy way of dealing with things. When I raised that with the present LEASE chairman, who I doubt will be chairman for very long—they did not respond in a way that I regard as proper.

My biggest condemnation is this. Who knew most about the problems of leaseholders? The advisory service that leaseholders would ring up. Who should pass on to Ministers that there are problems? The Leasehold Advisory Service, LEASE. Did it? No. Because it is pre-Christmas, I will not use the sort of language I would be tempted to use if I were in a coffee shop. We then had the problem that staffing on this side of the housing department in the Department for Communities and Local Government was not strong enough. I am glad that there are now more people there who have more of a commitment to more engagement.

The Minister needs to have a quiet word. When embargoed notices of what was going to come out at midnight were sent out, every single journalist was obviously going to ring up Martin Boyd, Sebastian O’Kelly and one or two MPs who were involved, who had not had a copy of the embargoed press notice. It would be far more sensible to look on the major charity in this field as partners, not as people who need to be approached third hand for comments. As it happens, their comments were good and supportive, and I am glad they did that. However, I think the hon. Member for Poplar and Limehouse will agree that LKP should be regarded as trusted friends.
LKP is the secretariat for the all-party group. On behalf of all of us, I would like to pay tribute to it for all that it does, together with Katherine O’Riordan, who does so much work in preparing our meetings and roundtables, which has helped to raise the general level of understanding. While talking of praise, I thank the lawyers who have given advice to both us and Government on how to make changes that will work.

I had a whole series of other issues in my prepared notes. If the debate dies out towards the end, perhaps I will speak again after the Minister, but if my colleagues on both sides of the Chamber fill up most of the time, I do not mind. We can deal with the issues that I have not raised in detail either by correspondence or if, as I asked at business questions today, the Government hold a debate in their own time on their proposals. That will get a widespread welcome, and we can then work out the timetable, the modalities of making the change and how we can get the Law Commission recommendations to come forward as fast as possible.

We can then re-gather here in 10 years’ time and say that, since Christmas 2017, substantial progress has been made for new leaseholders, who will not be exposed to all these horrors, and on the ways forward for existing owners of leases, who will be messed up unless we make a change on extending leases and the costs of getting permission to do all sorts of simple things. Sir David, I think that this debate will be remembered not just for your chairmanship, but also because it has brought us all together to make change for the better.

I, 1.44 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): Sir David, it is a pleasure to serve under the chairmanship of a fellow West Ham United supporter; I know that you will show no favour. Your experience is very welcome here.

I am delighted to follow the hon. Member for Worthing West (Sir Peter Bottomley), and I pay tribute to him for his leadership on this issue over many years. I am proud to be his co-chair of the all-party parliamentary group on leasehold reform. I am pleased to see my right hon. Friend the Member for Wentworth and Dearne (John Healey), the shadow Secretary of State for Housing, in his place, demonstrating how seriously the Opposition take this issue. I am very pleased to see the Minister, who is highly regarded and who will take this issue forward. We are cheering from all sides of the House to give him a fair wind.

As co-chair of the all-party group, I wish to place on record my thanks to Katherine O’Riordan for her hard work for the group and for her professionalism, and to Martin Boyd and Sebastian O’Kelly of the Leasehold Knowledge Partnership, who act as our secretariat and have given us sterling support over the years, working with organisations such as the National Leasehold Campaign, which has been pushing on this issue for a long time.

I want to start by welcoming the Government’s efforts, including today’s announcement. Together with the housing White Paper, the consultation in September that led to today’s announcement, the call for evidence that the Government issued, the extra staff for the leasehold section of DCLG, more money for LEASE—despite our criticisms of the way it has operated previously—and today’s announcement all signal that the Government know there are problems. This will be the third time in recent decades that a Government will try to fix the abuses of leasehold tenure. The last two failed in 1993 and 2002. Hopefully this one will not.

However, today’s announcement must only be a start. Commonhold should be the real objective of our campaign. Although many people are clearly content with their leasehold properties, there are abuses for tens of thousands, if not hundreds of thousands, of leaseholders across England and Wales, and there are poor redress arrangements available.

Mark Tami: I praise my hon. Friend for all the work he has done. I very much welcome what the Government have announced, but a great number of people who already have leaseholds are affected, and it will obviously be very difficult for them to sell those properties. I know it is not easy, but we really need to get redress for those people as quickly as possible.

Jim Fitzpatrick: My hon. Friend puts his finger on the key point. We will be looking to the Minister for reassurance on the 5 million leaseholders who will not be covered by future regulation and legislation and many of whom are disadvantaged and are looking to the Government to address those concerns. I will come back to that later in my contribution.

According to House of Commons Library figures, my constituency has the second highest number of leasehold properties in the country. In 2016, it had the highest proportion of leasehold sales, at 97%. Only a couple of years ago, DCLG figures calculated that there were 2.3 million leasehold properties in England and Wales. Under pressure from the LKP and others, the Department adjusted that figure to 4.1 million, which is quoted often, even by the Library, as being a more accurate figure.

However, as the hon. Member for Worthing West mentioned, the LKP now estimates that there are 6.2 million homes provided with leasehold services. That means millions of homes and homeowners are vulnerable to inflated service charges, exorbitant insurance costs, a lack of tender transparency and poor standards of work—original or repairs—as well as refusal to recognise properly constituted resident or tenant associations, mismanagement of funds and other fundamental problems. I hope that the Minister will elaborate on how today’s announcement will help to address many of those concerns.

I want briefly to focus on the post-Grenfell fire safety costs being inflicted on many leaseholders. On Monday, I asked the Secretary of State for Communities and Local Government when he made his statement on Grenfell Tower and building safety whether he could tell us how many applications for the costs of cladding replacement and fire precautions, including fire marshals, have been registered with the first-tier tribunal by landlords and freeholders. In relation to meeting the costs of building safety, he said:

“I have made it clear that I expect private sector landlords to take the lead that has been shown by housing associations and local authorities.”—[Official Report, 18 December 2017; Vol. 633, c. 784.]

That is, that leaseholders will not be charged for the costs. David Orr, the chief executive of the National Housing Association, said in correspondence today:

“As freeholders of leasehold properties, our members”—
[Jim Fitzpatrick]

housing associations—
“have legal responsibilities as part of their leases and are therefore legally entitled to recoup the reasonable costs through service-charges”.
That is hardly a ringing endorsement of what the Secretary of State said.

Equally, information from the first-tier tribunal shows that 17 applications have been made to it. I would be grateful if the Minister confirmed whether those were to dispense with the full section 20 consultation process or to gain prior approval, under section 27A, of the amount the landlord proposes to spend on cladding and pass on to leaseholders. Ministers have been positive in asserting that costs for removal and replacement, and so on, should be borne by the owners, freeholders and agents, but the experience on the ground may be different.

In my constituency, for the New Festival Quarter development, HomeGround, Bellway, Pinnacle, Adriatic Land 6 and Family Mosaic have informed me—if many calls and emails—that they have secured confirmation that the works costs will be met, but the cost of fire marshals, originally set at £32,000 a week plus VAT, will be met by leaseholders. That figure, after much examination and pressure, is now down to just under £20,000 a week plus VAT, but will run from October to at least February 2018, and I suspect probably longer. My question to the Minister is this: does he think it is fair that residents should pick up the tab? It is obvious from previous statements that he does not, so what further steps can they take to protect themselves? To be fair, the housing association Family Mosaic is opposed to leaseholders footing the bill, but managing agents Pinnacle are not so inclined—certainly not so far.

Can the Minister tell us how many other blocks are affected across the country? Page 74 of Dame Judith Hackitt’s interim report, published this week, says: “In a significant proportion of buildings visited, fire and rescue services had to issue notices”.

As I understand it, these notices are known as NODs—notifications of deficiencies, not alterations, enforcement or prohibition notices. Can the Minister tell us—or perhaps write to us afterwards—how many NODs there have been, and how many developments have confirmed no costs to leaseholders?

Returning to the Government announcement today, the Minister will know that Lord Justice Bean, chair of the Law Commission, issued a statement last week, saying: “We are delighted to be able to confirm that Commissioners agreed that a project on residential leasehold and commonhold should form part of the 13th Programme and this has been approved by the Lord Chancellor.”

He goes on: “Our project will commence with a review of leasehold enfranchisement, commonhold and managing agent regulation.”

He concludes:
“On the basis of receiving funding from the sponsoring Government Department, we expect to start work immediately.”

The question for the Government is: have they confirmed that they have the funds to carry out that fundamental job?

In conclusion, leasehold is not only well past its “sell by” date or its “best before” date; it is clearly at its “time to do something now” date. The media have woken up to the abuses. We have had more coverage of leasehold abuse in the past three to six months than we have had for the past decade. House buyers and mortgage lenders have woken up, by not buying where possible and declining to lend on many properties. The Government have reached a point where they need to be seen to be doing something, and they are. However, it is only a start. There are more than 5 million home owners now exposed and vulnerable, with more joining them in almost every new development. Urgent and fundamental reform is required. The Minister is just the chap to deliver. He has allies across the House; many he can see here today and others mentioned by the hon. Member for Worthing West. The fact that we have 130-plus members of the all-party group for leasehold and commonhold reform across both Houses demonstrates that this is a huge issue for millions of people across the country. They are looking to the Government to deliver for them. I look forward to the Minister’s response and other contributions in this debate.

1.54 pm

Mr William Wragg (Hazel Grove) (Con): It is a pleasure to serve under your chairmanship, Sir David, on this, our last day of term. I congratulate my hon. Friend the Member for Worthing West (Sir Peter Bottomley) and the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) on securing this debate. As I am sure my hon. Friend the Member for Witney (Robert Courts) will agree, it was a worthy application when it came before the Backbench Business Committee, of which I am a member.

We all agree that there is a need to promote fairness and transparency for the growing number of leaseholders. Historically, leasehold arrangements have been used primarily to manage properties that share a single space and have shared facilities. Where leasehold is used in properties such as flats, it often makes sense, so that there is a collective responsibility for the upkeep of roofs, lifts and entrance areas, and so on. However, as we all know, an increasing number of new build homes are now being sold on leasehold terms when there appears to be no obvious reason why the freehold is not also sold at the point of sale, other than to create an additional revenue stream for developers.

The number of leaseholds, as we have heard, is growing rapidly. While leaseholds may be presented as a cheaper option than buying the freehold, it is not always clear to the leaseholder what additional medium and long-term costs they may face. There are terms of some leases that are becoming increasingly onerous to those purchasing the leasehold for a flat or a house, and they can often expose home buyers to unreasonable and long-term financial abuse.

Mark Tami: I have also been made aware that when a number of people bought these properties, they were encouraged by the house builders to use a certain firm of lawyers that, shall we say, may not have fully pointed out some of the potential problems when purchasing a leasehold property.

Mr Wragg: Indeed, the lack of transparency and information for those purchasing the leasehold is a problematic area. The hon. Gentleman is right to highlight that.
The issues that people face include: paying for ongoing and increasing ground rent, often at unjustifiable and unaffordable levels; paying arbitrary fees to the freeholder for permission to make even the most minor of alterations to a property; and the financial impact of extending the lease or buying the freehold from the developer after moving in.

Leaseholders in England will normally pay an annual ground rent to their freeholder or landlord for renting the land that the leasehold property is on. However, developers are increasingly selling leasehold properties with short ground rent review periods, often every 10 years, which allow for above-inflation rises. Indeed, there have been reports, as was mentioned earlier, that some of those rises have been doubling every decade, well above inflation. Worryingly, these terms are not always made explicit to potential home owners at the time of purchase, leaving buyers open to finding themselves in vulnerable and unforeseen positions years down the line. Even when full diligence was conducted at the time, the freehold and unforeseen positions years down the line. Even when 

Worryingly, these terms are not always made explicit to potential home owners at the time of purchase, leaving buyers open to finding themselves in vulnerable and unforeseen positions years down the line. Even when full diligence was conducted at the time, the freehold can still be sold on later to a third party, even after residents have moved in, by legally out-maneuvering leaseholders' right to refuse.

Sir Peter Bottomley: I can quote an example where, if the people had managed to buy the freehold from the developer at the beginning, it would have cost them between £2,000 and £4,000. A year later, when they applied to the so-called long-term freehold interest—often using pension money for purchasing—they were quoted £40,000. When they objected, that came down to £30,000, but they were still left being completed shafed.

Mr Wragg: There was certainly an iniquity there, which needs to be resolved.

Like many right hon. and hon. Members present, I am dealing with a number of cases and complaints on behalf of my constituents. I am pleased to be able to put some of them on the record in this debate. A resident of the new build estate at Strines in my constituency informs me that he is entering the fifth year of his lease, and the prospect of his ground rent increasing is causing him a great deal of trepidation. He is paying £250 plus a £300 service charge. Along with the worry about the additional strain on his finances, he is rightly concerned at the possibility of his property becoming less attractive for sale.

Several residents of the new build Offerton Park estate tell me that property developer Bellway recently transferred the freeholds to a financial management company called Adriatic Land 6, so they are now subject to above-inflation ground rent increases every 10 years. They were not offered a chance to buy the freehold themselves at a reasonable cost.

The residents of Davies Court in Romiley, with whom I had a very enjoyable meeting last month, and who are predominantly retired, face annual ground rents of £450. That is £450 being demanded from pensioners for the ground their houses stand on. The managing agency for the building, FirstPort Retirement Property Services Ltd, also charges residents spurious administration fees when homeowners carry out improvement works, such as installing fitted wardrobes or new bathrooms, at their own expense. The company even attempted to charge one retired lady an £80 administration fee when she bought a cat. She refused to pay.

These are just a few examples from my post bag that highlight the unfair and, in places, absurd situation.

Mike Amesbury (Weaver Vale) (Lab): A similar practice was highlighted just last week by one of my constituents in Winnington in Northwich. One householder tried to sell their property and put up a “For sale” sign, but because of various caveats that applied to the lease, she was told that she had to remove the sign. She could not post a “For sale” sign; does the hon. Gentleman not think that is scandalous?

Mr Wragg: I am surprised that the agency did not charge a ground rent for the “For sale” sign—that would have been more appropriate—but the hon. Gentleman is absolutely right to highlight that example from his constituency.

I am pleased that the Government are taking action through the recent White Paper to tackle the unfair practices that we see. Future homebuyers may be protected by limiting the sale of new build leasehold houses to exceptional circumstances. I also welcome the Government’s moves to tackle the scouger of escalating ground rents, with the intention to limit ground rents in new leases to start and remain at the peppercorn level.

While I welcome those measures, they really are just the first steps in achieving transparency and fairness for the growing number of leaseholders. They may make the situation easier going forward, but are far more difficult to apply retrospectively. The far more intractable problem—and the one facing my constituents whom I referred to earlier—is what to do about current homeowners on existing leases altering the terms of a lease part-way through. Ministers ought to consider what steps could be taken to help those already facing onerous ground rents or unreasonable and spurious administration fees. That could include, for example, steps to tackle unreasonable ground rent rises within existing leases at their next review period, or to strengthen the rights of homeowners for redress for unfair lease terms.

In conclusion, I welcome the Government’s plans to limit leaseholds on future new build homes and to cap ground rents, but I am concerned about whether any new legislation will retrospectively benefit homeowners already in this invidious situation. There must be more support for existing leaseholders, including making buying a freehold or extending a lease easier, faster, fairer and cheaper. Leasehold property law is a complex area, and not being lawyer myself, I cannot profess to be an expert. So I look forward to what the Minister, who no doubt has the excellent support of the legal team in his Department, has to say in response to the points raised. May I take this opportunity to wish you, Sir David, and one and all a very merry Christmas?

2.3 pm

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Sir David.

It is also a pleasure to follow the hon. Member for Hazel Grove (Mr Wragg). Like him, I welcome today’s timely announcement, but there is still a huge amount of work to be done in helping those who are caught in the leasehold trap like many of my constituents.

I first became aware of this issue around Christmas last year, when I was contacted by my constituent, Linda Barnes. She told me that her house, which she had
bought new from Taylor Wimpey in 2011 for £147,000, had a ground rent that doubles every 10 years and that had been sold on by Taylor Wimpey to E & J Estates. She had been quoted a price of £35,000 to buy the lease before it doubled.

Very soon after that, I heard from another constituent, Jonathan, who had bought a house from Countryside Properties in 2010 using the Government’s HomeBuy Direct initiative, which was later renamed Help to Buy. Jonathan said that he had been made aware that the development was to be leasehold and that an annual ground rent of £200 was payable to the owner of the land, Countryside Properties. Six months after he moved in, Jonathan received a letter informing him that the freehold had been sold on to a company called Tuscola Ltd, based in the British Virgin Islands. He was quoted over £6,000 to buy the freehold. He also discovered a doubling clause in his lease that meant that by 2055 the ground rent would be £1,600 per year. This is causing a great deal of concern, because by the time he reaches retirement age his ground rent will be unaffordable and will make his home unsellable. As Jonathan said:

“Considering the significant cost of new homes one would have thought that the last thing one should worry about is the land the house sits on and that it can seemingly be sold on from underneath you.”

Mark Tami: Although the property companies may not have done anything illegal, what they have done is morally wrong. They knew full well what those products were. They were making an extra buck on a financial product and they did not give a damn about what happened to the people they sold those properties to.

Liz McInnes: I totally agree with my hon. Friend and will expand on that point later in my speech.

I have been contacted by many of Linda and Jonathan’s neighbours, and they all tell the same story: that they were encouraged to use the developer’s choice of solicitor when they bought their homes, that they were not informed of the doubling clause and that the prices they are being quoted to buy the freehold are simply unaffordable. Many residents are rightly angry that the developers sold off the freehold to a property investment company without first consulting the homeowners and offering them the first chance of purchase. Many pointed out that the lease on their home is for 250 years, and if the ground rent doubles every 15 years, it will be £13 million by the end of the lease. If the Government do just one thing, they must ban this exponential growth in ground rent.

I am sure that some hon. Members will be familiar with the concept of grains of rice on a chessboard, with the number of grains doubling on each successive square. By the time the 64th and last square is reached, the grains of rice are a staggering 20-digit number: more than 18 quintillion, or 2 to the power of 64 minus 1. Clearly, any further attempts by developers to use this deceptive piece of mathematical trickery must be made illegal.

One couple wrote to me to complain that when they bought their property from the developers they actually posed for photographs and recommended the company to other prospective buyers, and that was posted on the developer’s website. The couple now say:

“We would very much welcome being able now to express our very different views and to tell the truth about you as developers on your website. We doubt very much you will give us that opportunity. You have turned what should be our happy home into a very expensive prison.”

Research from the House of Commons Library highlights the fact that leaseholders may be required to seek the freeholder’s consent before carrying out alterations, as many hon. Members have already said. I think that the publicity surrounding this leasehold scandal may have actually emboldened some unscrupulous landlords to make unreasonable demands on homeowners, and I have an example of that from my constituency.

Recently, I and my staff have been dealing with issues raised by residents who have received letters from a company named the Dean and Whipp Ltd Group, asking for money for retrospective ground rents and for payments for alterations such as dormer windows and extensions. These homeowners bought their properties after those alterations had been made. In one case, the homeowner actually discovered that the previous owner had in fact paid the landlord for the alterations to the home when they were carried out in 1978. The current landlord, Dean and Whipp, which had either bought or inherited the freehold, had obviously not checked whether payment had been received in respect of the alterations, and had just sent out the letters demanding payment regardless. That is something that looked to me very much like a fishing expedition.

The behaviour of this company, Dean and Whipp of Dukinfield, Cheshire, is outrageous. It has told me that it will deal only with either me or a solicitor but not both, seemingly missing the point that I can act on behalf of any of my constituents regardless of whether they are using a solicitor. I have written to the Housing Minister about this case, and so far I have not received a reply. As the Housing Minister is here, I would be grateful if, in his concluding remarks, he would say what action he will take to prevent those landlords from acting in such an arbitrary manner. Their actions are causing a great deal of distress to my constituents, many of whom are elderly and worried by the prospect of having to pay such large bills.

I hope that in addition to addressing the issues raised in this debate, the Minister will be able to give my constituents some reassurance that action will be taken against the sharp practice of companies such as Dean and Whipp, so that my constituents might enjoy a peaceful, relaxed and happy Christmas in their own homes.

2.10 pm

Robert Courts (Witney) (Con): It is an honour to serve under your chairmanship, Sir David. I join the chorus of well-deserved congratulations and thanks to my hon. Friend the Member for Worthing West (Sir Peter Bottomley) and the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) for securing this debate, and for all their work with the all-party parliamentary group. I entirely echo the comments of my hon. Friend the Member for Hazel Grove (Mr Wragg); this was a very worthy application. I also sit on the Backbench Business Committee, and from my perspective, the issue needs to be raised.

I first came across the concept of leasehold while studying for my law degree in Sheffield. As is often the case in university towns, lots of the law students lived in streets surrounding the department. I was studying for
my exams late one night when there came a knock on the door. There was a man there, on that dark, cold, wet winter’s night, demanding £2 for ground rent. When we went in the following day, it turned out that the same thing had happened to everybody on the same street; it had obviously been the annual whip-round. It became something of a curio—a legal curiosity that formed part of our studies as much as anything else—but in the years since then, it has become clear that the issue of leasehold on flats and houses is anything but a curiosity. It is absolutely iniquitous, and reform is needed urgently.

Let us assume for a moment that someone works hard at their job—perhaps they and their partner work all the hours that God sends—scrimping, saving and going without to put aside money for a deposit, and then goes to buy a house. In the flush of excitement at having successfully saved a deposit and secured a loan from a company, they agree to a ground rent of £200 or £300 a year. They might take that on, but as the years go past, they realise that it is simply another income stream for developers. In fact, it is a lot of money—more money than they can afford. Worse, as we have heard, the terms and conditions attached mean that their liabilities grow year by year. That flush of success soon turns sour.

Let us assume that someone buys a flat on a long leasehold term—99 years, for example. They may find after 15 years that they must renegotiate and ask for an extension of the lease. They may be granted one, at a cost of £5,000, £6,000, £7,000, £8,000 or more. They could enter into the process for leasehold enfranchisement, of which I also have experience; to earn money while I was waiting to go to Bar school, I worked for a while as a paralegal in the leasehold enfranchisement department of a law firm. I can inform hon. Members—although, of course, this audience needs no such information—that the law is fiendishly complicated and devilishly expensive. That is the situation in which leaseholders of houses and flats on long leasehold terms all over the country find themselves. It is iniquitous, and, as an hon. Member opposite said, it is a trap.

I suggest that reform is needed urgently. I will not speak for long, because I know that many others want to speak about their practical experiences and those of the constituents who have written to them, but there is a great deal that the Government can do. I am delighted to see today’s announcement, but as other hon. Members have said, it is the beginning, and there is much more to be done.

I am glad that legislation will be introduced to prohibit the sale of new build leasehold houses and to restrict ground rents, but as we can see, and as Members have said, the real issue is legacy leases and the people who are already in the trap, and I would like to press the Government on that in particular. What do the Government plan to do to support existing leaseholders by making it easier to buy a freehold or extend a lease? I have referred to both those points. They are extremely difficult and expensive at present, and I would like to know how they will be made easier, faster, fairer and cheaper. What role of the Upper Tribunal (Lands Chamber) might be extended in such circumstances? How can the law of commonhold, which was introduced but was not really taken off, be strengthened and extended?

This is not the time for me to go into the issue in any detail, but I would like the Government to consider that all of this grows from an historical anomaly. My example in Sheffield arose, as I understand it, from the fact that factories bought land and built houses on it, and that over time, different houses have been built but the land has been kept. The whole mess arises from historical legal points involving covenant law, and it all needs deep reform, root and branch. I ask the Minister to consider that. He might not be able to give me an answer now, but I would like to hear from him on that in due course.

I welcome the announcements made this morning about addressing the sale of new build leasehold homes, ground rents and loopholes in the law, but such law has no place in modern England. It does not exist in other parts of the world, as we have heard. Although I welcome what the Government are doing, I ask them to consider moving towards the long-term abolition of long leasehold tenancies in this country. They have already promised to do a lot, but much more can be done to help those who need help—those for whom affordability is a massive issue, and who find themselves in a trap that is complicated, expensive and not of their making.

2.17 pm

Mr George Howarth (Knowsley) (Lab): Thank you, Sir David, and merry Christmas. It is a pleasure to follow the hon. Member for Witney (Robert Courts); it was interesting to hear his experience as a law student. A ground rent of £2 was probably a bit of a bargain compared with the problems faced by many of our constituents.

The House of Commons Library notes on the subject point out that there was a spike in leasehold sales in the north-west of England; 69% of all new properties in the north-west were subject to leasehold arrangements in which the developer retained the freehold. Several hundred of those properties are in Knowsley. For those who do not know my stance, I am one of those people who is not quite sure what the north-west is, but whatever it is, we in Knowsley are getting the phenomenon on a large scale.

I pay tribute to the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick), who have been raising this issue for a long time, whereas many of us have come to it more recently through the experiences of our constituents. I will highlight a couple of points, and then say a few words about the measures announced by the Secretary of State last night.

First, others have made the point about the use of conveyancing solicitors recommended by the developer who also work for the developer. The best that can be said is that that creates the impression of a conflict of interest. From what constituents have said to me, there was a conflict of interest in some cases. The hon. Member for Hazel Grove (Mr Wragg) was right to mention a need for more transparency. There is also something inherently wrong about the same legal practice dealing with both the developer’s interest and the purchaser’s interest.

Buyers were not informed that they could purchase the freehold. I have ample evidence from many constituents, which I will quote, that that did not arise in conversations with sales staff. Even if they were vaguely made aware, they were certainly discouraged from exercising the option to purchase the freehold. To achieve that, they
needed a great deal of persistence, because it was part of the business model that the developer retained that interest, either to have continued income or to sell the freehold to another managing agent.

David Hanson (Delyn) (Lab): Does my right hon. Friend accept that many of the purchasers in my constituency—and no doubt in his—were first-time buyers using Help to Buy, who were not clear about the house-buying process as a whole? In the circumstances that he has mentioned, they find it even more confusing.

Mr Howarth: My right hon. Friend is absolutely right; that is another complicating factor. I will quote what some of my constituents have said about this—I will not name them because I have not asked their permission. The first said:

“Why were we not given the full facts of exactly what it was we were buying into? We haven’t bought a home, we’ve bought a license to live in the house until the lease expires. Please tell me, where is the security in that?”

Another constituent said that:

“we bought a Bellway home in Huyton unaware that Bellway were going to sell on the freehold to a private company without giving us the chance to buy. The increase is immoral and totally unfair”.

The third constituent said:

“I was never told I could purchase the leasehold although I now know some people on the estate purchased the leasehold at the time they were buying. I thought Bellway would manage the property for many years to come, not be sold off to the highest bidder who would raise their fees whenever they want to. I feel ripped off by Bellway”.

That is what some of my constituents say.

Most of the properties in Knowsley that I am talking about are houses—starter homes, as my right hon. Friend the Member for Delyn called them. On some estates, some flats are mixed in. One constituent asked my office to contact the developer of his flat, Redrow, to find out what would be involved in purchasing the freehold. Eventually, somebody called Steve at Redrow replied—“kind regards, Steve.” We got a reply; the company conceded that the residents in the flats could purchase the freehold, which, of course, is their statutory right. The end of the reply, from December, states:

“As you will appreciate the 2 month notice period is only a first step, and should give residents time to decide whether it would be something they would wish to pursue.”

A group of residents makes the effort to look at a freehold arrangement, but they only have until the end of January to find out where they would get the money from, and to find out whether a majority of them want to go down that route. I would think that that is almost impossible. Anyone who has ever been involved in a house purchase knows that these things take a lot longer than that. There is a lot going on.

I welcome the announcement by the Secretary of State. The hon. Member for Hazel Grove said, “So far, so good”. We hope that the work that the Law Commission will be asked to do will provide a way forward for my constituents who have bought new homes, although there is no guarantee. It worries me that a lot of those developers will see some kind of control or legislation that will curtail their activities looming ahead of them and will hurry to sell those homes so that they are not left with a liability. I realise that with potential legislation pending, that might not be the most attractive sale ever, but nevertheless it is a worry.

Mike Amesbury: In my constituency of Weaver Vale, Morris homes is selling houses in a development in expectation of the new arrangements, and literally on the other side of the street, people are caught in the scandal we are talking about. Their homes are simply unsellable.

Mr Howarth: My hon. Friend makes a very good point. Was someone else trying to intervene?

Hilary Benn: If my right hon. Friend is offering, I will.

Mr Howarth: I did not have my right hon. Friend in mind, but I can never resist giving way to him.

Hilary Benn: My right hon. Friend is most kind. Listening to the powerful testimony on all sides of this Chamber, peeling the layers of an onion to see the full nature of this scandal, does he agree that it is impossible to reach any other conclusion than that the developers are responsible for this? They must have known what they were doing and what they hoped to gain by selling the freehold on to others who then engaged in the sharp practice that we have heard about. They bear the responsibility. The law will stop them from doing it anymore, but they also need to compensate people. Bearing in mind what has happened to developers’ profits—Miller Homes, which I mentioned earlier, announced earlier this year a 44% increase in their pre-tax profits—they can afford it, and they have a moral responsibility to compensate people they have put in an untenable position.

Mr Howarth: I am glad that I gave way to my right hon Friend; the point he makes is right. People should be compensated for what has happened to them. It is disgraceful and it should never have happened.

I conclude by asking the Minister—I realise that it is quite a delicate thing to do—to consider whether the Government can discourage developers from disposing of freeholds to management companies until it is clearer exactly how this problem will be tackled? That would be very helpful. I realise that it is a tricky area legally speaking, as we heard from the hon. Member for Witney. Nevertheless, I would certainly welcome whatever could be done to discourage or freeze any further transactions for the time being, and I know that all my constituents who have been affected would welcome that, too.

2.28 pm

Mary Glindon (North Tyneside) (Lab): It is an honour to speak under your chairmanship, Sir David. I congratulate the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) on securing this debate. Notwithstanding the announcement that was made today, like other hon. Members I have a number of constituents who have been adversely affected by the vexed issue of leasehold versus freehold ownerships.

Many people in north Tyneside have purchased homes where freeholds have subsequently been sold to a third party that puts extortionate prices on the purchase of leases. One couple who bought their new home five years
ago were told that they could buy the freehold for about £4,000, but the sales rep discouraged them, saying that they would not have to worry about it for a couple of years. It was already an expensive time for them so they decided to take just the leasehold option. Since then, they have been informed that their freehold has been sold on twice. They contacted a specialist solicitor, but could not afford the fee to ascertain the cost of enfranchisement. They fear that they may never be able to buy the freehold and that they will be left with an unsaleable property.

Another constituent is caught in what is known as the “fleecehold” situation. She is a freehold owner of a new build house but has received an invoice for service charges from the estate management company on behalf of the developer. She was a first-time buyer and vaguely remembers something being mentioned about a rentcharge. When she queried it, she was told that she was buying the freehold and that that was an estate management charge towards the upkeep of the estate. She paid the amount via her solicitor for the first year and heard nothing about it after that, until she received an invoice a couple of months ago.

Subsequently, she looked at her responsibilities regarding the fixed rentcharge. She found that it had now doubled, with 43% of fees to be paid to the management company. What concerns her most is a statement in her transfer document that says that the rentcharge is associated with rights of re-entry and that if it falls into arrears, the rentcharge owner can repossess her property and enjoy the same rights as if the transfer had never been made. That was never made clear to my constituent. If she had known, she would not have bought her so-called freehold property.

My constituents are right to be concerned about finding themselves in such a position in relation to the biggest and probably most important purchase they will make in their lives. I am glad that 20 hon. Members, some of whom are here, supported my recent early-day motion on fleecehold, which asks the Government some of whom are here, supported my recent early-day motion on fleecehold, which asks the Government to buy the freehold and that they will be left with an unsaleable property.

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**Sir Peter Bottomley:** The hon. Lady’s early-day motion is very important. The Government should consult on whether it is possible to refer the matter to the Competition and Markets Authority and have that kind of clause struck out as unfair, unreasonable and unenforceable.

**Mary Glindon:** I am grateful for the hon. Gentleman’s straightforward statement.

It cannot be right that sales reps quote prices for the freehold but do not deliver, or that a freehold can be sold to a third party without telling residents. Nor can it be right that solicitors do not inform home buyers of the pitfalls, or that residents find themselves with charges and restrictions far beyond the original agreement.

The list goes on, but in the end, like my constituents, current home buyers are left worrying about what that means for reselling their houses. Although the Government’s announcement is welcome for future home buyers, I hope they take note of one of the country’s leading building societies, Nationwide—of which I must declare that I am a customer—which has changed its lending policy to protect people who buy new build leaseholds. It wants the Government to take action by preventing the Help to Buy equity loan being available for sites where new houses are being sold on a leasehold basis.

**Ruth George** (High Peak) (Lab): Is my hon. Friend surprised to hear that Nationwide’s pension scheme has purchased the freeholds of an estate of properties in my constituency, which will be managed by a company that charges similar rates and fees to those mentioned by my neighbour, the hon. Member for Hazel Grove (Mr Wragg)—around £100—to get any sort of pet? Should a company take that sort of action with one hand while asking for action with the other?

**Mary Glindon:** I hope that Nationwide is duly embarrassed by what my hon. Friend has said.

Unscrupulous developers and agents are profiteering on the backs of thousands of ordinary people, who struggled and worked hard to buy their homes. The Government have to go beyond what they announced and act now to end what nearly amounts to extortion.

**David Hanson** (Delyn) (Lab): I thank the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) for securing this debate. I shall say straight away that I welcome the Government’s action last night, which will be helpful for the future.

My concern, which relates to that of other right hon. and hon. Members, is about what happens between now and the point at which any legislation is implemented, and what happens for all our constituents who have faced difficulties and challenges in the past. Those challenges have been so difficult for some of my constituents that they do not want the estates and houses that they have been involved in to be publicly identified because they fear a further loss of income on any future sale of their property.

Before I ask the Minister some specific questions, I will touch on a number of key areas of concern—similar to those outlined by other hon. Members—that have been raised with me: first, the lack of information at the time of purchase, which has been mentioned already; secondly, the concerns and information around the onward sale of freeholds to third parties; thirdly, the issue of what happens on split sites, which my hon. Friend the Member for Weaver Vale (Mike Amesbury) mentioned in his intervention; and fourthly, the element of devolution.

On the lack of information, I feel like I am in an echo chamber. The points that have been raised with me have also been raised throughout the debate, but are worth repeating. My constituents, of whom many were first-time buyers purchasing with Help to Buy and who were grateful to the Welsh Assembly and the UK Government for helping them, were forced to use solicitors recommended by the building company; did not get an explanation about what freehold or leasehold mean; did not get an explanation about potential future charges; never had it explained that those freeholds could be sold on to a third party, which might impact on their finances at a future date; and were offered different prices by the same company for the same freehold.
[David Hanson]

For the same house and the same freehold companies offered £1,500, £5,000 and £7,500 at the same time at purchase. People said, “Well, I cannot afford that now because I am on a Help to Buy scheme. I’ll undertake whatever you think is best for me,” and the advice was to have the leasehold, so people have found themselves on that. We need to revisit that for the future and get some clarity from the Minister about what that means now for people who have undertaken that scheme recently.

Onward sale is important. I know that the Minister will deal with that for the future and will consider completely banning the sale of leaseholds as a matter of principle, but I have a situation now where my constituents bought a property and the leasehold from what they thought was a reputable company, but found that the freehold has been sold on to a third party. Shockingly, my constituents did not even know and were not offered the chance to buy it at that time. In one example, one person happened to see the sales director of the company on site and asked to buy the freehold, which was sold to them, but the freeholds of the other 21 properties were sold to a third party. Only later did my constituents find out that that sale had taken place. They were not offered the chance to purchase as a first port of call, even if they had wanted to.

Sir Peter Bottomley: I think I am right in saying that the law is that if they had been in a residential flat, the freehold could not have been sold without it being offered to them. That should have been the law for the houses, but I suppose it was not because no one imagined that anyone would ever sell a leasehold house again.

David Hanson: I am grateful for that clarification.

This is not about the future; I am sure that the Minister is already receiving representations on a cross-party basis about what should happen in future. It is about how we deal with the past. For example, my constituents who wished to purchase the freehold from the company that had bought it—as they found out only at a late stage—not only have to pay an initial investigatory charge of several hundred pounds, but a premium of £1,000 on the purchase price. Many of the people in that position are either first-time buyers or retired. One of them, a former constituent of the shadow Secretary of State, my right hon. Friend the Member for Wentworth and Dearne (John Healey), who moved to my area to retire, has raised the issue with both of us. What is the situation with buy-back at a fair price and with fair charges? How will the Minister deal with those issues?

I mentioned split sites. There is a very big development site in my constituency, and when this scandal broke halfway through the development, the company in question decided, “Let’s get out of this quick—let’s forget this and try to limit our liabilities. We’ll sell the freeholds to the customers buying the houses.” Half the massive estate of 400 or 500 houses now has a leasehold with the company, and the other half is being developed without leasehold. How will somebody who has bought one of the houses with a leasehold ever be able to sell it, when—as my hon. Friend the Member for Weaver Vale pointed out—owners of houses on the other side of the street have a different situation as regards the leasehold and potentially different liabilities? Nobody will buy a house from the half of the estate with leaseholds if they can buy one from the half without.

I approached the company, which I will name; it is Persimmon, whose chief executive’s bonus this year was £118 million. When I asked whether it would sell or give the freehold to my constituents on the same basis as to two others, the answer was no. It said that it would sell it for £3,750—at a time when it is giving £118 million to the chief executive alone. My constituents, who have stretched themselves to buy their house in the first place, cannot afford to pay that. I then asked the company whether it would ensure that it did not sell the ground rent on in the meantime. Very gratefully, I am sure—that was sarcasm, for Hansard’s purposes—its reply said that “we will not sell the ground rent to any third party until at least two years following the purchase of their leaseholds. In the circumstances we are prepared to confirm a minimum date of 14 July 2019, being two years from the date of our meeting.”

So Persimmon has said that it will not sell that on for the next two years, but there is no guarantee beyond that. My constituents cannot sell their houses, because over the road similar houses are being sold as freehold, but they are finding it difficult to pay the £3,750 because they are already stretched. That is particularly important for the Government, because many of these people are on Help to Buy. When the value falls, not only do the constituents struggle, but the Government lose out on any potential sale.

My last point relates to my personal circumstances. My constituency is as near to England as the south side of the river Thames to the House of Commons; we are literally two or three miles across the border. My hon. Friend the Member for Aln and Deeside (Mark Tami), who was present earlier, is in a similar situation. The majority of houses in my constituency are built by companies based in Manchester, in the north-west of England. What discussions has the Minister had with the National Assembly for Wales, which has devoted responsibility for housing issues, about his proposals and plans for the future? If he introduces a ban in England, will it cover companies based in England on sites based in Wales? If he introduces regulations, what will the parallel consequence be for the National Assembly for Wales? My constituents are using these schemes, but the materials have been made in England, the profit is going to England and the policy was developed in England. That needs to be clarified, so will the Minister tell us what is happening with the Welsh Assembly?

I have three solutions for the Minister. First, he could work with the National Assembly for Wales, as well as in England, to give a definitive right to buy to constituents who have a leasehold with a third party or a particular company. There is even an argument that he should exert real pressure for a right to be given the freehold as part of the price. In my constituency, houses are being sold at the same price freehold as they are leasehold. That is simply not tenable. It is an extra piece of profit for a company that is already paying its chief executive £110 million.

If the Minister cannot get freeholds given freely, he needs to consider a price cap—and if he cannot solve that problem, he should at least consider a price cap on the charges that may accrue for future generations. The continued rise of the price as regards leaseholds is
not acceptable. If he cannot find a mechanism to compensate people, he could legislate to freeze the price at its current level.

The Minister should also consider helping people who have bought a house on the Help to Buy scheme, but who now wish to actually buy what they thought they were buying in the first place: the land on which the house was built. Introducing a mechanism to give financial support to them to buy the freehold would be an extremely good contribution.

I welcome what the Minister has done so far. I know that we are in a pickle and a mess, although in a way I am relieved to hear that the problem affects not just people in Delyn and north Wales, but many others. There are real challenges for the people who are in this mess, and the Government and the Welsh Assembly have a duty and a responsibility to try to resolve it.

2.46 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I thank the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) for introducing the debate. I also thank our colleagues in the Leasehold Knowledge Partnership, who have been a great help to me, both as a constituency Member and in my former housing role on the Opposition Front Bench. Frankly, they have been doing the work that LEASE should have been doing, but they have not been funded to do it by the Government. They have done a sterling job representing leaseholders and supporting the Members, local authorities and others who have supported leaseholders in recent years. I was on the Front Bench when we debated leasehold and commonhold reform on 20 December 2016—a year and a day ago—but I will not repeat the arguments of my speech in that debate, which can be easily found.

There are many leaseholders in my constituency who live in the blocks of flats that have been built there in recent years, particularly in Brentford, my home town. Things have moved on in the past year, and many of us are grateful for the new tone from the Department, which can be seen from the release that it issued last night at midnight. Relatively recently, however, we have seen a racket growing, particularly from developers.

Ground rents for houses mean that people who had thought they owned their home actually own a depreciating asset. The racketeers are withholding the right to own and the right to manage. Freeholds are being sold on without notice. Links between freeholders, conveyancing solicitors and managing agents are far too close. People are having fees demanded of them on conveyancing that the solicitors did not originally tell them about, as well as fees for changes to homes, building extensions, sub-letting and so on. I was perturbed to hear from my hon. Friend the Member for Heywood and Middleton (Liz McInnes) of people being charged again down the line.

That is absolutely shocking. The examples we have heard already in this excellent debate show that elements of the private sector, instead of doing their job as developers and in some cases managing agents, are frankly taking homeowners for a ride, and that has to stop. We have heard about a series of things that are symptomatic of how freehold ownership has become an asset class in itself. Money is being made not on buying and selling, but on owning and ripping people off, and that has to stop. The extent of the problem is illustrated by the fall in the share price of McCarthy & Stone and other developers on the back of the Government’s announcement this week. That shows how much of their asset value is based not on what we should think of as their core business, but on these appalling practices that we have been hearing about.

I am grateful to the Government for the movement they have made on new build leasehold houses, ground rents and protecting leaseholders from possession orders. I also welcome the additional staffing in DCLG, and I hope that those things are an indication of a new-found commitment to serious change. Will DCLG fund the work recommended in both parts of the Law Commission’s report? The first part recommended a simplification of the law and improved fairness and transparency for leaseholders. The second part of its release earlier this week looked at the assignment of leases under new contracts, ground rents, which the Government mentioned, high fixed service charges and fees on assignment.

The single biggest opportunity for the Government is the introduction of a commonhold law that works. England is perhaps unique in that we have a lack of ‘true’ owners for the owners of flats. We have not had a commonhold law similar to that of Australia, or to Scotland. Previous Tory and Labour Governments have tried introducing commonhold law that works, and my right hon. Friend the Member for Wentworth and Dearne (John Healey) tried to do that. I am sure he will refer to that later this afternoon. Let us have another go at ensuring we get a commonhold law that works, because it would put a permanent end to the racketeering practices we have heard about today. The Minister can be assured that if the legislation he proposes is good, he will have support from many Opposition Members.

Among other things, the Government need to end the false departmental divide between the Ministry of Justice and DCLG and bring all the issues into one place. Like other Members, I ask the Minister to address the situation of the hundreds of thousands of victims of the current law who seek recompense for the failures so far. We cannot let them be left high and dry. We also need to address the challenge for residents’ groups in leasehold blocks of flat. Let us not forget that residents’ groups work as volunteers. Many have gone through or are going through the ever-twisting hoops to set up a resident management company. Some are trying to seek ownership. Even when they do not have the kind of freeholder that we have heard about today, that is a lot of work in their own time, and they need recognition and support for that. I hope the Government will take that into account.

Finally, I want to talk about post-Grenfell fire cladding. In my constituency, we have more than 300 leaseholders in the Blenheim Centre in Hounslow. The freeholder, Legal & General, has agreed to pay the full cost of the recladding that will need to be done and the back pay of the fire marshals, who were costing the leaseholders an awful lot of money. The total bill could be £10 million. I am also pleased that Notting Hill Housing has agreed to fund the recladding in the modular housing at the Paragon development in Brentford. That is not because it was inflamed by the Grenfell fire, but because of the lack of fire breaks. My understanding is that those two cases are exceptions to the rule. There are an awful lot of leaseholders...
in flats across England where the freeholders are not prepared to pay the cost of re-cladding. There is an awful lot of uncertainty, and we have not seen a response of any substance from the Minister. We look forward to hearing that today.

Sir Peter Bottomley: The hon. Lady has raised a point that the hon. Member for Poplar and Limehouse also raised. LEASE has been given extra responsibility for trying to help people living in blocks that may be affected by post-Grenfell issues, but what is presently on the LEASE website is totally inadequate. It may be a start, but it is not good enough. LEASE should get together with the LKP to use the LKP information. That information has already been of advantage to a number of residents, and it could be of advantage to more. It will not solve all the problems, but why not try to put all the information together, rather than staying away from some of the people who have been helpful and putting responsibility on those who have not?

Ruth Cadbury: I concur with the hon. Gentleman’s comments. He is absolutely right. Mere words of comfort and a promise of mediation are not what leaseholders are looking for. Many leaseholders are working people or retired. All of their wealth and quite a lot of debt is tied up with their homes, and there is an awful lot of stress and worry across the country on the issue. I hope we will get something from the Minister today.

All that is left for me to do is to wish merry Christmas to you, Sir David, to fellow Members and to the many parliamentary staff who make our jobs possible in this place.

2.57 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): Thank you for calling me in this debate, Sir David, to add my voice to the pertinent points that have already been raised. I also thank the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick)—they lead the all-party group—for securing this debate and all the work they have done to date.

Mr Peter Bone in the Chair

This problem is very big in the north-west of England, but based on the contributions today it is clearly a nationwide problem. The Library has provided information on the constituencies with the highest proportion of leasehold sales of houses. Seventeen of the top 20 constituencies in the country are in the north-west, and 14 of them are in Greater Manchester, so the problem is at epidemic levels in my part of the world. We sometimes hear the argument that there is somehow a market with varying costs between freehold and leasehold properties, but that does not apply to us when the majority of tenures sold for houses or flats are leasehold.

I am genuinely shocked by the stories I hear in my constituency and that we have heard in this debate. I am not a man prone to hyperbole, but I would go so far as to say that it is the only fair description of the practices we have heard about in this debate is legalised extortion. There is simply no relationship between the services being rendered and the costs charged for them.

I will be as brief as I can because so many colleagues wish to speak, but I want to give a number of examples from constituents—all of whom were only too happy to be mentioned in the debate to illustrate the point about the costs being extorted in relation to the services offered. Gemma Hornbuckle lives in Ashby Gardens in Hattersley in Hyde. She says that the charges she is facing are “only getting worse to the point where we are unable to keep up with the payments. They are making the properties worthless and causing that much upset and stress that we need something to be done urgently.”

Gemma is paying £2,000 per year, and her costs, when she receives them, are not itemised. She says that the bills that are sent are confusing, and the penalty charges if she does not pay are outrageous. Let me tell hon. Members about the latest development, which is hard to believe. She says that the latest bill includes a quote for the 18 apartments in her block to be decorated. Of course, by that I do not mean the apartments themselves, but the communal areas—just the hallways. The quote for that work is a staggering £32,000. I do not see how anyone could stand up and defend that.

Mr Stuart Ryan, another constituent, lives in the same area. He says he did not know about the costs, but was told by the management agent that they are simply part of the terms of sale and are in the deeds. Colleagues who know a little bit about Greater Manchester might know that Hattersley is one of the most successful urban regeneration housing schemes in the country. It took a huge amount of resources under the last Labour Government, and was originally one of the overspill estates from Manchester City Council. It is a fabulous story of urban regeneration and success, and activities such as this are frankly blighting that very successful legacy, which is extremely distressing to hear.

Another issue is what happens when constituents try to solve the problems using the apparatus currently available. Another constituent, Simone Potter, says that she inquired what the charge would be for the purchase of her freehold. She was told by her management company that there was a charge of £180 to make any inquiry—£180, just to ask them a question. When she made the inquiry, they came back to say the freehold was not for sale in any case.

Alison Hinchcliffe also inquired what the cost would be to purchase her freehold. After a number of attempts to negotiate a fair price, she was told that her only recourse was to go to a tribunal. Of course, that will instigate a whole series of court costs. She is waiting to see whether the Government will take decisive action to give her a more obvious and satisfactory remedy.

I could go on, and I imagine many colleagues have a range of stories like this. I will share just one more story, from someone whom I know. She is not from my constituency and did not want to be named, but I can say that she is a key worker—a police officer. She bought her property this year. She was told by her management company that there was a charge of £32,000. I do not see how anyone could stand up and defend that.

She was told that the service charge would be nearly £2,000, but that it would be split into two payments during the year. Last Monday, she received a bill for the whole £2,000—seven days before Christmas, which would not be easy for anyone. She says that the request for payment does not contain any of the basic information she would have expected. She says that the request for payment does not say when the amount is due, nor whether she has to pay before or after Christmas. It does not explain why they are charging for service works that pre-date this company taking charge of the development.
That cannot be a reasonable cost for her to pay. It does not say how the costs have been calculated, which is crucial because there is a term in her contract that says that any underspend will be credited back to tenants. It does not give any information on how they have reconciled the accounts to comply with the terms to which people have already signed up. She says:

“The whole world is murky and as it currently stands as with most housing issues it relies on tenants organising themselves and individuals dedicating enormous effort legally and financially to fighting these companies who are failing to deliver services for the money charged.”

I think that is an entirely fair description of the status quo, which is clearly unacceptable. It is superb to see so many colleagues from across the House, and the Government, saying that they are willing to take action, as this issue is clearly damaging a great many lives.

My right hon. Friend the Member for Delyn (David Hanson) talked about first-time buyers. We have all been in that position of moving into a newly-built property, perhaps with a spouse or partner, for the first time and thinking about the carpets, flooring, fixtures, and furnishings. Purchase of the freehold, even if it is offered, will always be a more abstract and less tangible thing to think about purchasing. It is easy to see how so many people have found themselves locked into this trap. Clearly, this issue will also cause severe damage to the housing market. As my right hon. Friend said, if somebody has an option about whether to be put into this trap, perhaps in a similar development on the same piece of land in the same area, it is pretty clear that they would not voluntarily get themselves into that position.

In terms of remedies, it is clear from today’s debate that no more properties should be sold with this form of tenure, but clearly there must be a straightforward right-to-buy formula that is standardised and national, in order to avoid the kind of regulatory arbitrage that we have heard about today. I think a price cap on not only the overall cost but the charges that can be levied for inquiries and questions would be entirely fair. I also do not think it is too strong to propose that some of the costs should be rendered void as unfair contractual terms—particularly those provisions about doubling the costs, which my hon. Friend the Member for Heywood and Middleton (Liz McInnes) described, with the overall cost, when considered in aggregate, an absurd amount of money. The closures on forfeiture are, to my mind, entirely unjust, and should form no part of such a leasehold contract.

If solicitors have been recommended by the developer and that has led to a substandard service, clearly the Law Society should look at that, but there have been several examples in British legal history of courts finding that contracts should never have been entered into because people signed up to unfair terms, because the advice was not sufficient, or because quite simply the contract should not operate in that way. I am thinking, for instance, of local authorities and interest swaps in the 1980s. Those contracts were rendered void. That needs to be considered. I am really distressed to hear that some pension funds may have entered into this as an asset class, particularly because I cannot believe that with their expertise they would not know what they were entering into. Anyone with any sense of political risk would understand that this issue might be something the Government would look at, no matter who was in charge.

Sir Peter Bottomley: It goes a stage further than that. There is a case going to appeal—the Stanley v. Mundy case—where the Wellcome Trust, which bought freeholds from the Henry Smith Charity, has managed to persuade a property tribunal that the rate at which people pay for extending leases should be much higher than at present. In fact, most of the evidence is that it should be lower. Governments should get involved in that and produce a chart that gives fair prices. If freeholders want to challenge that, they should guarantee to pay the costs of the leaseholders—not the other way round.

Jonathan Reynolds: I absolutely agree. My distress is even greater after hearing about that situation; action like that will cause great distress across the country. As I say, I cannot believe that any organisation to whom leases have been sold on, these leaseholders, asset classes, or any pension fund that has got involved in investing in them, would not have made a reasonable assessment of the political risk involved. It is clearly unjust. I cannot imagine any colleague from any party standing up to defend the kind of constituency examples that have been shared in today’s debate.

The time is clearly ripe for action, and there is clearly a consensus for strong action. My only plea to the Minister would be this: for many constituents, this matter is urgent. It is blighting their lives and affecting their quality of life. It is clearly affecting the liquidity of the housing market, and whether people can make reasonable decisions about their households going forward. We need the action to be as swift as possible. Clearly, it is not straightforward and there are issues to resolve, but I cannot believe that anyone who has listened to today’s debate, or others that have taken place, would not agree that there is consensus for political action. Please, Minister—let us get on with that as soon as possible.

3.08 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Bone. I, too, congratulate the hon. Member for Worthing West (Sir Peter Bottomley) on securing the debate, on the way he has, alongside my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick), campaigned on the many abuses in this sector, and on the way they have both led from the front with their joint chairing of the all-party parliamentary group on leasehold and commonhold reform. I am proud to be the group’s vice-chair. They have been superbly assisted by the Leasehold Knowledge Partnership, about which we have heard today. Collectively, they have all done a great job in bringing this issue to the attention of parliamentarians and members of the public.

I first spoke on this subject in the Chamber almost a year ago, at which point I described the scandal as the “payment protection insurance of the house building industry.”—[Official Report, 20 December 2016; Vol. 618, c. 1342.]

However, as more serial failures, incompetence and greed have emerged, I do not believe that such a description does it justice—and it is justicethat millions of householders up and down the country now seek.

Where do we start with all this? We know that leasehold has been around for a very long time and has always had problems, particularly in relation to flats and buildings with common parts. However, in recent years it has become a cash cow for developers—household names,
[Justin Madders]

whose reputations have rightly been damaged because of their avaricious approach to the very people who now find themselves unable to sell their homes, long after the developer has fled the scene. I am still waiting for someone from the house building industry to come up with a credible explanation as to how doubling ground rents provides any benefits to the leaseholder. I have heard countless tales about what salespeople say in the show home, how the nature of the tenure is not raised until very late in the day when commitments have been made, and how advisers have failed to inform purchasers about what they are being asked to sign up to.

It is also disappointing to see a certain smugness in some quarters regarding those who purchased leasehold houses, with suggestions that they should have known better. That ignores several factors, including the fact that many purchasers seem to have been let down by the advice that they received. One example that recently emerged was a property ombudsman case in June, where a long-term leasehold had been described as “virtually freehold” to purchasers, which is on a par with being a little bit pregnant. Ultimately, the ombudsman found in the purchaser’s favour that there was no such thing as a property being virtually freehold, and directed the sales agent to return £1,100 in legal and survey fees, as well as an additional award of £200. The fact that such a paltry penalty has been applied shows the desperate need to reform the market. Just over £1,000 refunded for a blatant mis-description of the biggest purchase anyone is likely to make is hardly a deterrent to those wanting to make a fast buck.

If so many people say that they feel they were not fully informed about what they were being asked to sign up to, I can only conclude that the problem does not lie with them. A survey of my constituents found that 92% who had used a recommended solicitor said that they felt they were not fully informed about the ground rent terms ahead of purchasing their home. That goes down to 71% for those who had chosen their own solicitor. Almost two thirds of those who responded said they had used a solicitor recommended to them by the developer, a figure that increased to 77% among those who had purchased their property using the Government’s help to buy scheme.

We have heard anecdotally that purchasers have felt pressured to use a solicitor recommended by the developer, and in some cases they felt they were required to use a recommended solicitor. In other cases they were told that only a recommended solicitor who was familiar with the development could meet the short amount of time imposed by the developer to complete the purchase. Again, why developers were insisting on time limits as short as four weeks to complete purchases is something I have never had an adequate explanation for. We wrote to all the main developers and a number of recommended law firms to ask them questions about this practice. They all denied that they required or pressured customers to use recommended solicitors, but some admitted advising purchasers that panel solicitors would be able to deal with conveyancing more quickly because they had experience of the sites and processes.

Ruth George: I thank my hon. Friend for all the work he has done on this matter. Some of the practices involve offering incentives to people such as a kitchen upgrade or curtains and carpets being included in the purchase, but such incentives would be forfeited if they did not complete the sale within the prescribed amount of time, thus making people feel they have to go ahead and complete quickly.

Justin Madders: My hon. Friend is absolutely right. As we heard earlier, when people purchase their home they are focused on the tangible things, not the intangible concept of leasehold and freehold, which in the long run is the most important thing, which is why we are debating it today.

It is fair to say that some solicitors have more familiarity with practices, but the suggestion that there was no actual requirement to use particular solicitors has been exposed. We asked developers a simple question: “Do you make offers that are subject to the use of a nominated solicitor?”

Barratt Homes told us: “Our policy is not to make offers contingent on the use of any particular solicitor.”

However, its old terms and conditions state: “All Barratt offers are subject to the use of a Barratt nominated Independent Mortgage Advisor and Solicitor.”

Persimmon told us: “It is not company policy to do so.”

Its old terms and conditions state: “NewBuy scheme is available subject to status, terms and conditions and using a Persimmon-nominated solicitor and/or financial adviser as necessary.”

Taylor Wimpey simply told us no, but its old terms and conditions state: “Applicants will need to use a Mortgage Broker and Solicitor from Taylor Wimpey’s panel.”

Despite leaseholders paying for legal advice from solicitors who had a duty to act in their best interests at all times, the recommended solicitor model put the relationship between client and solicitor in danger of being a secondary concern.

Bannister Preston is one of the larger firms representing clients caught up in the leasehold scandal, including many from my constituency. However, at the same time as it was doing this, according to its Twitter feed it would often visit developments and make comments about the homes such as: “quite unbelievable properties, spec and finish.”

Although that description might be true, it was also asked to speak at numerous meetings and training events held for developers, and seems to have enjoyed their hospitality on various occasions. I will not go through all the tweets now, but one from December 2013 sticks in my mind. Staff were invited to a cocktail-making event with the team from Taylor Wimpey and joked about having a hangover. When they woke up the next morning, full of regret for what they had done, wishing they could go back and change it, they had a minor glimpse into what life is now like for many of my constituents stuck with unsellable homes. This might all be innocent, but the perception, at least, is such that the developers need to come before a Select Committee to explain the precise relationship they had with solicitors.

We are pleased that the Government have responded so positively to the consultation on ending unfair leasehold practices. It seems they will address many of the concerns
raised, but I hope that when the Minister replies he will address some of my outstanding questions. Many concerns relate to the ongoing situation that leaseholders find themselves in. The proposition for ground rents to be zero in new long leases is welcome, but there appears to be nothing to tackle the existing leases with onerous ground rent clauses in them. Many are now at the tenth anniversary date, when the ground rent doubles, but it appears from the Government’s response that we cannot expect anything to outlaw that particular scam. There also appears to be nothing to deal with the many hidden clauses and charges in leases that come to light only when someone wants to build an extension or even ask a question of their freeholder. Does the Minister agree that charging £108 to ask a freeholder a question is indefensible? What is he going to do to bring relief to those lumbered with such fees?

I hope the Minister will be able to tell us more about the likely timescale for discussions with the Law Commission on making the purchase of freeholds easier, faster and cheaper. He will know from the private Member’s Bill that I presented only last month that that is exactly the system we want to see introduced. I hope he will write to me and other Members of the all-party group to discuss how we can bring the matter to a swift conclusion. As we have heard from Members today, people desperately want a solution. There is a constant stream of cases, bringing different arguments to the property tribunal about the fees and costs for lease extensions and purchases. Wealthy landlords are refining their arguments in every single case to maximise their income, and they inflict further pain on the leaseholder by making them pay for the privilege of having their case tested in the courts. Action cannot come soon enough to end that racket upon a racket.

Only this week I have had two examples from my own constituency of how the current system is not fit for purpose. The first involves Redrow, which is building a lot of properties in my constituency at the moment, mainly three and four-bedroom detached properties, which, for reasons I have never understood, are sold on a leasehold basis. As the Prime Minister has said, there is no good reason for such houses to be sold on that basis, and it appears that even in this case the developers cannot see a way out of it. Possibly in anticipation of today’s announcement, Redrow has said that future stages of the development will be sold on a freehold basis, which is good news, but of course leaves the question of what to do with the existing properties. As we have heard from other Members today, that creates concern about the future saleability of those properties. I understand that Redrow has agreed to sell the freeholds directly to the leaseholders at a cost of 26 times the ground rent. No explanation has been put forward as to why that figure has been arrived at, but it works out at around £6,000 per property, which is money that not everyone can easily lay their hands on. If everyone does purchase the freehold, it will lead to Redrow pocketing a cool half a million pounds for doing absolutely nothing at all, which highlights perfectly the parasitic nature of leasehold.

Another example highlights a scandal that we need to return to in the future: the practice of spurious service charges. I was contacted the other day by a constituent who received a bill from a management company in charge of a block of four flats in Ellesmere Port. There are no significant common parts, so the service charge has usually been around £50 a year. All of a sudden, with three weeks’ notice, the leaseholders have been asked to find £911 by the managing agents, Compton property management. We have a breakdown of on charges, although that raises more questions than answers.

One of my constituents tells me that the only common part is a stairwell that is not cleaned and there are no communal electricity charges, but those are being levied on him, along with grounds maintenance and repairs fees, which again appear to relate to services that are not delivered. As a final insult, there is a separate invoice for landlord building insurance, which is described as a service charge and insurance contribution, and it is payable to a company called Compton Insurance Services Ltd. It appears it has not heard of compare the market; more like corner the market.

Some developers, in recognition of the toxic nature of some of the terms attached to their leases, have introduced a scheme whereby the doubling of ground rents can be converted to the retail prices index at the developer’s expense. Taylor Wimpey has led the way in that, but has not been quite as gallant as would at first appear. Not only do other onerous covenants and charges remain in the leases after conversion to RPI, but the leaseholders are required to sign an agreement saying that the arrangement is in full and final settlement of any claims they may have arising from the lease. Why is that insisted on, if nothing has been done wrong in the first place?

Serious questions need to be asked about how the freeholds are passed around from one company to another, sometimes outside this country in tax havens, with secrecy about the ultimate recipients of the substantial income coming from the leases. It cannot be right that in the 21st century the biggest purchase that most people will make in their lives is in the hands of unaccountable, uncontactable modern day lords of the manor who just see people’s homes as an entry on a spreadsheet.

It is clear to me from talking to the many people affected by the scandal that when they bought their houses they thought they were doing just that: buying their home. They never contemplated for a moment the possibility that the true owner of their home would be someone whose identity they might never know, who could sell on their interest in the property to someone else, without their knowledge or consent, and that they would be lumbered with fees and charges that would make the likes of Arthur Daley blush. Let us reform the rotten system without further delay, but let us also get answers. Developers need to explain before a Select Committee how the duping of their customers was allowed to start in the first place, how much profit they have made out of this scam, who conceived of leases that now nobody will sign up to, how many properties were made leasehold needlessly, what role lenders and solicitors had in getting leases passed that nobody would touch with a bargepole now, and who exactly are the beneficiaries of the leases now. Until we know the answers to all these questions, we cannot be sure that another abomination of this nature will not happen again.

3.21 pm

Ruth George (High Peak) (Lab): I pay tribute to hon. Members who are present for the debate, and in particular the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friends the Members for Poplar and
I welcome the consultation response about making sure that there is a set formula for buying freeholds by summer 2018, with legislation as soon as can be arranged. However, there are people now in the predicament that they bought a leasehold home and, for various reasons, need to sell it. Some may need to move to assist elderly relatives who need care, or to follow career prospects. Will the Minister consider the possibility mentioned by the hon. Member for Worthing West of reforming the system by which at the first tier tribunal the leaseholder must meet their own legal costs and those of the freeholder? That is used to rip off leaseholders; freeholders instruct Queen’s counsel and rack up the legal charges. I hope that such a reform might be a short, quick-fix solution that would help people who are now in a predicament.

I welcome what has been said in the debate and the response to the consultation, and hope that Members on both sides can work together to make it a happier new year for leaseholders in all our constituencies.

3.27 pm

Matthew Pennycook (Greenwich and Woolwich) (Lab): It is a pleasure to serve under your chairmanship, Mr. Bone. I want to add to the praise that has been heaped on the hon. Member for Worthing West (Sir Peter Bottomley), my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick). Leasehold Knowledge Partnership and everyone involved in the all-party group. As we have seen, the debate encompasses an extremely wide range of issues—not least the scandal that so many of my hon. Friends have spoken so passionately about. There are many issues that affect my constituents, from the need for greater transparency about service charges to the huge problems many leaseholders face when trying to rectify damage caused by accidents such as flooding—which might be thought a relatively simple thing.

Today I want to focus on just one pressing issue that is of great concern to hundreds of my constituents—and, in doing so, build on the comments of my constituency neighbour, my hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury). The issue is liability for the costs associated with interim safety measures and remedial fire safety works on private freehold developments. In the wake of June’s horrific Grenfell Tower inferno, three private freehold developments in my constituency failed cladding tests arranged through the Department—the Babbage Point development on Norman Road and two blocks on the New Capital Quay development, all in west Greenwich. I shall run through the latter case in a little detail, to show a wider problem.

New Capital Quay is a new-build development that was completed in 2013-14. It comprises a total of 980 mixed-tenure homes, 658 of which are private. The freeholder is Galliard Group Ltd, so despite the somewhat opaque nature of the ownership structure it is a Galliard development, as both the company structures and all the publicity around it indicate.

In the immediate aftermath of Grenfell, a 24/7 waking watch fire marshal patrol was instituted across the whole development on the basis of consultation with and guidance from the London fire brigade, and in
September a notice of deficiency was issued. Although I have no accurate figures for the total cost associated with both measures, I estimate that it is likely to run into hundreds of thousands, if not ultimately millions, of pounds.

Residential leaseholders and shared owners on the development, scores of whom have contacted me over recent months, are extremely concerned that Galliard will simply pass those costs on to them, and they have good reason to be worried. With a normal leasehold flat or house, leaseholders are required to pay for the repairs that the lease says they are responsible for, and the freeholder is responsible for structural repairs, but the ACM cladding is not actually in need of repair; it is just incredibly dangerous. There is therefore every reason to believe that its replacement on private freehold developments will be categorised not as a repair but as an improvement or a renewal. That is the position that Galliard has adopted. By happy coincidence, it replied yesterday through its legal representatives to my representations on behalf of residents, which I submitted some time ago.

I am not a lawyer, but I think it is plain as day that, given the unique circumstances post-Grenfell, there is going to be legal complexity surrounding the recovery of costs associated with the interim safety measures and any long-term remedial works on those developments. In each case, it will clearly depend on the lease in question. I think that, in many cases, freeholders will simply attempt to recover the costs from leaseholders. Where they cannot, they will find ways of avoiding paying the costs entirely—for example, by creating a dormant company with no assets and then simply throwing up their hands, as happened in Slough.

As my hon. Friend the Member for Brentford and Isleworth mentioned, some freeholders, to their credit, are shouldering the costs of the post-Grenfell remedial fire safety works themselves as a gesture of goodwill, but as she rightly said, that is the exception, not the rule. I suspect that most will not follow Legal & General’s lead, despite the Government’s urging that they do so. Although that is disappointing, it is entirely unsurprising, because Legal & General’s action is voluntary. Why would any developer or private landlord voluntarily give leaseholders a gift—from their point of view—or cover their costs if they are in a position to evade that responsibility? In the case of New Capital Quay, Galliard maintains that it was fully compliant with the building regulations at the time the development was completed, that the construction was signed off by an approved inspector, and that, as such, it should not be liable for the fact that it is now not compliant. The whole situation is a complete and utter mess.

The important point at a human level is that the cost of the works resulting from what has emerged in the wake of Grenfell, which could run into tens of thousands of pounds for each individual leaseholder, cannot justifiably be recovered from them. The 658 leaseholders and scores of shared owners on New Capital Quay bought their properties in good faith and bear no responsibility whatever for failures in the building regulations regime, but as things stand they are going to be absolutely clobbered. Some are no doubt affluent enough to afford the costs that might come down the line, but many are not and will suffer real hardship as a result. In either case, it is neither fair nor reasonable. From what I have seen, there are no effective means of redress, either through claims to the National House Building Council or through the advice and support that LEASE is offering. This is a serious problem, and the Government have not yet grasped the extent of it. Ministers need to give it more consideration and thoughtful attention than they have given it so far. I look forward to hearing the Minister’s advice to my constituents who are affected and are extremely worried about what the future holds for them.

Several hon. Members rose—

Mr Peter Bone (in the Chair): Does Mr Amesbury want to speak?

Mike Amesbury: No, I withdraw.

Mr Peter Bone (in the Chair): For the benefit of the House, I have called all the Members who have given me notification that they want to speak. I will continue to call other Members, but it would be nice if we could start the winding-up speeches at 4 o’clock or earlier.

3.34 pm

Marsha De Cordova (Battersea) (Lab): It is a pleasure to serve under your chairmanship, Mr Bone. I thank my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) and the hon. Member for Worthing West (Sir Peter Bottomley) for their work and leadership on this important issue.

Leaseholder reform is often overlooked when it comes to the housing crisis. The reality is that we must view leaseholder reform as part of, not separately from, how we address the injustices of that housing crisis. Leaseholders face a number of exploitative conditions that relate to the way in which housing is seen as an economic investment, not as homes. That is particularly acute in London, where we have the highest number of leaseholder sales. In my constituency of Battersea, which has become something of a developers’ playground in recent years, 83% of all property sales in 2016 were leasehold. As more and more high-rise developments go up, it is crucial that we ensure leaseholders have rights and protections, and that legislation is implemented to stop such exploitation.

One key issue that hon. Members raised, which my constituents have written to me about, is ground rent. With more and more developers selling flats on a leasehold basis, there is an incentive to set ground rent at a higher level and to build hidden charges into leaseholds. Developers have admitted that the returns from selling on ground rents can be up to 35 times the annual ground rent value, and can be more than the amount normally charged to the purchaser of a new build house for the freehold interest at the point of sale.

There is no duty on the freeholder of a house to inform the leaseholder of a change in ownership. Nor does the leaseholder have a “right of first refusal” to buy the freehold interest at that point. One of my constituents’ is subject to ground rent that will double every 15 years, which means that her property will become more and more expensive, and will be unsellable if she cannot afford the charges. Over time, the ground rent will rise to hundreds of thousands of pounds for a one-bedroom flat. My right hon. Friend the Member for Wentworth and Dearne (John Healey) rightly described
Marsha De Cordova: My hon. Friend makes a very important point. I agree.

It is important that we regulate the new lease models that developers are creating. Shared ownership tenants in the new blocks along the river in my constituency find that the service charges do not seem to match up with the proportion of the housing estate they occupy.

We cannot forget leaseholders on council estates. Any so-called regeneration scheme must give owner-occupier leaseholders the same value and agreement on their flats or a like-for-like buy-in. Council estate residents must not be forced out of their communities when demolitions take place. Another major fear that many council estate leaseholders in Battersea have is the cost of the retrofitting of sprinklers. After the tragedy of Grenfell, councils have rightly sought to ensure that old tower blocks that are more than 10 storeys high have the same safety regulations as new builds. However, the Government are refusing to fund those crucial safety measures. Councils such as Wandsworth are planning to charge leaseholders for the work, which means charges of up to £4,000. Leaseholders on one of my estates—the Surrey Lanes estate—already face charges of £9,500 for recent window works, and they will now be hit with an additional £4,000. There is often an assumption that leaseholders can afford that, but that is totally untrue and misunderstands the circumstances of many owner-occupiers on our council estates.

Cladding is another issue in Battersea. Castlemaine Tower was found to have the dangerous cladding similar to that on Grenfell, and the council are paying to have it removed. In private blocks with that cladding, however, the private freeholder and/or landlord is likely to pass on the huge sums in charges to the leaseholders. I ask the Minister, what plans are the Government making with regards to safety works in the private-rented sector, in particular post-Grenfell, to ensure that leaseholders are not held to ransom by freeholders?

Finally, it is great to see that leaseholder reform is getting a higher profile, and that the work of the APPG is starting to have an effect on Government. As we become a more urban nation, more and more people will be living in apartments and high-rises, so it is crucial that we get things right.

My final, final point, Mr Bone, is to thank you and all hon. Members present, as well as all the parliamentary staff. I wish everyone a very merry Christmas.
freehold of the St Thomas area of Newcastle as well as numerous properties in that and other areas of the city. There is also an intermediate lessee and managing agent, Home Group, which is a housing association. In refusing to extend the leasehold, the trust is causing misery to leaseholders and forcing some into financial distress. For example, Michael Armstrong said:

“We are a low income family with three children and had planned to pay off our mortgage by selling the house and downsizing once our children had grown up and left the family home.

Due to the fact that we cannot extend our leasehold, or buy the freehold from MMT, we are basically trapped in a very worrying and insecure situation and face the real possibility of losing our family home.

As time is short, I will not discuss all the many different examples, but I will touch on the complex combination of circumstances that has caused the situation.

The specific legal issues relate to the 1967 legislation as modified by section 172 of the Housing Act 1985, which states that if a charity owns a freehold, it is not obliged to sell or extend the lease of houses on its land.

My constituents cannot extend their lease and they cannot buy the freehold. In Mr Philips’s words, “we are devastated to find that our house is unsalable and our nest-egg is worthless because the charity”—this is a charity, a benevolent charity—“that owns the freehold is refusing to extend our lease.”

As we know, under this Government social housing tenants have a right to buy after only two years, but my constituents are not even allowed to extend their lease. How can that be acceptable? As Mr Philips says:

“Every day we have to face this nightmare and it is taking a toll on our health.”

Some might argue that the houses should never have been sold to their tenants, given the complexities of the charitable leasehold system and the need for social housing in Newcastle and elsewhere, but the houses were sold and bought—what faces us now is an issue of social justice. The life’s work of those people is tied up in their property, and control of it is being withheld from them by impersonal, bureaucratic forces beyond their control.

Since the Adjournment debate there has been some progress. The Minister has offered to meet me and, as we have heard, today the Secretary of State for Communities and Local Government announced measures to curb abuse of leasehold. That is welcome and a relief to my constituents. Phyll told me today that her first reaction to the Government’s proposals was “relief that an end to our nightmare might be in sight”.

She also requests that the Minister “finds solutions to help those of us currently trapped in unsellable homes”, including “a transparent and affordable way of buying our freeholds”.

That is a wish that many in the Chamber would echo.

Listening to the debate, I found it hard to believe that we are in the United Kingdom in 2017 and yet have such confusion about property rights in property. This morning during Digital, Culture, Media and Sport questions I raised the issue of property rights in data, such as the data Facebook shares, uses and takes from us. That is confusing, but property rights in property—in a property-owning democracy with a well-established legal system—should not be. One would hope that property rights in property were clear for my constituents at least, so that they did not have to spend their time worrying about how or whether they will be able to remain in their home.

I look forward to the Minister’s response. I would be grateful if he reaffirmed that the charity loophole is in the scope of the Government’s reforms and will not be left for the Law Commission’s review of leasehold law. I wish him, everyone else present and everyone in the House a very merry Christmas. Can he offer my constituents some Christmas relief so that they can enjoy their turkey or whatever in their homes, content that they will be able to realise the benefits of their property?

3.50 pm

John Healey (Wentworth and Dearne) (Lab): I was delighted that Sir David was in the Chair at the start of the debate—he has a particular personal interest in many of these issues because he chairs the all-party fire safety rescue group—but I was even more pleased to see him hand on the baton for the final lap to you, Mr Bone. We are all grateful to you.

This may be one of the final events this parliamentary term, but I have found it one of the most encouraging. The Government’s announcement is certainly welcome as far as it goes, but as the Minister has heard from every contribution, they need to go further. In many ways, I see the debate as a reflection of Parliament and Ministers coming to terms with the first minority Government for 38 years. I see it as a reflection of the Government recognising that they do not have a domestic policy programme, because it is not covered by their deal with the Democratic Unionist party. I also see it as a reflection of the Prime Minister admitting that policy and market failures in housing over the past seven years were a big part of why her party did so badly at the last election.

Importantly, the debate has shown that Parliament now has a bigger influence on Government decisions and policy than it did at the beginning of 1997—sorry, 1917. [Interruption.] Sorry—it really is getting too close to Christmas to make much sense. Parliament now has much greater influence over Government decisions and policy than it did at the beginning of this year, especially when there is cross-party concern or agreement about what needs to be done.

There are three factors behind the strength of the speeches we have heard and the strong momentum for substantial leasehold reform. The first is the all-party group on leasehold and commonhold reform. I cannot pay strong enough tribute to the combined work of the hon. Member for Worthing West (Sir Peter Bottomley) and my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick). They were pursuing these issues when they were not popular issues and when the all-party group did not have 130 members, as it does now. It is one of the largest and most active groups in Parliament, as the hon. Gentleman said, and it is reinforced by outstanding individual campaigns, not least by my hon. Friends the Members for Ellesmere Port and Neston (Justin Madders) and for High Peak (Ruth George).

I like to think that Labour Front Benchers have done their bit, too, in the past couple of years. We went into the election in June with a commitment to legislate for a cap on the ground rent that leaseholders pay, to ban the use of leasehold for new homes as a matter of course,
and to carry out an urgent review to try to ensure that we could deal with many of the problems for existing leaseholders that we have heard about. I say to my hon. Friends that, to some extent, this is unfinished business for Labour. We introduced the Commonhold and Leasehold Reform Act 2002 because we wanted to end leasehold for good and provide commonhold as an alternative. That did not work in that decade; we must ensure that it works in this decade.

The second factor is the fact that the industry has stepped up its use of leasehold for newly built homes. The Secretary of State says in his written statement that the proportion of new homes built on a leasehold basis has more than doubled in the past 20 years. He puts the figure at around one in six, although many experts—not least the Leasehold Knowledge Partnership—put it a great deal higher, and Members suggested that that is particularly the case in the north-west. In any event, the Leasehold Knowledge Partnership confirms that at least 260,000 new homes have been built on a leasehold basis since 2010.

The third factor is that greed has clearly got the better of many of the people involved in these arrangements. My right hon. Friend the Member for Delyn (David Hanson) said that he sometimes feels that this debate takes place in an echo chamber. We all have constituents who have been ripped off—fleeed—by such leasehold arrangements. In my area, there are regular reports about people who bought their homes on new developments using the solicitor that the builders put great pressure on them to use, who claim and feel that they never realised that they were buying on a leasehold basis, who were not made aware when the freehold was sold on, and who do not know who their ultimate landlord is or how to contact them. A change in the freeholder’s management company often leads to price hikes. People have been billed four times a year instead of twice, charged £9 for every letter, and charged an administration fee when they have rung up to ask for information or an analysis of the cost of purchasing the freehold.

Jim Fitzpatrick: Developers have rightly got a hammering this afternoon, but notwithstanding that, does my right hon. Friend accept that there are abuses in the social sector too? Some councils and housing associations used service charges and refurbishment charges as a blank cheque. The Government had to bring in a cap.

John Healey: That certainly applies in some cases and it is a good point, but it remains the case that the worst examples that have been cited in the debate resulted from big developers’ greed. For some developers, leasehold has become a golden cash cow. For many freeholders, it has become a licence to print money. We have found that freeholders have often moved offshore, beyond the reach of any tax system that the UK can bring to bear.

The sale of homes on a leasehold basis may well have started in the north-west, as the hon. Member for Worthing West indicated, but it is clear that the practice has spread widely across the country. Members from the north-west are strongly represented in the Chamber, but we have also heard from Members from the south-east, the south-west, Yorkshire, London, the north-east, the east midlands and even north Wales. [Interruption.] North Wales rather than the north-west, despite the proximity of the national boundary.

As I said, the Secretary of State’s statement is welcome as far as it goes, but I would like to tempt the Minister to go a little further. The Secretary of State published a summary of consultation responses alongside his press release and written statement, but we have not yet had the Government’s policy response to the consultation. When can we expect that? He plans to introduce “legislation to prohibit the development of new build leasehold houses”.

When will we get that? He plans to restrict the “ground rents in newly established leases of houses and flats to a peppercorn” level. How will he do that, and when? He talks about “addressing loopholes in the law to improve transparency and fairness”.

What loopholes, and when?

The Secretary of State is also asking big developers to stop using Help to Buy to purchase leasehold homes and encouraging them “to take early steps to limit ground rents” and to provide a redress scheme for people who are badly affected. What commitment has he got from the big developers to taking those steps, and when will other big developers follow the lead that Taylor Wimpey took on many of these fronts in the summer? As my hon. Friend the Member for Poplar and Limehouse said, the key point is that 5 million current leaseholders will not be covered by future legislation, so what specifically does the Minister plan to do to help those who are trapped in legal leasehold terms, which range from unfair to a total rip-off?

It is a rotten system, as my hon. Friend the Member for Ellesmere Port and Neston said. The written ministerial statement says that the Government will be working with the Law Commission on existing leaseholders. Although I welcome last week’s announcement by the Law Commission that the unfair terms of residential leasehold will be one of its areas of review, it is one among 14, in what is the 13th programme of law reform. To quote what the commission said in announcing it:

“This is a substantial body of law reform work on which the Commission hopes to start work over the next three years...As such, inclusion in the 13th Programme is not a guarantee that the Commission will be able to take forward work immediately across all areas.”

Will the Government help to fund the work that the Law Commission needs to do? Will they, with the Law Commission, be early in setting a firm timetable for the work to be completed? My fear is that we will not see legislation via this route this side of a general election.

I cannot let the debate pass without making some observations on the remarks of my hon. Friends the Members for Poplar and Limehouse, for Brentford and Isleworth (Ruth Cadbury), for Battersea (Marsha de Cordova) and for Greenwich and Woolwich (Matthew Pennycook) about concerns in this area post the terrible tragedy of Grenfell Tower. The consequences of Grenfell for residents and owners in other high-rise residential tower blocks are becoming clearer, and the wider weaknesses in the leasehold system are thrown into sharp and urgent relief by the challenges that come from Grenfell:
the immediate fire safety measures that need to be put in place, the substantial remedial work required in many cases, and the question of who really is responsible and who really should be paying for that.

There is also the question of whether some freeholders will abuse or misuse the first-tier tribunal system to try to prove themselves against any challenge for passing on these very heavy costs to leaseholders. There is a concern among some social landlords that such practices will be followed and certainly a concern about privately-owned residential blocks.

The Grenfell Tower fire was a national disaster. People expect national leadership and a national response from Government. It exposed—we had only really had warnings from coroners’ reports on earlier fatal fires—the complete collapse of the national system of building control and regulation. Therefore, the national Government must take some responsibility by putting in place measures immediately to ensure that it does not happen again.

If the Government were willing, for instance, to reconsider their point-blank refusal to help fund some of the costs that social landlords face in completing essential remedial fire safety work, they could make it a condition of any funding help they give that leaseholders are protected from bearing any of that cost. They could consider, for instance, a Government-backed loans scheme for private landlords who genuinely struggle to cover the costs themselves. The Government could also consider a similar condition that might help to address the concerns the Minister has heard from some of my hon. Friends about the position of leaseholders in private high-rise blocks. In any case, I ask the Minister to reflect carefully on the points that have emerged in the debate, linked to the work required after Grenfell Tower, and early in the new year to make a clear statement on what the Government will do to try to deal with the concerns for leaseholders with both private landlords and social landlords.

I end where the hon. Member for Worthing West ended. He rightly said that, together, the Government, Parliament and outside experts can at this point make some really important changes for the good, for the future. He made a particular proposal to the Minister, which I think has backing from everyone in the Chamber. Will the Minister undertake to consider having a debate on these concerns in Government time in the Chamber in the new year? As the hon. Gentleman said, that would be a very useful next step, especially if it were not left until the last day of the parliamentary term, just before Easter.

4.5 pm

Alok Sharma: I will come on to talk about the work that the Government will be doing with the Law Commission.

We have also heard of consumers with very onerous ground rent terms who are effectively trapped in their own homes, unable to find a buyer. Some of those people have not been able to get redress and do not know where to turn for support. It is clear that the leasehold system as it stands is not working in many consumers’}

The Minister for Housing and Planning (Alok Sharma): It is an absolute pleasure to serve under your chairmanship, Mr Bone. I congratulate my hon. Friend the Member for Worthing West (Sir Peter Bottomley) on securing this incredibly important debate on leasehold. As Members have made clear, he—along with the hon. Members for Poplar and Limehouse (Jim Fitzpatrick) and Ellesmere Port and Neston (Justin Madders) and other members of the all-party parliamentary group on leasehold and commonhold reform—has demonstrated real dedication to championing leasehold reform.

We have had incredibly thoughtful contributions today. This is Parliament at its best, where we all come together and speak with one voice. We have had humour in the debate, but it has underlined a serious issue that colleagues care deeply about, and we know that our constituents care about it as well.

To respond to the right hon. Member for Wentworth and Dearne (John Healey), in terms of the broken housing market, I hope we all acknowledge that the reason we are where we are is because successive Governments over many decades have not presided over the building of enough homes. In terms of leasehold, successive Governments have left the business unfinished. I absolutely get that what the House wants from this Government is to finish that piece of business.

I have attended and spoken to a packed meeting of the all-party group and heard at first hand the anguish of some of those affected by the leasehold issues we are discussing. Indeed, many Members have highlighted individual cases from their constituencies. I am also grateful for the welcome from right hon. and hon. Members for this morning’s written ministerial statement to the House from my right hon. Friend the Secretary of State for Communities and Local Government. As has been said, today we have also responded to the consultation on leasehold held earlier this year. My remarks will very much echo the Secretary of State’s statement.

A number of colleagues noted this, but in February the Government’s housing White Paper, “Fixing our broken housing market,” set out our commitment to promoting fairness and transparency for the growing number of leaseholders. I do not want to rehearse the whole issue around leaseholders and the number of people affected—we know that a lot of people have leasehold homes.

Of course, ground rents on many such properties have risen from historically small sums to hundreds of pounds a year. As colleagues have pointed out, in some cases ground rents have spiralled into significant sums. That is why the Government acted and published a consultation over the summer. I am grateful to everyone who participated and provided evidence—particularly Members of the House and of course the all-party group. The consultation received an overwhelming response; there were more than 6,000 replies, and the vast majority were in favour of widespread leasehold reform.

I repeat the point made by the right hon. Member for Delyn (David Hanson) about being in an echo chamber when we have talked about the issues affecting constituents. It is clear that many purchasers did not make an informed choice to buy a leasehold house. Far too many reported being surprised to find that their home had been sold on to a third-party investor, and the cost of buying the freehold had risen considerably—as we have heard, sometimes running into tens of thousands of pounds.

David Hanson: Is that not a prima facie case of mis-selling?

Alok Sharma: I will come on to talk about the work that the Government will be doing with the Law Commission.

We have also heard of consumers with very onerous ground rent terms who are effectively trapped in their own homes, unable to find a buyer. Some of those people have not been able to get redress and do not know where to turn for support. It is clear that the leasehold system as it stands is not working in many consumers’
[Alok Sharma]

best interests. Even most developers accept that use of leasehold for new build houses, unless in exceptional circumstances, is entirely unjustified. This has got to stop. That is what we all want.

The Secretary of State’s statement noted that, alongside publishing a response to the consultation, the Government have set out a package of measures to crack down on unfair practices, which includes introducing legislation to prohibit the development of new build leasehold houses, other than in exceptional circumstances. The Government intend to ensure that future legislation to ban the sale of leasehold houses applies to land that is not subject to an existing lease from today’s date. We will continue to work with the sector and other partners to consider the case for exemptions to the policy and its retrospective application, in particular to mitigate any undue unfairness.

We are restricting ground rents in new leases of houses and flats to a peppercorn, and we are addressing loopholes in the law—for example, to ensure that freeholders have a right to challenge unfair service charges. We are also working with the Law Commission to support existing leaseholders, including by making the purchase of a freehold or extension of a lease easier, faster, fairer and cheaper and, of course, by reinvigorating commonhold.

The right hon. Member for Wentworth and Dearne and the hon. Member for Brentford and Isleworth (Ruth Cadbury) raised the issue of the Law Commission. I can confirm that the Government will be funding the work. We will be funding five lawyers and five research assistants, a proportion of the managers’ and the commissioners’ time and some peer review and external consultancy. That work will start in January.

John Healey: I am grateful to the Minister for giving us that answer. I think everyone will be encouraged and will welcome that. He indicates that that work will begin in January 2018. Can he indicate when that work is scheduled to be completed?

Alok Sharma: If the right hon. Gentleman bears with me, I will come on to that.

As I said, we will be working with the Law Commission. A number of Members raised the issue of freeholds being sold on to investment companies. Our view is very clear: where houses are sold on unfair terms, we have asked developers to be proactive and arrange for the leasehold contract to be put on a fair footing. The right hon. Member for Knowsley (Mr Howarth), who is not in his place, asked whether there should be a requirement for developers not to sell on the freehold at this point. I am sure that developers will be listening intently to the tone of this debate and understanding precisely how Parliament feels about this matter.

We will, of course, want to ensure that there is appropriate support for existing leaseholders with onerous ground rents, and we will work with the ombudsman and trading standards to provide comprehensive information on the various routes to redress. However, that is not enough. We also want to see developers and investors going further with their compensation schemes. I want to see that support extended to all those with onerous ground rents, including second-hand buyers.

A number of Members, including the hon. Member for North Tynedale (Mary Glindon), mentioned Help to Buy. Given the Government’s position on leasehold, we do not think it is appropriate for the Help to Buy equity loan scheme to support the sale of leasehold houses. We cannot impose a new requirement on developers under existing contracts, but we expect them to work with us to take forward that change ahead of legislation. The Secretary of State has today written to all developers to ask them to stop using Help to Buy equity loans for the purchase of leasehold houses, to encourage them to take early steps to limit ground rents and to ask those that have customers with onerous ground rents to provide the necessary redress as soon as possible. Both the Secretary of State and I will be keeping a very close eye on progress in that area.

I am very grateful to the hon. Member for Ellesmere Port and Neston for proposing a Bill on leasehold reform, and for the considerable efforts that he and other colleagues have made to put it on the agenda. This is a highly complex area, covering multiple Acts of Parliament, which is why we will be working closely with the Law Commission as part of its 13th programme of law reform, announced last week. We want to ensure that we prioritise making the process of buying a freehold easier, and to support existing leasehold house owners, and we will seek to bring forward solutions by the summer recess of 2018.

Chi Onwurah: Will the Minister to clarify whether the proposals that will be brought forward by the summer will address the charity loophole?

Alok Sharma: As the hon. Lady knows, we are meeting in the new year to discuss the issue of the charity loophole and specifically her case. My officials are in touch with the charity, and I would be very happy at that point to discuss the details. Of course, if she wants to feed some suggestions into the work that we are doing more widely with the Law Commission, I would be very happy to receive them from her.

Sir Peter Bottomley: I suggest that either the Minister or his officials should have a round table with the charities, the National Trust and the Charity Commission, and spell out to those people that, although the law at present may give them the right to say no, they ought to ask whether it fits with their charitable purposes to do so. Perhaps they ought to say yes, because charities are supposed to do good for people.

Alok Sharma: My hon. Friend makes an interesting suggestion. I will take that away and come back to him.

Certainly, in bringing forward legislation we will continue to work with stakeholders, including the APPG, to ensure the best outcomes for consumers. We have heard many ideas in this debate. We want to ensure that our plans do not have an adverse impact on supply, and we will work with the sector to consider the case for exemptions.

It is important that we get the detail right. We are committed to ensuring that our reforms deliver a fairer and more transparent system for both existing and future leaseholders, and to stamping out the leasehold abuses that have existed to date. I have written formally today to the hon. Member for Ellesmere Port and Neston to confirm that I welcome the opportunity to
meet him early in the new year to discuss further his thoughts for a Bill. I am open to a dialogue with the APPG about our thoughts as we move forward.

A number of colleagues have talked about building regulations. As we know, on Monday Dame Judith Hackitt published her interim independent review of building regulations and fire safety. It is important that leaseholders have access to specialist advice to understand their rights. The hon. Member for Poplar and Limehouse, the hon. Member for Brentford and Isleworth and my hon. Friend the Member for Worthing West mentioned that we have done that so far. We are resolved to keep a close eye on that, and I will respond more fully to her.

I hope colleagues feel that we are making progress, and that we understand there is more to do on this. We said earlier this year that we would act, and I believe that we have done that so far. We are resolved to reforming leasehold, and ultimately to promoting fairness in the system.

4.22 pm

Sir Peter Bottomley: I am grateful to you for chairing the debate, Mr Bone. We all thank the Minister, not only because he has responded to many of the points made today, but because he has been one of the people responsible for carrying forward the work and initiative of his predecessor, Gavin Barwell. When Gavin Barwell spoke at the LEASE conference a year ago, he shocked people by telling the truth: LEASE should be there for leaseholders and nobody else; that we should be unequivocally on the side of the ordinary person; and that those looking for good, fast-buck investments in the leasehold field better start thinking of something different.

On the Minister’s point about the National Trust, although it may have an exemption, as our right hon. Friend the Member for East Devon (Sir Hugo Swire) has said, why should it choose to use it? Is that right, fair or necessary? The same applies to charities in the north-east, too.

The debate was essentially about two points, and one was whether we can get commonhold to work. I have in my hand a paper from the 11 September meeting of the all-party parliamentary group on leasehold and commonhold reform by Philip Rainey QC, who talks about the necessary reforms needed to launch a commonhold mark 2. He talks of how to level the playing field by eliminating the comparative benefits of long leasehold and how the playing field can be tilted towards commonhold. He suggests some very simple incentives—one of which might be a change to the stamp duty land tax on development land, which would give a simple signal and would probably get people moving quite fast.

He also says there should be some kind of compulsion or sunset clause, some way of dealing with conversion and then a relaunch. I will not go into the rest of his paper, but it is available to the Department and it should be taken forward. Again, perhaps a roundtable on that, with experts brought in, would be useful.

A lot of professionals are involved in the leasehold field, and the regulatory system has failed. I apologise if I confused the wrongs of Dudley Joiner with the wrongs of Benjamin Mire in a previous debate, but Benjamin Mire was in the trade and held judicial office in the property tribunal. He was investigated by the Judicial Conduct Investigations Office, which was about to throw
him out of that office, but he resigned just before it could. He had clearly committed an offence under the Royal Institute of Chartered Surveyors’ terms, yet clever lawyers, who delayed the case beyond the time limits, allowed him to get away scot-free.

Dudley Joiner, with this Right to Manage Federation, has, through various degrees of insolvency and poor advice to a number of leaseholders, managed to get leaseholders to lose lots of money. He is the sort of person who could resign from one of the regulatory bodies—it is not compulsory to be in them—and apply to join another. The same thing applied when the Tchenguiz interest owned Peverel, which was involved in several of the biggest leasehold scandals over the past 20 years. Peverel and its subsidiary, Cirrus, abused their position in blocks of leasehold flats, but they could actually apply not to be struck off by the Association of Retirement Housing Managers.

The same applies to Sally Keeble, who was formerly a Member of Parliament, and who resigned as regulator of the Association of Residential Managing Agents and gave five good reasons why voluntary regulation was not working—some were to do with clients’ funds and others to do with the powers that people should be carrying forward. We then come to the person we were told was appointed under the terms of the Nolan principles, Roger Southam, the present chairman of LEASE. I can send to the Minister privately the list of points, which I am sure his Department has already, of how Roger Southam used to advertise how he could help to get more money out of leaseholders. How can that sort of person, under the Nolan principles, be appointed to chair LEASE?

When people were appointing other members of LEASE, did they consult explicitly with the Leasehold Knowledge Partnership and its trustees—people who would not actually want to run LEASE themselves, although they provide equivalent services in some ways—on who they think would be a suitable appointment? It seems to me that one always needs to ask people in the field what their views are. That is only consultation, not necessarily giving them the power of decision, although some of the things they knew should certainly have been used as a veto against those making the appointments.

I could go further, but before we come to the end of the debate and the year let me list some points. We have heard a whole series of examples of leasehold abuses. On leasehold enfranchisement and the extension of leases, which brings us to the James Wyatt point through Parthenia and the issue of hedonic regression, I think

the Government really have to get involved in that case. We should not let it be possible for the law to be set by judges, just because expensive barristers are clashing heads like a couple of bulls pushing against each other. We should actually ask what the public purpose, the public policy and the public interest of the law is and get directly involved.

I referred to commonhold and the ground rent issue, and we can certainly learn from the ground rent redemption issue in Northern Ireland, which I hope Ministers have looked at; from today’s announcement, it looks as though they have. I would spend more time on park homes if I could. However, it is worth mentioning, in case the Devon and Cornwall police is watching. Has it yet managed to find the 40-foot-long trailer stolen from Sonia McColl’s yard? She took up the issue of park home residents and, like Tony Turner, with his residents’ alliance, has been subject to incredible abuse. Of course, the biggest abuse is to have one’s home stolen, and hers has been.

I spoke about the regulation of managing agents. We have not fully dealt with the right to manage, but essentially, if any group of leaseholders asks for the right to manage, the presumption should be that they get it. They should not have to go through legal hoops and try to find every other leasehold owner to try to get permission. The presumption should be that, if they ask for it, they should have it. I am glad that the Law Commission programme has been referred to. Cladding has been covered by the hon. Member for Poplar and Limehouse.

This debate is only a stepping stone, but it is an important one. The people who deserve the credit are our constituents who raise the issues with us. We are only here to be the functionaries. We should be the people who turn their cases of injustice into a system in which it does not happen to more people in the future, and in which those who are already stuck in these terrible conditions have the chance of an easier life. Someone who has a home—whether a park home, a leasehold home or a freehold home, or if they are a tenant—deserves a fair life and to not spend time worrying about their money or their lives. I finish by wishing everyone a merry Christmas.

Question put and agreed to.
Resolved.

That this House has considered leasehold and commonhold reform and leasehold abuses.

4.29 pm
Sitting adjourned.
The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): The UK has opted in to a proposal authorising the EU to open negotiations on the conclusion of a protocol to the convention on international interests in mobile equipment on matters specific to mining, agricultural and construction equipment (the MAC Protocol).

The convention on international interests in mobile equipment, or Cape Town Convention (‘CTC’) as it is commonly known, is an international private law treaty which aims to reduce the cost of raising finance for certain high value mobile equipment. Three protocols to the CTC have been adopted covering aircraft, rail and space assets. The UK ratified the aircraft protocol in 2015. Adoption of such protocols is viewed as boosting growth in the relevant manufacturing industries (hence the UK adoption of the aircraft protocol).

A key feature of the CTC is to reduce the cost of raising finance through the operation of special insolvency provisions aimed at giving finance and leasing companies greater certainty and control over recovering assets subject to security or leasing agreements in the event of payment default or insolvency.

The CTC project is undertaken under the auspices of UNIDROIT, the intergovernmental organisation focused on harmonisation of private international law. UNIDROIT is currently in the process of concluding a new protocol covering mining, agricultural and construction assets.

On 23 August 2017, ahead of the meeting of the second session of the Committee of Governmental Experts on 2 to 6 October 2017, the Council presented a draft Council decision to authorise the Commission to open negotiations on the conclusion of the MAC Protocol together with draft negotiating directives.

We fully recognise the importance of international efforts to reduce the cost of raising finance for equipment vital for economic growth, particularly in lower and middle income countries where financing costs can significantly inhibit investment and development. Reduced financing costs will also lead to increased demand, providing a boost to manufacturing including UK businesses in the mining, agricultural and construction sectors. The three sectors are all major exporters from the UK with certain niche manufacturers selling up to 95% of their production overseas. Between them the three industries employ over 50,000 people in the UK. They are vital elements of our industrial strategy. Preliminary economic assessment of the MAC Protocol suggests the benefits may amount to $32 to $48 billion annually for developing countries and $36 to $50 billion annually for developed countries.

After due consideration the Government have decided to opt in to the negotiating mandate as proposed by the Council.

As the negotiating mandate is currently restricted so as to preserve the EU negotiating position it is not therefore depositable within Parliament.

The Government will continue to work with the scrutiny Committees if and when they consider whether to opt in to a Council decision to sign and conclude the MAC Protocol. I will also update Parliament on the Government’s opt-in decisions at these stages.

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): The Competitiveness Council took place on 30 November and 1 December in Brussels. The UK was represented by Lord Henley on the first day and by me on the second.

**EU industrial strategy**

Discussions focused on the recent publication of a renewed EU industrial policy strategy. Ministers agreed that European industry needed to adapt to changes in the global economy and the digital revolution. The EU should improve investment in research and development and support for SMEs, and strengthen its internal market. The UK noted that its recently-published industrial strategy identified many of the same challenges and drivers of growth, and stressed its commitment to an open, liberal market economy based around fair competition and high standards.

A number of member states cautioned against arbitrary targets for industrial output, emphasising that support to industry was one policy among others to boost Europe’s competitiveness alongside a commitment to free trade and access to global value chains. Others called for greater sectoral support and called for the Commission to propose a longer-term vision for EU industrial policy towards 2030. Ministers agreed Council conclusions.

**Single digital gateway**

Ministers voted to adopt the proposed general approach on the single digital gateway. Member states generally expressed support for the objectives of the proposal and agreed that easier access to good quality online information and procedures was important for the internal market. There was broad agreement that the presidency had struck a good balance between ambition and flexibility. Voting in favour of the general approach, the UK noted its strong support for e-Government initiatives and underlined the importance of maintaining a focus on user needs. The Commission welcomed the agreement but noted the extension of the implementation period to five years.

**Unified Patent Court**

A number of member states joined the presidency and the Commission in pressing those member states yet to complete ratification of the Unified Patent Court to finalise preparations so the court can become operational in 2018. The UK re-stated its commitment to passing the final necessary domestic legislation currently before Parliament.
European defence industrial development programme (EDIDP)

The presidency noted the EDIDP would run from 2019 to 2020, providing €500 million towards the joint development of defence prototypes and increasing European industrial competitiveness. Timelines were ambitious with a general approach anticipated at the 12 December General Affairs Council. The Commission was looking for a €1.5 billion fund after 2020, covering both defence research and prototype development.

Other items

Vice President Ansip updated the Council on the implementation of the digital single market. He described the paradigm-shifting and multi-faceted impact of digitalisation on the world. He urged Ministers to help progress initiatives rapidly and ambitiously. The presidency and Commission noted the provisional agreement on geo-blocking with the European Parliament.

Hungary introduced a paper expressing concern about the impact of the tobacco track and trace implementing legislation on SMEs. Commissioner Andriukaitis emphasised its importance for public health and tackling illicit tobacco trade and underlined that its impact had been considered carefully. The final text included a number of SME derogations.

The Commission presented its recent public procurement package, stressing that more strategic use of procurement could help deliver environmental and social objectives. Savings of €200 billion per annum were possible through increased professionalism. The Commission confirmed that all elements were voluntary.

Ministers had a lunchtime discussion on the automotive industry; the UK and others stressed the fast-changing nature of the sector. Germany and the Commission provided an update on the SME Action programme. Bulgaria presented its plans for its presidency.

Day two—Space and Research

The Formal Competitiveness Council (Space and Research) took place in Brussels on 1 December. I represented the UK in the morning and Katrina Williams represented the UK in the afternoon.

Council conclusions on the mid-term evaluation of the Copernicus programme

The Council adopted conclusions on the Commission’s recent mid-term evaluation of the Copernicus earth-observation space programme, which underline the importance of maintaining its free and open data policy.

EU space programmes

The Council then held a debate on the future direction of EU space programmes, in light of the recent mid-term evaluations. The UK outlined the links to the UK’s industrial strategy, highlighting the importance of international collaboration and the desire for the UK to discuss future cooperation with the EU on space programmes as soon as possible.

Council conclusions on Horizon 2020

Next was a discussion on the Council conclusions on Horizon 2020. Ministers agreed the conclusions in document 15320/17. The UK set out its interest for an ambitious science and innovation agreement with the EU and stressed the need to focus on EU added value, simplification and international collaboration in framework programme 9 (FP9).

The mission-oriented approach in the ninth EU RDI framework programme

The Council then discussed the missions-orientated approach to FP9. The Commissioner (Moedas) encouraged member states to engage fully in the forthcoming consultation process. The UK highlighted the need to ensure continued focus on basic research and emphasised the need to avoid duplication of efforts undertaken at national level.

Other items

The European Commission gave an update on the European open science cloud. Hungary gave an update on the extreme light infrastructure project, which was on schedule to begin operations in 2018. Bulgaria then presented its presidency plans. Their priorities for science and innovation include the next framework programme (FP9), the future of the ITER project and the transfer of knowledge, data and research results to innovators and researchers. They will also focus on the roadmap for the governance and funding of the European open science cloud and the European supercomputer EuroHPC.

TREASURY

Help to Save Accounts

The Economic Secretary to the Treasury (Stephen Barclay):

The Government are committed to supporting people at all income levels and all stages of life to save.

Help to Save is a Government backed savings account to help working people on low incomes build up their savings. They will be able to pay in up to £50 a month and receive a 50% Government bonus on their savings.

Subject to the approval of the House, Help to Save will begin with a trial in January 2018, rolling out in stages to increasing numbers and available to all those eligible from October 2018 at the latest.

Introducing it in this controlled way will allow HM Revenue and Customs to thoroughly test and develop it at every stage so that it provides the best customer experience possible, and a quality service for savers over the lifetime of the scheme.

From January, HM Revenue and Customs will start to invite Working Tax Credits customers into the trial, gradually increasing their numbers, with the expectation that Universal Credit customers will start to be invited in from April. Eligible customers will still have the full five years to register for Help to Save from the end of the trial, and the overall cost of the programme to Government will be the same.

Today regulations will be laid in the Commons which will set out the detail of how Help to Save will operate. The draft regulations were subject to a consultation and a summary of the responses and changes made have today been published at https://www.gov.uk/government/consultations/draft-legislation-help-to-save-accounts.
EDUCATION

Higher Education

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): The Higher Education and Research Act 2017 (HERA) achieved Royal Assent on 27 April 2017. It set out a number of significant reforms that will improve the value for money that students receive from their investment in higher education. These include the establishment of a new regulator, the Office for Students (OfS), with a remit to drive value for money, a rigorous framework for assessing teaching and student outcomes, and provisions that make it easier for students to switch provider.

The Act also includes a power for the Government to set higher annual fee amounts for courses completed on an accelerated basis, which can be matched by higher corresponding student loan amounts. This measure will provide valuable new options to prospective students.

The way in which degrees are currently taught and studied has stayed largely unchanged for many years. The vast majority of providers offer a traditional three years of study regardless of subject, spread out across 30 weeks a year and with a long summer vacation every year. It is wrong that this is the only choice that most students have. The growing dominance of the classic three-year residential degree reflects more the convenience of the sector and financial incentives on providers than the needs of students for flexible ways of pursuing higher education. And it may be deterring some from higher education, and slowing the return of others to productive work.

Students on accelerated degree courses can secure a degree qualification in their preferred subject, studying the same content for the same number of weeks over the life of the course as the standard equivalent degree, subject to the same quality assurances. But by studying for more weeks each year, they are able to graduate within only two years, and with significantly lower student debt—good news for the student and for the taxpayer.

I believe there is significant untapped potential for accelerated courses, starting first with degrees, in higher education. They offer benefits to students of lower costs, more intensive study, and a quicker commencement or return to the workplace. Innovative providers would like to offer more of these courses but face significant financial and operational disincentives in the current system.

But for these accelerated courses to become more mainstream, we need to be upfront about why more universities are not already offering them. Many universities are concerned about changing existing models and the costs associated with doing that. This includes extra teaching hours, capacity to research, or not being able to rent out rooms over the holidays. A three-year course condensed into two is more expensive to run.

That is why I am proposing a balanced package that ensures universities are able to cover these additional costs but must charge at least 20% less in tuition for an accelerated two-year degree than they can for its three-year equivalent.

The launch of the OfS and the new fee arrangements will help incentivise greater provision. This in turn will give students a genuine choice of accelerated degrees across the full range of undergraduate courses.

In the debate in Parliament on the passage of the Bill, we committed to consult on the detail of our proposals. The consultation that I am launching today fulfils that commitment so far as accelerated degrees are concerned.

The proposals on which we are consulting are:

Arrangements enabling greater provision and take-up of accelerated degree courses will be in place in Academic Year 2019/20, subject to Parliament passing secondary legislation which sets fees and loans specific to accelerated degrees.

Accelerated degree courses subject to the new fee arrangements will be undergraduate first degree qualifications recognisable provided within a more intense period of study than other equivalent courses.

The OfS will support and encourage more providers to offer accelerated degree courses, over a more diverse range of subjects than are currently offered.

The OfS will also act as regulatory gatekeeper, determining whether degree courses meet the statutory definition of ‘accelerated courses’.

The current means-tested living cost support package (the “long course loan”) available to students whose courses last for longer than 30 weeks and three days each academic year will continue to provide maintenance for students on accelerated degrees on the same terms.

The annual tuition fee and loan upper limit for accelerated degree students at approved (fee cap) providers would be set at 20% higher than the standard level. For example, based on current fee limits, the annual accelerated limit for a TEF-rated provider would be £11,100 (vs £9,250 for the three-year equivalent). This would give students who opt for accelerated degrees a £5,500 or 20% saving in the total cost of tuition fees.

The annual tuition fee loan limit for students at approved providers (i.e. those outside the fee cap system) would be also be set at the standard level plus 20%. For example, based on current loan limits, students at TEF-rated approved providers would have an annual tuition fee loan limit of £7,398 (vs £6,165 for the three-year equivalent).

Existing quality assurance arrangements for accelerated degrees should continue to apply, including after the OfS becomes responsible for monitoring them on 1 April 2018.

This balanced package offers students significant savings on the costs of graduating, while also addressing the additional in-year costs providers incur by condensing the final standard third year of teaching into the first two years of the accelerated degree course. The 20% uplift in annual fee revenue should cover the extra costs associated with accelerated provision for most courses in most providers.

Accelerated degrees are referenced in the Industrial Strategy published last month, which notes their potential to widen choice for students. And they have enjoyed cross-party support since Shirley Williams championed them in the 1960s. In the passage of the Higher Education and Research Bill this year, MPs and peers from all sides called for Government to support them. The proposals I am announcing today will remove the barriers to accelerated degrees, and make them a real choice for many more future students.

Attachments can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/Commons/2017-12-11/HCWS335. [HCWS335]
EXITING THE EUROPEAN UNION

General Affairs Council

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): Lord Callanan, Minister of State for Exiting the European Union, has made the following statement:

I will be attending the General Affairs Council in Brussels on 12 December to represent the UK’s interests. Until we leave the European Union, we remain committed to fulfilling our rights and obligations as a full member.

The provisional agenda includes:
Preparation of the European Council, 14 to 15 December 2017: Draft conclusions

The Estonian presidency will present the final draft conclusions on the agenda for the December European Council.

European Council follow-up

The presidency will provide an update on the implementation of the October European Council (OEC) conclusions. The OEC agenda included: migration; digital; defence; and external relations, which involved discussions on Turkey, the Democratic People’s Republic of Korea and Iran.

Legislative programming—joint declaration on interinstitutional programming

Following the exchange of views on the 2018 Commission work programme at the November General Affairs Council, the presidency will present the “joint declaration” of the European Parliament, European Commission and Council of Ministers, which sets out the priorities for 2018.

European Semester 2018—annual growth survey

The Commission launched this year’s European Semester on 22 November and is due to present this year’s annual growth survey.

[HCWS336]

HOME DEPARTMENT

Economic Crime and Anti-corruption

The Secretary of State for the Home Department (Amber Rudd): Economic crime and corruption do great harm to individuals, businesses, the integrity of our financial system and the UK’s international reputation. We must do more on economic crime to safeguard our prosperity, and the UK’s reputation as a world-leading place to do business.

The Government are making a step change in their response to the threat. A broad and deep public-private partnership is at the heart of this new approach. The Minister of State for Security will become the Minister of State for Security and Economic Crime. Further, the Government will:

Establish a new Ministerial Economic Crime Strategic Board chaired by the Home Secretary, to agree strategic priorities across Government; ensure resources are allocated to deliver those priorities; and scrutinise performance and impact against the economic crime threat.

Create a new multi-agency National Economic Crime Centre (NECC) hosted in the National Crime Agency to task and co-ordinate the law enforcement response, working in the closest possible partnership with the private sector.

Create a dedicated team to use the power in the Criminal Finances Act 2017 to forfeit criminal money held in suspended bank accounts.

Legislate to give the National Crime Agency powers to directly task the Serious Fraud Office, who will continue to operate as an independent organisation.

Publish draft legislation on the creation of a register of the beneficial ownership of overseas companies and other entities that own property in the UK or participate in Government contracts.

Reform of the Suspicious Activity Reports (SARs) regime, in partnership with the private sector, law enforcement and regulators, to reduce tick-box compliance, direct the regime to focus on the highest threats, help firms better protect themselves and improve law enforcement outcomes.

Review disclosure procedures to explore how to make prosecutorial processes more effective and efficient. The Attorney General will lead this work.

Support a Law Commission review of the Proceeds of Crime Act 2002 to identify improvements to our powers to confiscate proceeds of crime.

In addition, the Government are today publishing the UK’s first cross-Government anti-corruption strategy, and the Prime Minister has appointed John Penrose MP as her Anti-Corruption Champion. A copy will be available from www.gov.uk, and placed in the House Library.

The strategy provides a framework to guide UK Government efforts against corruption both domestically and internationally for the period up to 2022. It sets six priorities to:

reduce the insider threat in high risk domestic sectors (ports and borders, prisons, policing, defence);

strengthen the integrity of the UK as a centre of global finance; promote integrity across the public and private sectors;

reduce corruption in public procurement and grants;

improve the business environment globally; and

work with other countries to combat corruption.

There will be ministerial oversight of implementation and my Department will provide an annual written update to Parliament on progress.

To support the delivery of these commitments, responsibility for the Joint Anti-Corruption Unit will transfer from the Cabinet Office to the Home Office. This change will be effective immediately.

[HCWS329]

Scrap Metal Dealers Act 2013

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): My right hon. Friend the Home Secretary is today laying before the House the Home Office report on its review of the Scrap Metal dealers Act 2013 (Cm 9552).

The Scrap Metal Dealers Act 2013 was introduced in October 2013 as a response to high levels of metal theft at that time. The purpose of the Act was to reduce these thefts by strengthening regulation of the scrap metal industry. Section 18 of the Act commits the Government to review the Act within five years of commencement and to publish a report which assesses whether it has met its intended objectives and whether it is appropriate to retain or repeal it or any of its provisions.

As set out in today’s Home Office report, we are satisfied that the Act has made a positive contribution to the falls in levels of metal theft that have occurred since it was commenced. We are satisfied, therefore, that the Act should be retained.

Copies of the report are available from the Vote Office and also on the Government’s website at: www.gov.uk.

[HCWS333]
EU Council: UNHCR Executive Committee

The Minister for Immigration (Brandon Lewis): The Government have taken the decision not to opt in to EU Council decision on UNHCR Executive Committee conclusion on machine-readable travel documents for refugees and stateless persons.

The UNHCR conclusions urge states who have not yet done so to take necessary measures to introduce machine-readable convention travel documents for refugees and stateless persons lawfully staying in their territory at the earliest convenience. The conclusions also encourage existing national systems for civil documentation to include refugees and stateless persons and to limit fees for refugees and stateless persons. They commit member states to further strengthening international solidarity and burden-sharing to facilitate the transition to machine-readable travel documents to refugees and stateless persons. The EU Commission published a Council decision seeking agreement to an EU position supporting these conclusions.

The UK already offers travel documents to recognised refugees and stateless persons which exceeds the recommendation to issue machine-readable travel documents. Home Office travel documents are machine-readable and also include a biometric chip that contains a digital facial image of the document holder, similar to the British passport. Furthermore, the UK already complies with the points on costs of refugee travel documents; we align with the 1951 and 1954 UN Conventions which state that signatory states should charge no more than is charged for a national passport.

The Government are committed to taking all opt-in, decisions on a case-by-case basis, putting the national interest at the heart of the decision making process. As the UK is compliant with the conclusions, the UK has decided not to opt in to this Council decision.

[HCWS334]
The Minister for the Armed Forces (Mark Lancaster):
In June 2013, the Government decided that they would draw down employment of their Locally Employed Staff in Afghanistan by the end of 2017 and put policies in place to support those affected. I am responsible for overseeing and assuring the delivery of these policies on behalf of the interested Government Departments.

In terms of the implementation of these policies, the Ministry of Defence will have made the last of its local staff redundant by the end of the year, allowing them to access one of the three generous packages under our Ex-Gratia Redundancy scheme: these comprise financial support for 18 months, training and financial support for five years, or, for those in eligible roles, relocation to the UK.

So far, over 800 former staff have benefited from one of our redundancy options. Under the training offer some of our local staff are studying to be doctors or lawyers, completing their high school education, or improving their English language skills. In some cases, former staff members have chosen to gift their training to a family member, which has in many cases provided wives and daughters with the opportunity for further education or upskilling. These individuals will be better placed to play their part in working for a brighter future for their country.

The scheme has relocated more than 385 former staff and their families to the UK, and we expect around another 60 families to relocate over the next year or so. Of the 385, 12 individuals received Ex-Gratia compensation payments for injuries they sustained while working with UK forces. These were paid before they had decided to relocate to the UK and, some months ago, we initiated investigations to ensure that the decisions are robust.

The Government remain confident that the UK’s arrangements for addressing intimidation concerns meet our commitment to protect our former locally employed staff and we have taken a number of steps to assure these arrangements. Notably, I chair a cross-Government Locally Employed Civilian Assurance Committee. This plays a valuable role in scrutinising the application of the Intimidation Policy and ensuring that it is effectively administered and that Afghan staff who feel threatened due to their employment by the UK are properly supported.

More recently, we have also welcomed the former Chief of Defence Staff, Lord Stirrup, and the Bishop of Colchester into our ranks. The Committee has met five times, most recently looking at the line between what justifies relocation within Afghanistan and to the UK, and at whether our Intimidation Investigation Unit makes a reasonable assessment of the danger to an individual when the intimidation concern is first raised with the Unit. The 14 cases that have been reviewed by the Committee to date demonstrate that the intimidation policy was effectively applied on these occasions. We recognise that this is a relatively small sample and will continue to review cases until we are confident that we have reasonable evidence that the policy is being properly applied. The Department has accepted a number of areas where arrangements need to be fine-tuned and has taken action accordingly. The Committee has also kept under review the security situation in Afghanistan as it relates to the risk of intimidation and the viability of mitigation measures. No issues have so far been raised in this respect.

As an additional layer of assurance, a barrister from outside the Department, and more recently a member of the Government Legal Service, have continued to conduct regular reviews of at least 20% of closed intimidation cases to ensure that the decisions are robust.

The most recent review took place in November this year and concluded that the decisions taken by the investigation unit are fair and appropriate.

It is the Government’s belief that our Ex-Gratia Redundancy scheme and Intimidation Policy remain fit for purpose and properly meet our responsibilities to men and women who played such an important part in our efforts to bring peace and security to Afghanistan.

[HCWS339]

DIGITAL, CULTURE, MEDIA AND SPORT

Telecoms, Transport and Energy Council

The Secretary of State for Digital, Culture, Media and Sport (Karen Bradley): The Telecommunications, Transport and Energy (TTE) Council took place in Brussels on 4 and 5 December 2017. The UK’s deputy permanent representative to the EU represented the interests of the UK at the telecommunications session of this Council, which took place on 4 December.

Telecoms

The member states unanimously agreed a general approach on the proposals laying down the renegotiated regulatory framework for the Body of European Regulators for Electronic Communications (BEREC). This was the only item put forward by the presidency for which a
formal agreement was required. A scrutiny waiver was secured from the European Scrutiny Committee (House of Commons), and the European Union Committee (House of Lords) had cleared this item from scrutiny ahead of the Council.

The main policy debate at the Council centred on the Commission’s initiative on the free flow of data proposal. The Commission’s aim is for this file to be completed by mid-2018, and there was significant support from most member states for work to be expedited, with the expectation that an informal mandate for trilogue discussions could be agreed at Coreper on 20 December.

The Council agreed a 5G spectrum roadmap, a non-binding document which sets out milestones for the release of spectrum necessary for enabling 5G technologies. The UK agreed with the proposed timetable.

The presidency also provided a progress update on the e-privacy regulation information on the progress of the European Electronic Communications Code (EECC). Council conclusions were adopted on the review of the EU cybersecurity strategy and draft Council action plan for their implementation. The UK supported their adoption.

Other

The Council received information from the Bulgarian delegation, as the incoming presidency for the first half of 2018, setting out their work programme for the next six months. They highlighted a number of priorities for their presidency, aimed primarily at moving the digital single market agenda forward during 2018 including:

- Proceeding with informal trilogue discussions with the European Parliament on the proposal for EECC;
- Reaching political agreement on BEREC, advancing the discussions at this Council
- Continue to progress both free flow of data, e-privacy and cybersecurity.

The next Council is scheduled for 7-8 June 2018 with Telecommunications expected to take place on 8 June.

[HCWS341]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Animal Welfare

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): I am delighted to publish today a draft Animal Welfare (Sentencing and Recognition of Sentience) Bill which will reflect the principle of animal sentence in domestic law and increase maximum sentences for animal cruelty tenfold, from six months to five years in England and Wales.

This draft Bill will embed the principle that animals are sentient beings, capable of feeling pain and pleasure, more clearly than ever before in domestic law. There was never any question that our policies on animal welfare are driven by the fact that animals are sentient beings, and I am keen to reinforce this in legislation as we leave the EU.

The Government are committed to raising animal welfare standards, and to ensuring animals will not lose any recognitions or protections once we leave the EU.

The draft Bill I am publishing makes our recognition of animal sentence clear. It contains an obligation, directed towards Government, to pay regard to the welfare needs of animals when formulating and implementing Government policy.

This provision does not apply to Ministers in the devolved Governments of Wales, Scotland and Northern Ireland. I look forward to working closely with my devolved colleagues and I will be exploring with them the best way forward on this important matter, including whether they wish to take a similar or different approach.

In addition we will not tolerate cruelty against animals and we will give the courts the tools they need to deal with abhorrent acts of animal cruelty. This draft Bill increases the maximum penalty for animal welfare offences in the Animal Welfare Act 2006 from six months to five years’ imprisonment.

This applies to the most serious offences under the Act—causing unnecessary suffering, illegally mutilating an animal, illegally docking a dog’s tail, illegal poisoning and encouraging an animal fight. My proposed increased maximum penalties will also apply to convictions relating to attacks on service animals, including guide dogs, police and military dogs. This provision will apply in England and Wales.

The draft Bill that I am publishing today is subject to a seven week consultation, ending on 31 January. It is part of a wider programme to deliver world-leading standards of animal welfare in the years ahead. We are making CCTV mandatory in slaughterhouses, banning plastic microbeads which harm marine life, and have set out proposals for a total ban on ivory sales which contribute to the poaching of elephants. This is the start of our ambition to set a global gold standard for animal welfare as we leave the EU.

HEALTH

Organ Donation: England

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): In October 2017, the Prime Minister announced the Government’s intention to change the law on organ donation in England by introducing the principle of “opt-out consent”, in a bid to save the lives of the 6,500 people currently waiting for an organ transplant.

Today the Government have launched a consultation to begin an open conversation about this change to opt-out organ donation, including how to encourage more conversations about personal decisions and what role families should have when their relative has consented to donate.

Currently, 80% of people say they would be willing to donate their organs but only 36% register to become an organ donor. Three people die every day in need of a suitable organ. Figures from NHS Blood and Transplant show that around 1,100 families in the UK decided not to allow organ donation because they were unsure, or did not know whether their relatives would have wanted to donate an organ or not. The Government’s intention
is that changing the system to an opt-out model of consent will mean more viable organs become available for use in the NHS, potentially saving thousands of lives.

The consultation is open for the next three months, providing an opportunity for as many people as possible in England to give their views, including people from religious groups, patient groups, the clinical transplant community, and black, Asian and other minority communities.

It is important to ensure that moving to an opt-out system of consent will honour a person's decision on what happens to their body after death, and the consultation seeks views on how we can make sure this is the case.

The consultation also seeks views on a number of related issues, including ways in which it can be made easier for people to register their decision on organ and tissue donation. The consultation invites views on the potential impact proposals could have on certain groups who have protected characteristics in law such as disability, race, religion or belief. Questions are asked to help determine how family members should be involved in confirming decisions in future. The Government also propose a number of exclusions and safeguards to the general rule of consent under the proposed new system. This includes the position of children, people with limited mental capacity, the armed forces and temporary residents.

The consultation is available at: https://www.gov.uk/government/consultations/introducing-opt-out-consent-for-organ-and-tissue-donation-in-england. An impact assessment has been published alongside the consultation and can be accessed in the same place as the link above on www.gov.uk.

The outcome of the consultation will inform the Government’s next steps and its proposals for legislation to bring the new system of consent into effect. [HCWS338]

TRANSPORT

EU Transport Council

The Secretary of State for Transport (Chris Grayling): I attended the only formal Transport Council under the Estonian presidency (the presidency) in Brussels on Tuesday 5 December.

First, the Council noted the presidency’s progress report, summarising discussions to date at official level, on phase one of the mobility package. Work has focused on proposals designed to improve the clarity and enforcement of the EU road transport market (the ‘market pillar’) and proposals on the application of social legislation in road transport (the ‘social pillar’). I broadly supported the progress made, emphasised the UK’s commitment to a constructive safety-first approach to updating the rules, but also registered concerns over the proposed extension of scope of part of the regulations to small vans.

Following this, the Council adopted three sets of Council conclusions: on progress in Trans-European Network-Transport (TEN-T) and Connecting Europe Facility (CEF), the Digitalisation of Transport, and the mid-term evaluation of Galileo, EGNOS and European GNSS agency.

Next, the presidency held a policy debate on the “road charging pillar” of the mobility package. The proposals to amend the existing directives on HGV road tolls and user charges (‘Eurovignette’) and the interoperability of electronic road toll systems (‘EETS’) set out rules for charging vehicles using the road (but do not mandate such charging) and promote better functioning of charging across national barriers. The UK broadly welcomed provisions on improving the functioning and enforcement of electronic road tolling systems. However, the UK said we were opposed to proposals to broaden the scope of EU charging rules to include cars, and had concerns about the proposed phasing-out of time-based road charging and measures mandating hypothecation of revenues from congestion charging.

Following this, the Council noted the presidency’s progress report on official level discussions on safeguarding competition in air transport. The UK did not dispute the need for fair competition but urged caution on proposals for regulatory measures; it was important to avoid potential negative impacts on the liberalised aviation market, connectivity, consumers, and member states’ bilateral aviation agreements with third countries.

Under Any Other Business, several items were discussed. Notably, Commissioner Bulc presented the Commission’s recently published second phase of the mobility package, provided an update on the implementation of the extensive aviation strategy, alongside a communication on military mobility, and noted progress on rail passenger rights negotiations; Finland called for reconsideration of the summertime directive; Germany updated on the second high-level group on automated and connected cars; Poland drew attention to the 2018 international maritime days; France promoted her proposed declaration at the upcoming “one planet” summit calling on the IMO to adopt an ambitious strategy for the decarbonisation of international shipping; and Bulgaria presented transport plans for her incoming presidency of the Council of the European Union. [HCWS337]
Written Statements

Wednesday 13 December 2017

EXITING THE EUROPEAN UNION

EU Exit Agreements

The Secretary of State for Exiting the European Union (Mr David Davis): The UK will exit the EU on 29 March 2019. We are currently negotiating the terms of our withdrawal and hope shortly to move on to the terms of our future relationship. This note sets out the role of Parliament in approving the resulting agreements and how they will be brought into force.

Background

There will be at least two agreements.

A withdrawal agreement will be negotiated under article 50 of the treaty on European Union (TEU) while the UK is a member of the EU. It will set out the terms of the UK’s withdrawal from the EU including an agreement on citizens’ rights, Northern Ireland and any financial settlement, as well as the details of any implementation period agreed between both sides.

Article 50(2) of the TEU sets out that the withdrawal agreement should take account of the terms for the departing member state’s future relationship with the EU. At the same time as we negotiate the withdrawal agreement, we will therefore also negotiate the terms for our future relationship.

However, as the Prime Minister made clear in her Florence speech, the European Union considers that it is not “legally able to conclude an agreement with the UK as an external partner while it is itself still part of the European Union”. This is because the EU treaties require that the agreement governing our future relationship can only be legally concluded once the UK is a third country (i.e. once it has left the EU). So the withdrawal agreement will be followed shortly after we have left by one or more agreements covering different aspects of the future relationship.

How will the withdrawal agreement be approved and brought into force?

The withdrawal agreement will need to be signed by both parties and concluded by the EU and ratified by the UK before it can enter into force. The UK approval and EU approval processes can operate in parallel.

The EU’s chief negotiator, Michel Barnier, has said that he wants to have finalised the withdrawal agreement by October 2018. In Europe, the agreement will then require the consent of the European Parliament and final sign off by the Council acting by a qualified majority. It will not require separate approval or ratification by the individual member states.

In the UK, the Government have committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded. This vote will take the form of a resolution in both Houses of Parliament and will cover both the withdrawal agreement and the terms for our future relationship. The Government will not implement any parts of the withdrawal agreement—for example by using clause 9 of the European Union (Withdrawal) Bill—until after this vote has taken place.

In addition to this vote, the Constitutional Reform and Governance Act 2010 (CRAG) normally requires the Government to place a copy of any treaty subject to ratification before both Houses of Parliament for a period of at least 21 sitting days, after which the treaty may be ratified unless there is a resolution against this. If the House of Commons resolves against ratification, the Government can lay a statement explaining why they consider the treaty should still be ratified and there is then a further 21 sitting days during which the House of Commons may decide whether to resolve again against ratification. The Government are only able to ratify the agreement if the House of Commons does not resolve against the agreement.

If Parliament supports the resolution to proceed with the withdrawal agreement and the terms for our future relationship, the Government will bring forward a withdrawal agreement and implementation Bill to give the withdrawal agreement domestic legal effect. The Bill will implement the terms of the withdrawal agreement in UK law as well as providing a further opportunity for parliamentary scrutiny. This legislation will be introduced before the UK exits the EU and the substantive provisions will only take effect from the moment of exit. Similarly, we expect any steps taken through secondary legislation to implement any part of the withdrawal agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.

How will the agreement governing the UK’s future relationship with the EU be approved and brought into force?

As described above, the agreement governing our future relationship with the EU can only be legally concluded once the UK has left the EU. This may take the form of a single agreement or a number of agreements covering different aspects of the relationship.

Whatever their final form, agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and member states are exercising their competences in an agreement, member states will also need to ratify it.

In the UK, the Government will introduce further legislation where it is needed to implement the terms of the future relationship into UK law, providing yet another opportunity for proper parliamentary scrutiny. The CRAG process is also likely to apply to agreements on our future relationship, depending on the final form they take.

[HCWS342]

FOREIGN AND COMMONWEALTH OFFICE

Daesh

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): Daesh no longer holds significant territory in Iraq or Syria. Thanks to the courage and resolve of the Iraqi Security Forces, our partners in Syria and the unwavering support of the 74 member global coalition, in which we play a leading role, millions of people have been liberated from Daesh’s control in both Iraq and Syria.
Daesh is failing, but not yet beaten. It continues to pose a threat to Iraq from across the Syrian border and as an insurgent presence. It is also a global terrorist network. Daesh has the ability to plan and inspire terrorist attacks at home and abroad. Therefore, we will act to protect the UK and our allies, as long as necessary.

We must be prepared for Daesh to change its form by returning to its insurgent roots and making ever stronger efforts to lure more adherents to its ideology. So we will continue to tackle Daesh on simultaneous fronts, which includes preventing the return of foreign terrorist fighters to their country of origin, including the UK and Europe. We will continue to degrade Daesh’s poisonous propaganda, decrease its ability to generate revenue and deny it a safe haven online.

It is vital that we also address the underlying causes of Daesh’s rise. To truly defeat Daesh requires long-term work to address the grievances it feeds off.

That is why we will continue to work with and support the Government of Iraq in their efforts to deliver the reforms and reconciliation needed to rebuild public trust in the Iraqi state and unite all Iraqis against extremism, including by giving them the security, jobs and opportunities they deserve.

In Syria, Assad created the space for Daesh by releasing extremist prisoners and by causing untold suffering to his people. His brutality is evident in the siege and bombardment of almost 400,000 people in eastern Ghouta, which is a replication of the Aleppo siege this time last year. We remain committed to securing a political settlement that ends the conflict and brings about a transition away from Assad. To this end, we welcome the agreement in Riyadh of a new Syrian opposition negotiating team and the resumption of UN-mediated peace talks in Geneva this month.

The ranks of the global coalition continue to grow as more and more countries answer the call to action against Daesh. We will continue to take whatever steps are necessary to protect the British people and our allies.

I would like to place on record my thanks to the Committee for its thorough consideration of these issues. In July, I asked the Committee to undertake this review into the issue of abuse and intimidation experienced by parliamentary candidates, including those who stood in the 2017 general election campaign. The issue was highlighted by those across the political spectrum. While robust debate is fundamental in an open democracy, threats to candidates and property go well beyond that which should be regarded as acceptable by those in public life, and abuse will not be tolerated.

The Committee has consulted widely and members of both Houses, from across all parties, were invited to contribute. Today’s report addresses the roles of the main actors—in social media, the law, policing and prosecution, and political parties—and proposes a package of recommendations for both immediate and longer-term action. We will be giving full and thorough consideration to its recommendations. The Government plan to issue a response to the review in due course. This House may also wish to debate and consider the Committee’s recommendations.

The Committee’s report provides a body of evidence showing the extent and seriousness of the problem. It considers the risks to freedom of speech, diversity, and debate and to our representative democracy if action is not taken. We need to protect our freedom of speech and the vitality of our political system, and the freedom and diversity of participation in that system, as well as ensuring the integrity of the democratic process.

The report finds that intimidation is not a new phenomenon, but its scale and intensity, which has been accelerated by social media, is a serious issue.

It is not just politicians who have experienced unwarranted abuse—it has included journalists and other prominent figures in public life. Everyone deserves to be treated with tolerance and respect, and the British liberties of freedom of speech and freedom of association must always operate within the law. All those in public life need to demonstrate their opposition to intimidation and call it out, and report it when they see it. We must all work together to combat this issue.

Copies of the report have been laid in the Journal Office, the Printed Paper Office and deposited in the Libraries of both Houses.

PRIME MINISTER

Intimidation in Public Life

The Prime Minister (Mrs Theresa May): Today, I welcome the publication of the report by the Committee on Standards in Public Life on its review of the intimidation of parliamentary candidates.
Written Statements

Thursday 14 December 2017

ATTORNEY GENERAL

Victims of Sexual Offences: Protection in Court

The Attorney General (Jeremy Wright): The Government are committed to ensuring that victims are supported throughout the criminal justice system. This is particularly so for victims of sexual violence: a devastating and traumatic crime.

Sections 41 to 43 of the Youth Justice and Criminal Evidence Act 1999 Act came into force in 2000 and provide critical protection for complainants in sex offence cases by tightly restricting the circumstances in which the defence can introduce evidence relating to the complainant’s sexual history.

There is a general prohibition on the use of sexual history evidence by the defence in sex offence trials. There are very limited circumstances in which the law allows such evidence to be introduced, but crucially section 41 prevents the use of sexual history by the defence to discredit the complainant. The defence must make an application to the court to introduce evidence or questions of a complainant’s sexual history, which is then decided upon by the judge in that case.

The Government want to be sure that the law is working as it should, and strikes the right balance between protecting complainants and ensuring the defendant’s right to a fair trial. That is why we have undertaken a study to look at how the law in this area is working in practice.

Earlier this year, the then Lord Chancellor and I asked the Crown Prosecution Service to undertake an analysis of rape cases finalised in 2016 to determine the frequency and outcome of applications, under section 41.

This study looked at 309 such cases and found that in 92% of them—the overwhelming majority—no evidence of the complainant’s sexual history was introduced by the defence. Additionally, applications to introduce such evidence were only made in 13% of these cases. These findings strongly indicate that the law is working as it should, and strikes a careful balance between the need to protect complainants and ensuring that defendants receive a fair trial, consistent with the common law and Article 6 of the European convention on human rights.

Whilst this is reassuring, we want to do more to provide vulnerable victims—and the public at large—with complete confidence in our criminal justice system. The Government are committed to ensuring that victims are treated with dignity and fairness in court. We are therefore taking additional steps to ensure the law continues to function effectively. These steps include the launch of new mandatory CPS prosecutor training and updated legal guidance: discussing with representatives of the Bar and solicitors the opportunity to improve training for criminal practitioners on section 41; a review by the Criminal Procedure Rule Committee of their rules in this area; and improved data collection.

Throughout this study we have listened to the views of victims’ groups and stakeholders, and engaged with them on raising awareness of section 41 and ensuring its effective operation. We will continue to engage with them on this issue.

Further details of the study are set out in a report that accompanies this statement. The measures we are taking are in addition to our wider work to support victims and witnesses in sexual offences cases. This wider work includes the roll-out of pre-recorded cross-examination for vulnerable witnesses in sexual offence cases, the introduction of new guidance for independent sexual violence advisers, and our commitment to publish a victims’ strategy in early 2018. The Government have also committed to publish a draft Domestic Violence and Abuse Bill and provide an additional £20 million to provide support to victims and to organisations combating domestic abuse.

Copies of the report have been laid before both Houses and the full report is available here: www.gov.uk/government/publications/limiting-the-use-of-complainants-sexual-history-in-sexual-offence-cases [HCWS349]

CABINET OFFICE

Government Accountability and Transparency

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): Since 2010, the Government have been at the forefront of opening up data to allow Parliament, the public and the media to hold public bodies to account. Such online transparency is crucial accountability for delivering the best value for money, to cutting waste and inefficiency, and to ensuring every pound of taxpayers’ money is spent in the best possible way. Indeed, such data has allowed those working within central and local government to identify savings and stop excessive spending who did not otherwise know about.

The sunlight of transparency also acts in itself as an important check and balance, and helps ensure the highest standards of public life amongst elected representatives and officials. Alongside this, open data has great potential to deliver better public services through innovative uses of digital and mobile technology.

This moves away from more bureaucratic processes under previous Administrations, such as Public Service Agreements, Departmental Strategic Objectives and Comprehensive Performance Assessments, which were time consuming for public servants and opaque to the outside world.

Open data and transparency

Today a new webpage will go live on gov.uk that will, for the first time, bring together in one place a comprehensive list of the core transparency data published by all Government Departments, alongside details on how that data is prepared.

We have published new guidelines that clarify not only what core transparency data will be published by central Government and how frequently; but also how we will ensure it is available in the most usable format and is easy to find.
This new landing page and publication guidance will help people find and navigate the information they need more easily and reaffirms our commitment to continue to drive forward the transparency agenda.

This guidance represents the minimum requirements which are common to all central Government Departments: many Departments can and do go further.

**Single Departmental plans**

We are also publishing today a refreshed set of single Departmental plans across Government. These set out each Government Department’s objectives and how they will achieve them. Taken together, they show how departments are working to deliver the Government’s programme.

Single Departmental plans are important tools for transparency and accountability. They allow the public to track the Government’s progress and performance against a number of indicators. They also indicate which Ministers and senior officials are responsible for delivering each objective.

**Ministerial accountability**

Under the terms of the Ministerial Code, Ministers must ensure that no conflict arises or could reasonably be perceived to arise between their Ministerial position and their private interests.

Today we are publishing an updated list of Ministers’ interests which captures those interests relevant to Ministers’ responsibilities; it should be read alongside the two Parliamentary registers.

We are also publishing an update report on “the handling of Ministers’ interest” from Sir Alex Allan, the Prime Minister’s independent adviser on Ministers interests, alongside an updated list of Ministerial responsibilities and the regular quarterly disclosure of Ministers’ gifts, hospitality, overseas travel and meetings with external organisations.

The Government are also publishing agendas and the meeting notes of the first two meetings of the Co-ordination Committee between the Government and the DUP, as well as the terms of reference.

**Diversity in public appointments**

The Cabinet Office is also today publishing an action plan for improving the diversity of public appointments. Getting the balance right when making public appointments is a key part of ensuring we have public services which understand and respond to the needs of the population they serve.

In 2013, Government set an aspiration that 50% of new public appointments made each year should go to women. Good progress has been made—49% new appointments made in 2016-17 went to women.

However, up until now we have had very little data on the make-up of existing bodies. This report sets out the record of each department, and the steps we are taking to ensure public bodies accurately reflect the diversity of 21st Century Britain with a new strategy and new aspirations for increasing diversity in public appointments.

**Transparency of senior officials and special advisers**

Special advisers are a critical part of the team supporting Ministers. They add a political dimension to the advice and assistance available to Ministers while reinforcing the impartiality of the permanent Civil Service by distinguishing the source of political advice and support. The Cabinet Office are today publishing the annual list of special advisers and their cost.

Special advisers are temporary civil servants. They represent 0.05% of the Civil Service pay bill. There are 88 special advisers across the whole of Government; the total Civil Service has 423,000 civil servants.

Departments are also publishing routine quarterly data on gifts and hospitality, received by special advisers, as well as information on meetings with senior media figures.

Alongside quarterly data on the travel and expenses of senior officials, the Government are also publishing today the transparency returns on senior public sector pay, as well as updated guidance on the controls for remuneration of senior civil servants and ministerial appointments to public bodies.

The Government will also shortly be publishing new figures on gender pay differentials across the Civil Service.

Copies of the associate documents are being placed in the Library of the House and will be published on gov.uk.

**COMMUNITIES AND LOCAL GOVERNMENT**

**Grenfell Tower**

The Secretary of State for Communities and Local Government (Sajid Javid): Today marks six months since the Grenfell Tower tragedy and I am sure I speak for the whole House when I say our thoughts very much remain with those affected.

A national memorial service will take place at St Paul’s Cathedral today to mark this, which the Prime Minister, ministerial colleagues and I will attend. This will provide the opportunity for us to remember those who tragically lost their lives and I hope offer some comfort to the bereaved and survivors. I am determined those who lost their lives, their families and friends, the survivors and the community will not be forgotten and are supported in getting the help they need and deserve.

On 11 December I wrote to all colleagues with an update on some of the work being undertaken to support those affected and I plan, with Mr Speaker’s permission, to make an oral statement to the House before recess.

Above all, I am determined that the lessons of the Grenfell fire are learnt and never forgotten so that a tragedy like this can never, ever happen again.

**DEFENCE**

**Grant-in-kind: Jordanian Armed Forces**

The Secretary of State for Defence (Gavin Williamson): I have today laid before the House a Departmental Minute describing a package of equipment that the UK intends to provide to the Jordanian Armed Forces. The value of the package is estimated at £2,562,500.

The provision of equipment will be treated as a grant-in-kind. Following correspondence from the Chair of the Public Accounts Committee in 2016, Departments
which previously treated these payments as gifts have undertaken to notify the House of Commons of any such grant-in-kind of a value exceeding £300,000 and explaining the circumstances; and to refrain from making the grant until 14 parliamentary sitting days after the issue of the Minute, except in cases of special urgency.

The grant-in-kind in this case comprises vehicles, furniture and IT equipment, generators and a range of personal-issue items. The granting of this equipment will support the Jordanian Defence & Borders programme and is fundamental to the aims of the Government strategy for Jordan. Delivery of targeted areas of equipment support is an integral part of the approach in order to assist Jordan in developing the capability to protect its borders. The activity is in support of the National Security Council objectives and is funded through the conflict, security and stability fund administered by the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence.

Subject to completion of the Departmental Minute process, the equipment is expected to be delivered in early 2018.

[HCWS348]

Single Source Procurement Legislation

The Secretary of State for Defence (Gavin Williamson):

Section 37 of the Defence Reform Act (2014) requires me to carry out a review of the single source procurement legislation (the DRA and the Single Source Contract Regulations 2014) within three years of it coming into force on 18 December 2014. In meeting this obligation, I would like to express my appreciation for the work and support provided by the Single Source Regulations Office (SSRO) which undertook an extensive consultation process with stakeholders from mid-2016 onwards. I have had regard to the recommendations on changes to the legislation provided by the SSRO in June 2017.

Following further engagement with the SSRO and industry, my review of the legislation has now been completed. It identified a number of areas where changes to the legislation could improve the operation of the regime. Further work will now be needed on the detail of how these could be implemented. In particular, we will need to assure ourselves that the changes result in the intended benefits without imposing unnecessary additional burdens on the Ministry of Defence or suppliers, and that the benefits justify the use of Parliament's time. I will make a further statement on this in early 2018.

[HCWS351]

Air Cadet Aerospace Offer

The RAF Air Cadets continue to offer a wide range of excellent activities and opportunities to young people to broaden their experience, improve their confidence and equip them with the skills to succeed, both professionally and personally. Previously, the “Air” in Air Cadet has largely been associated with gliding, flying scholarship and air experience activity. In 2017—and as we look to the future—this places insufficient recognition on broader aviation activities offered alongside flying, with cadets being trained in a number of associated aerospace subjects, which offer the possibility of achieving recognised qualifications or contributing to a CV. In line with wider RAF transformation, we are also considering further cadet learning in emerging areas and technologies such as:

Remote—piloting;
Space—with potential linkages to the National Space Centre; and
Through links to the RAF 100 legacy “Trenchard Group”, which seeks to transform our training and education offer: airspace control, artificial intelligence and augmented reality.

We are modernising to provide wider aerospace and Science, Technology, Engineering and Mathematics (STEM) experience and qualifications that benefit both cadets and industry in emerging aerospace technology areas. Furthermore there is industry interest in providing aerospace experience shown through linkages with cadets at the Royal International Air Tattoo and Syerston Aerospace camps.

The current generation of cadets and volunteer staff view this positively. It follows that gliding will, in future, be just one part of a useful array of qualifications and experience available to cadets in the aerospace field.

To broaden cadets’ perspectives, a National Aerospace Camp took place in August 2017, following the success of the two previous camps in 2015 and 2016. This brought together over 200 cadets from every corner of the United Kingdom to provide a tailored training programme, focusing on aerospace, aviation, engineering and flying. Alongside many visits to specialist and unique MOD, RAF and aviation establishments; cadets were involved in training in remote-control helicopter flying, radio, synthetic simulator training and air traffic control.

The RAF Air Cadets are in collaboration with the Aviation Skills Partnership, to provide pathways into the aerospace sector. A national hub will be created for the RAF Air Cadets and their adult volunteers, as part of the RAF100 legacy, to engage with modern learning, upskilling, accreditation and development through aerospace subjects. The Aaron Aerospace Academy will be built at RAF Syerston and is intended to form part of a national network of aerospace academies, in the coming years, with state of the art facilities.

Throughout the financial year 2016/17 a total of 17,600 cadets had powered flying experiences in the Grob Tutor, with additional opportunities expected as part of a new Air Experience Flight based in Northern Ireland. A further 2,000 have flown in front-line aircraft during training sorties. Tutor flying is now better integrated as part of the wider training programme as, since the gliding relaunch, the utilisation of Part Task Trainer (PTT) simulators has been realigned, with simulated gliding training a pre-cursor to both gliding and Tutor powered flying qualifications. Each Volunteer Gliding School (VGS) now incorporates at least one PTT and,
in addition, five Aerospace Ground Schools equipped with PTTs have been established in locations where full VGS were previously closed.

Glider recovery rates are now steady and predictable, allowing a total of nearly 3,000 glider sorties to be conducted since recovery of the fleet began. 22 Viking gliders have been recovered so far and gliders have been assigned to Syerston, Little Rissington, Upavon and Tern Hill. Current plans are that up to 15 Vigilant gliders will be delivered, of which six have been recovered so far, with two having been assigned to Topcliffe and the remainder operating at Syerston.

These VGS units are now starting to offer wings courses, as they did prior to the pause in flying. More VGS will be regenerated in the coming months.

The review identified that a smaller fleet can be effectively used to potentially improve availability and extend the service life of the gliders. Accordingly, the recovery plans, focusing on contractor capacity and value for money, will now deliver up to 60 Viking gliders, rather than the 73 previously anticipated. As such the revised numbers will deliver the required output—of giving Air Cadets the opportunity of gaining gliding experience as part of the wider aerospace offer—and will not impact the number of VGS squadrons agreed in March 2016, or the size of the Volunteer Instructor cadre required to support it.

A modern Air Cadet Aerospace Offer should focus on achieving an appropriate balance of gliding, flying, simulation, STEM and front line air experience, making best use of the assets that the RAF have to offer, whilst also looking to the future. The RAF remains extremely grateful for the hard work, time and energy of the volunteers that support the Air Cadets in driving forward this transformation of the Air Cadet Aerospace Offer.

EDUCATION

Schools and Colleges: Advice and Guidance

The Minister for Children and Families (Mr Robert Goodwill): Today the Government are launching a public consultation on proposed changes to its Keeping Children Safe in Education (KCSIE) statutory guidance. All schools and colleges in England must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children.

KCSIE sets out the legal duties that schools and colleges must comply with, together with good practice guidance on what schools and colleges should do in order to keep children safe. The guidance is extensive, covering what staff should know and do to safeguard children, the management of safeguarding in schools and colleges, safer recruitment and responding to allegations of abuse against staff.

It is important that this guidance is regularly updated to reflect current concerns and best practice. KCSIE was last updated in September 2016 and the time is right to update this guidance again. The consultation document explains a number of proposed changes to KCSIE. The aim is to help schools and colleges better understand what they are required to do by law and what we strongly advise they should do in order to safeguard and promote the welfare of children.

The consultation will last for 10 weeks, closing on 22 February 2018. Following the public consultation, we expect to publish revised guidance, for information, early in the summer term 2018 and for this to come into force in September 2018, at the start of the new school year.

The proposed changes include providing further guidance on sexual violence and sexual harassment between children in schools and colleges. As well as consulting on these changes the Government are also today publishing a more detailed Departmental advice on this issue.

Children and young people must be protected from sexual violence and sexual harassment, and schools and colleges are under a legal duty to safeguard their pupils.

The detailed advice we have published today should help schools and colleges take swift and proportionate action to keep children safe and support victims of abuse.

The advice sets out what sexual violence and sexual harassment look like, the legal responsibilities of schools and colleges and effective safeguarding practice and principles to support schools and colleges in their decision making process when there is a report of sexual violence or sexual harassment.

The issue of sexual violence and sexual harassment in schools was the subject of an inquiry by the Women and Equalities Committee. As part of its response to the Committee’s recommendations, the Department for Education set up an advisory group to review existing Departmental guidance, including KCSIE and behaviour and bullying guidance. The Department has worked with the advisory group and other expert stakeholders to draft the advice document and is grateful to them for their contributions.

The consultation document, containing full details of the proposals and inviting responses and the Departmental advice can be accessed via gov.uk. Copies of the consultation document and Departmental advice will also be placed in the House Libraries.

Social Mobility: Education

The Secretary of State for Education (Justine Greening): Today, 14 December 2017, I am publishing “Unlocking Talent; Fulfilling Potential: A plan for improving social mobility through education”.

This is an ambitious plan to put social mobility at the heart of education policy, helping to make Britain fit for the future. It sits alongside the work of other Departments, and brings together a coherent, concerted approach to begin to level up opportunity right across the education system.

Our education reforms are raising standards in schools: compared to 2010 there are now 1.9 million more pupils in good and outstanding schools. Our introduction of a central focus on phonics is transforming literacy rates for young children. There are record numbers of young people in education or training and more disadvantaged young people going to university.
But, in our country today, where you start still all too often determines where you finish. And while talent is spread evenly across the country, opportunity is not. If we are to make this a country that truly works for everyone, there is much more to be done to deliver equality of opportunity for every child, regardless of who they are or where they live.

We are under no illusion that this will be easy. Nor that education can do it alone. But it does play a vital role—equality of opportunity starts with education.

This plan will deliver action targeted towards the people and the places where it is needed most through five key ambitions. Firstly, there is an overarching ambition to provide additional support to parts of the country that need it to ensure no community is “left behind”. Then there are four life stage ambitions:

**Ambition 1:** Close the word gap in the early years: children with strong foundations start school in a position to progress, but too many children fall behind early. We need to tackle development gaps, especially key early language and literacy skills, including by boosting investment in English hubs and professional development for early years professionals.

**Ambition 2:** Close the attainment gap in school while continuing to raise standards for all: the attainment gap between disadvantaged children and their more affluent peers is closing. But these pupils still remain behind their peers. We will build on recent reforms, and raise standards in the areas that need it most. This will include more support for teachers early in their careers, providing clear pathways to progression, and getting more great teachers in areas where there remain significant challenges.

**Ambition 3:** High-quality post-16 education choices for all young people: we have more people going to university than ever before, including more disadvantaged young people, but we need to expand access further to the best universities. We are delivering a skills revolution including working with business to make technical education world class, backed by an extra £500 million investment at the March 2017 Budget.

**Ambition 4:** Everyone achieving their full potential in rewarding careers: employment has grown, but we need to improve access for young people from lower-income backgrounds to networks of advice, information and experiences of work through a new type of partnership involving employers. We will also support adults to retrain/upskill.

To achieve these ambitions, we are shifting the way we work. We are focusing on what works: putting evidence at the heart of our approach, embedding and extending successful reforms, and spreading best practice.

We are also shifting focus on building lasting success through partnership: asking employers, education professionals, voluntary groups and many others to step up and join a united effort across the country to put social mobility at the heart of their work too.

Improving opportunity for the next generation of young people is one of the great challenges of our time; everyone must play their part. But the prize is huge: a country in which talent and potential are what matters more. A country where everyone can be at their best.

The plan will be published on the Department for Education’s website and copies will also be placed in the House Libraries.
The communiqué reflects the commitment of the Governments of the overseas territories and the UK to continue to work in partnership to achieve the vision set out in the June 2012 White Paper: The Overseas Territories: Security, Success and Sustainability.

In line with our commitment in the White Paper, we will continue to report to Parliament on progress by Government Departments in implementing the commitments in the communiqué.

A copy of the communiqué has been published on the GOV.UK website.

I have arranged for the communiqué to be placed in the House Library.

The Joint Ministerial Council 2017 Communique can be viewed online at:
http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-12-14/HCWS355/.

[HCWS355]

HEALTH

Health and Care Workforce Strategy

The Minister of State, Department of Health (Mr Philip Dunne): I wish to update Parliament that on 13 December 2017, Health Education England published the consultation “Facing the Facts, Shaping the Future”, a draft health and care workforce strategy for England to 2027.

This draft strategy is for consultation with stakeholders and the public more widely and is the product of the whole national health system, including NHS England, NHS Improvement and Public Health England.

It announces system-wide reviews to assess the impact of technological changes on professional and on how best to support the informal workforce—made up of family, friends, carers and patients themselves—in the future.

Further information on the consultation and how to participate can be found at: https://www.hee.nhs.uk/our-work/planning-commissioning/workforce-strategy.

A copy of the draft strategy can be found at:
http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-12-14/HCWS345/.

[HCWS345]

HOME DEPARTMENT

Justice and Home Affairs Council

The Secretary of State for the Home Department (Amber Rudd): The EU Justice and Home Affairs Council of Ministers met on 7 and 8 December in Brussels. I represented the UK for Interior Day. The Lord Chancellor and Secretary of State for Justice, represented the UK for Justice Day.

On Interior Day (7 December) a General Approach was agreed on the proposed EU-LISA regulation. The Government have opted into the draft regulation and is content with the text. I abstained on the vote due to a Parliamentary Scrutiny Reserve.

The next item was a progress report on improving interoperability of EU information systems, following the recommendations made by a High-Level Expert Group in June. The Commission previewed legislation to be proposed next week, which will include the creation of a single “hit-no-hit” search interface. In general terms, the UK supports efforts to improve interoperability of EU systems, but we will scrutinise these proposals in further detail when they are released.

Ministers then exchanged views on the interim report and recommendations of the High-Level Expert Group On Radicalisation (HLEG-R). I intervened to share UK learning following the 2017 attacks, including the importance of working with local communities as highlighted in the newly published Anderson report. I voiced support for proposed new Commission structures, suggesting benefit in a research function and an EU wide strategic communications network.

The non-EU Counter Terrorism Group (CTG) followed with a presentation to the council, in which they covered their assessment of the terrorism threat in the EU, and set out in further detail their plans for future counter terrorism co-operation including with Europol. I intervened to support the ongoing CTG activities in this space.

This was followed by a discussion on co-operation between Common Security and Defence Policy (CSDP) operations and EU JHA agencies. This centred around lessons to be learned from existing co-operation between JHA agencies and EU security and defence missions in third countries, with Operation Sophia (tackling migrant traffickers in the Central Mediterranean) the focus. Work is continuing to implement the lessons learned and improve co-operation.

The Commission then gave an update on the state of play on transposition and implementation of the Directive on the use of Passenger Name Record (PNR) data. The Commission noted that not all member states were on track to meet the implementation deadline. The UK has the most developed capacity for processing PNR data in Europe and will continue to offer advice and support to member states in the development of their own capabilities.

This was followed by a short presentation from the Bulgarian delegation on the work programme for their upcoming presidency. The overarching aim of their presidency is to preserve unity and solidarity within the EU, noting that they will prioritise security-related issues, especially those relating to data, during their presidency.

The presidency then gave a progress update on negotiations of legislative proposals on the reform of the Common European Asylum System. The Commission noted their ambition to adopt EU Asylum Agency and Eurodac legislation by March 2018.

The working lunch discussed strengthening of the Schengen area. Ministers had a detailed discussion on how to improve Schengen border management, including through the proposed Schengen borders legislative package. The UK does not participate in the Schengen border free zone and I did not intervene in this discussion.

Following lunch, the presidency presented views on restricted data retention and targeted data access. The discussion focused on the need for a common approach, whilst taking account of the importance of data retention to law enforcement agencies. I intervened to update the council on the principles of the UK response to the
Court of Justice of the European Union judgment in the TELE2 / Watson case from December 2016, as set out in our consultation, launched on 30 November, on new safeguards for the use of communications data.

The Commission also provided an update on its proposals for technical measures to help law enforcement address issues related to encrypted data, which was followed by a short discussion on best practice in this area. I intervened to encourage closer engagement with service providers, and the need to press industry to find technical solutions.

Interior day ended with the council receiving updates on the outcomes of the EU Internet Forum meeting on 6 December, and the presidency’s review of the JHA strategic guidelines. The Swiss delegation also gave an update on the third meeting of the central Mediterranean Group, which took place in Bern on 13 November.

Justice day (8 December) began with agreement by Ministers to a General Approach on the European Criminal Records Information System (ECRIS) Directive and the regulation regarding exchange of information on third country nationals (ECRIS-TCN). During a discussion on fingerprint thresholds, the Secretary of State for Justice intervened to indicate that the UK can accept the position reached, but also to express regret that the agreed text was not more ambitious, supporting the review clause in the text. While the UK can support the General Approach, as the proposals had not cleared Parliamentary Scrutiny, Secretary of State for Justice abstained on the vote.

A General Approach was then also agreed on the proposed Regulation on mutual recognition of freezing and confiscation orders. Despite some disagreement between member states on whether this should take the form of a Regulation or a Directive, this was passed by a qualified majority. The proposal had not cleared Parliamentary Scrutiny.

This was followed by a discussion on the recast of the Brussels Ila Regulation, in which Ministers agreed to abolish exequatur for all decision in matters of parental responsibility, whilst retaining sufficient safeguards to ensure the best interests of the child and the right of defence were preserved. The Secretary of State for Justice highlighted the benefits for citizens and families that the change would bring in reducing time, cost and complexity for those in often difficult personal circumstances.

At lunch, there was a discussion about the next e-Justice Strategy and Action Plan.

The presidency then introduced a paper on the insolvency, restructuring and second chance Directive, setting out political guidelines on three issues; there was broad support for an optional viability test and general support for a mechanism to govern creditor voting rights. Member states were largely split on a proposed three year discharge period. The UK emphasised the potential benefit here for European economies and supported all three guidelines.

The Commission set out that it would continue to work towards an agreement for the EU to accede to the European Court of human rights, taking into account the concerns of the Court of Justice of the European Union, which had found the previous draft accession agreement contrary to the EU Treaties. The Commission gave no indication of a likely timescale, and noted that the issues raised by the Court were politically and legally complex to resolve.

WORK AND PENSIONS

Employment and Support Allowance

The Secretary of State for Work and Pensions (Mr David Gauke): In 2013, the Department was made aware of individual cases which were transferred in error to contributory ESA, rather than to income-related ESA, and therefore which may have had an unidentified entitlement to additional premiums, such as the enhanced disability premium. These premiums are only payable to those on income-related benefits. From 2014 additional guidance was put in place to ensure all claims transitioning from that point forward were more fully assessed for both contributory and income-related benefits, and therefore the relevant premiums paid.

At the time officials did not identify the need to explore the potential impact of the earlier error. This was reconsidered in the light of analysis following the preliminary fraud and error statistics published in May 2016. In February 2017, Ministers were first informed of the results of this analysis and a sampling exercise began in preparation for a full repayment process. The Department has already started contacting individuals to establish if there has been an underpayment of premiums. A small number of claims have already been corrected and the appropriate arrears have been paid.

As a result of the sampling exercise, the Department estimates that around 75,000 claimants may have been underpaid. This amounts to about 5% of those people who transferred over from incapacity benefits, or around 3% of the current ESA caseload.

We realise how important it is to get this matter fixed. The Department has established a special team to begin contacting all individuals whom we believe may be affected. There is therefore no need for individuals to independently contact the Department on this matter. Once an individual is contacted and subject to establishing the relevant information, we expect to make a decision on each case and repay the appropriate arrears within 12 weeks. The Department expect to complete the review and correct cases during the course of 2018/19.

This relates to a specific group that transferred to contributory ESA between 2011 and 2014, for which applicable underpayments will now be corrected and paid. Arrears are payable to those who qualify from 21 October 2014 following an upper tier tribunal ruling in the case of LH v SSWP on that date. Under section 27 of the Social Security Act 1998, when a tribunal establishes the meaning of a legislative provision, payments of arrears which pre-date the tribunal ruling are barred.

The Department is reviewing its processes to ensure any lessons are learnt and that this error is avoided in the future.
The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington):

My noble Friend, the Parliamentary Under-Secretary of State for the Department for Business, Energy and Industrial Strategy (Lord Henley) has made the following statement:

The Energy Council will take place on 18 December in Brussels. The Council will aim to agree a total of four general approaches on elements of the clean energy package. These are on the regulation on governance of the energy union; the directive on renewable energy; the regulation on electricity; and the directive on electricity.

The day meeting will also include information from the Commission about recent developments in the field of external energy relations and a presentation from the Bulgarian delegation on their upcoming presidency.

[HCWS364]

Industrial Action: E-balloting

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):

Section 4 of the Trade Union Act 2016 makes provision for the Secretary of State to commission an independent review concerning electronic balloting for the purposes of ballots held under section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992.

It was announced that Sir Ken Knight would be undertaking the independent review on 3 November 2016. The Government were particularly keen to understand the electronic and physical security of electronic balloting methods, including the risks of interception, impersonation, hacking, fraud and, misleading or irregular practices, as well as whether any system could safeguard against the risk of intimidation of union members and protect anonymity of ballot responses. During the review Sir Ken Knight issued a call for evidence and conducted a number of roundtables with key stakeholders to hear their views.

The review is published today and I would like to place on record my thanks to Sir Ken for his work. Under the terms of the Trade Union Act 2016, the Secretary of State is now required to consider the review and, in preparing his response, must consult relevant organisations, including professionals from expert associations to seek their advice and recommendations. Accordingly, we will now consider Sir Ken’s review and respond in due course.

Copies of the review will be laid before both Houses. [HCWS365]

TREASURY

Cash Ratio Deposits

The Chief Secretary to the Treasury (Elizabeth Truss):

Cash ratio deposits (CRDs) are non-interest bearing assets deposited with the Bank of England by banks and building societies. They are used by the Bank to finance its policy functions, in particular its efforts to secure price stability and the stability of the financial system in general, from which these institutions are key beneficiaries.

The CRD scheme was extended to include building societies, and was placed on a statutory basis, when the Bank of England Act became law in 1998. The scheme has been reviewed every five years since. The last review in 2013 resulted in the CRD ratio being increased from 0.11 % to 0.18%, following a public consultation. As part of the 2013 review, the Government committed to reviewing the scheme again within five years. The Treasury, working closely with the Bank, will now begin that review.

The review will include an assessment of the detailed arrangements of the scheme as well as the continuing suitability of the scheme itself compared to alternative sources of funding. It will also address the impact of the scheme on the eligible institutions. The broad conclusions of the review will be the subject of a public consultation.

[HCWS361]

ECOFIN

The Chancellor of the Exchequer (Mr Philip Hammond):

A meeting of the Economic and Financial Affairs Council (ECOFIN) was held in Brussels on 5 December. EU Finance Ministers discussed the following items:

Early morning session

The Eurogroup President briefed Ministers on the outcomes of the 4 December meeting of the Eurogroup, and the Commission provided an update on the current economic situation in the EU. The Chair of the European Fiscal Board (EFB) presented to Ministers the annual report from the EFB. Ministers also exchanged views on the proposed US tax reforms.

Strengthening of the Banking Union

The Council took note of progress reports on the European deposit insurance scheme, and the banking package, and received information from the Commission on the state of play of the action plan to tackle non-performing loans. This was followed by an exchange of views.

Current financial services legislative proposals

The Council presidency provided an update on current legislative proposals in the field of financial services.

VAT administrative co-operation

The Commission provided information on its proposals relating to measures on VAT administrative co-operation.

Council conclusions on “The EU list of non-co-operative jurisdictions for tax purposes”

Ministers agreed Council conclusions on the EU’s list of non-co-operative jurisdictions for tax purposes.

Council decisions on the implementation of the stability and growth pact

Ministers agreed a Council decision to close the UK’s excessive deficit procedure (EDP), and a decision and recommendation on Romania’s compliance with EU fiscal rules.
European Semester 2018
The Council presidency presented the annual growth survey 2018 and the alert mechanism report 2018, and discussed a Council recommendation on the economic policy of the euro-area.

EIB proposal to establish a European development bank
Ministers received information on a proposal to create a new subsidiary to the European investment bank that will be dedicated to development.

COMMUNITIES AND LOCAL GOVERNMENT
Building Safety Programme

The Secretary of State for Communities and Local Government (Sajid Javid): Earlier this year, the Home Secretary and I asked Dame Judith Hackitt to carry out an independent review of building regulations and fire safety. I am pleased to inform the House that Dame Judith has published her interim report today. It is available at: www.gov.uk/government/publications/independent-review-of-building-regulations-and-fire-safety-interim-report, and copies are being placed in the Libraries of both Houses.

The publication of Dame Judith’s interim report is an important milestone. The Home Secretary and I welcome the report, its findings, and the extensive engagement Dame Judith has carried out with industry, residents, building control bodies, fire and rescue services, Government and other key partners.

It is my intention to update the House further regarding the publication of this report in an oral statement this afternoon.

This interim report provides a strong foundation for the next phase of the review. We will continue work with Dame Judith and other partners over the coming months as she finalises her recommendations and I look forward to updating the House on Dame Judith’s final report in the spring.

DEFENCE

Armed Forces Covenant: Annual Report

The Secretary of State for Defence (Gavin Williamson): I am today laying before the House the 2017 armed forces Covenant annual report. The Armed Forces Act 2011 set out the requirement for the Defence Secretary to report progress annually to Parliament. The Covenant is a promise by the nation to ensure that those who serve, or have served, and their families are treated fairly and suffer no disadvantage. The sacrifices made by serving personnel, veterans and their families should be recognised accordingly. The report describes what the Government, and wider society, have done to uphold the principles of the Covenant across the UK.

The Covenant is not only a debt owed by the nation to the armed forces community, it is also a mutually beneficial partnership between the military family and the wider society that they serve. The annual report highlights just some of the excellent initiatives being taken in local communities to deepen relationships and that the publication of the report today coincides with the announcement of 02 as the 2,000th business signing of the Covenant demonstrates the ongoing success in building partnerships with the private sector.

A consistent theme of this year’s report is a drive toward co-ordinating services across the core areas of the Covenant. The launch of the Veterans’ Gateway, funded by the Covenant and delivered by a Royal British Legion led-consortium, and the work of the Department of Health-led Transition Intervention and Liaison Services, in close co-ordination with Defence, are just two examples of working across organisational boundaries to provide a more coherent and focused service to the people that need it the most.

In the public sector new guidance for local authorities published this year will help to improve the consistency of delivery at a local level. As well as identifying examples of best practice the guidance explains how local support groups and organisations can share resources to help integrate military and civilian communities.

The mobile nature of service life can lead to disadvantage in a number of areas, one of which is access to education. The inclusion of service children as a target group for universities in their fair access agreements, acknowledges this and the ability to identify service children when moving between schools will help to minimise the impact to their education.

The Government’s new ministerial Covenant and Veterans Board will also ensure a more co-ordinated approach, confirming that providing support to service personnel, veterans and their families remains a top priority, and the report also sets out the key commitments for 2018.

The report has been compiled in consultation with other Government Departments, the devolved Administrations, and the external members of the Covenant reference group.

I am grateful to them all for their contributions, and their continued support as together we ensure our armed forces community receive the support they deserve.

FOREIGN AND COMMONWEALTH OFFICE

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): I wish to inform the House that the Foreign and Commonwealth Office, together with the Department for International Development and the Ministry of Defence, are today publishing the 2017 annual report on progress against the UK’s third National Action Plan on Women, Peace and Security.

Published on 12 June 2014 (HC Deb, 16 June 2014, c 72-4WS) the National Action Plan sets out the Government’s objectives on the Women, Peace and Security agenda for the period 2014-2017. It provides the direction to our work to put women and girls at the centre of conflict prevention, response and resolution.
The report published today outlines our progress against the National Action Plan over the last 12 months, including our work in our six focus countries of Afghanistan, Burma, the Democratic Republic of Congo, Libya, Somalia and Syria as well as an overview of our wider progress on the Women, Peace and Security agenda over the three year life of the National Action Plan and the commitments we made in October 2015 at the UN Security Council High Level Review of Resolution 1325 on Women, Peace and Security.

The progress report has been published on gov.uk. I am placing electronic copies in the Parliamentary Libraries.

[HCWS363]

WORK AND PENSIONS

Automatic Enrolment

The Secretary of State for Work and Pensions (Mr David Gauke): The Government have published their “Automatic Enrolment Review 2017: Maintaining the Momentum” as a Command Paper (CM 9546). A copy of the accompanying analytical report, which underpins this review, has been placed in the House Library.

Since 2012, over 9 million people have been automatically enrolled into workplace pension and over 900,000 employers have met their duties. The workplace pension participation rate for eligible men and women in the private sector is now equal. By 2019/20 we estimate an extra £20 billion a year will go into workplace pension savings as a result of automatic enrolment. This is helping people achieve greater financial security in later life, and encouraging a culture of saving.

The review sets out our ambition to build on the success of automatic enrolment to date, with a comprehensive and balanced package of proposals to continue to normalise pension saving, namely:

- confirming that automatic enrolment should continue to be available to all eligible workers regardless of who their employer is;
- making saving the norm for young people, by lowering the age for automatic enrolment from 22 to 18, to bring an extra 900,000 people into workplace pensions;
- supporting all those who are automatically enrolled, particularly those with low earnings and multiple jobs, to save more for retirement by removing the lower earnings limit so that their contributions are calculated from the first pound of earnings.

Recognising the diversity of the 4.8 million classified as self-employed, for whom a single saving intervention might not be effective, we will work to implement our manifesto commitment by testing targeted interventions aimed at the self-employed, which are set out in the review report, to identify the most effective options to increase pension saving among self-employed people.

We will also work to ensure that the rules around automatic enrolment for those working in atypical ways or in non-standard forms of employment are clear, and that enforcement of the automatic enrolment duties for employers remains robust. The Government’s forthcoming response to Matthew Taylor’s review of modern working practices, which is due to be published shortly, is relevant to this work. My Department will continue to work closely with the Department for Business, Energy and Industrial Strategy, HMT and HMRC to ensure suitable alignment and clarity is achieved across our policies.

The review also calls upon the pensions industry, employers, and the wider advisory and intermediary community to work with Government on better, simpler, engagement. Our aim is to help savers understand the benefits of workplace pension saving, so that they are better able to plan for security in retirement.

It is the Government’s ambition to implement changes to the automatic enrolment framework in the mid-2020s, subject to discussions with stakeholders around their detailed design in 2018/19, finding ways to make the changes affordable, and followed by formal consultation with a view to introducing legislation in due course. The discussions with stakeholders will allow us to build consensus on the shape and design of the package, helping develop our detailed plans and implementation timetable, which can then form part of the formal consultation.

The Government are grateful to the review’s external advisory group, chaired by and made up of experts from within the pensions industry, and those representing member interests and employers. This group has provided invaluable insights and constructive challenge in shaping the review.

The 2017 review also outlines findings from the statutory review of the alternative quality requirements for defined benefit schemes (under section 23A of the Pensions Act 2008), and the alternative quality requirements (under section 28 of the Pensions Act 2008).

Annual thresholds review

Running concurrently with this review of automatic enrolment, the statutory annual review of the automatic enrolment earnings thresholds has been completed for the 2018/19 tax year.

The Government will lay an Order before Parliament in the new year which will include the following thresholds for 2018/19: £6,032 for the lower earnings limit of the qualifying earnings band and £46,350 for the upper limit of the qualifying earnings band.

The automatic enrolment earnings trigger will remain frozen at £10,000.

This will ensure that a period of stability and consistency is maintained ahead of the increases in contributions from April 2018, while also ensuring that those, for whom it makes economic sense to save, continue to be brought into workplace pensions and have the opportunity to build up meaningful savings.

A copy of the automatic enrolment earnings trigger and qualifying earnings band for 2018/19: supporting analysis has been placed in the House Library. These papers will be available today on www.gov.uk website.

“Automatic Enrolment Review 2017: Maintaining the Momentum” sets out a clear direction of travel to build on the successes of the policy to date, and move forward the Government’s ambition for a more robust and inclusive savings culture; specifically supporting younger generations, lower earners, and women with the opportunity to build up pension assets for a more secure retirement.

[HCWS366]

Employment, Social Policy, Health and Consumers Affairs Council

The Minister for Employment (Damian Hinds): The Employment, Social Policy, Health and Consumer Affairs Council met on 7 December 2017 in Brussels. As Minister of State for Employment, I represented the UK.
The Council agreed a partial general approach on the long-term care and family benefits chapters of the revision of regulations on co-ordination of social security systems—(883/04 and 987/09). The UK explained its abstention due to a parliamentary scrutiny reservation.

The Council agreed a general approach on the European Accessibility Act. The UK supported the aims of the proposal but registered an abstention, reflecting concerns about the clarity of text.

The Council received a progress report on the draft directive on equal treatment (Art. 19) and the draft directive on work-life balance.

The Council gave political agreement to the directive implementing a social partner agreement on the implementation of amendments to the Maritime Labour Convention.

As part of the semester process the European Commission presented the annual growth survey 2018, the draft joint employment report, the alert mechanism report and the draft recommendation on the economic policy of the euro area. They also sought the views and gained the approval of member states on the employment and social aspects of the recommendation on the euro area.

The Council adopted Council conclusions on the following three topics: the future of work: making it e-easy; enhancing community-based support and care for independent living; and on enhanced measures to reduce horizontal gender segregation in education and employment.

Under any other business, the Commission presented information on the EU action plan 2017-2019 on tackling the gender pay gap and on concluding the year of focused actions to eliminate gender-based violence. The Swedish delegation and the Commission presented information on the Social summit (Gothenburg, 17 November 2017) and the Bulgarian delegation presented the work programme of its incoming presidency.

**Personal Independence Payment**

**The Minister for Disabled People, Health and Work (Sarah Newton):** Later today, I will publish Command Paper 9540 “Government’s response to the Second Independent Review of the Personal Independence Payment (PIP) Assessment”. The review was carried out by Paul Gray and published on 30 March 2017.

Alongside this, the Department is publishing interim findings from wave 2 of the PIP claimant survey which focuses on the assessment and decision stages of the PIP claim, and seeks claimants' feedback and experiences of these.

The response outlines my Department’s intentions in relation to the recommendations suggested by Paul Gray in his second independent review. It also provides an update of the actions my Department has taken against the recommendations identified in the first independent review.

My Department has accepted or partially accepted all of the recommendations in the latest review.

PIP is a modern benefit, which can be flexible and responsive to change, where we identify improvements to be made. While this completes the legal obligation to review the implementation of PIP, we remain committed to understanding how the benefit is working and to continuous improvement in this space. Furthermore we remain committed to working closely with claimants and the organisations who represent them, and will continue to do so.

This response will be laid before Parliament and made available on the www.gov.uk website.
**Written Statements**

*Tuesday 19 December 2017*

**TREASURY**

**European Union Opt-in Decision: Cash Controls Regulation**

The Financial Secretary to the Treasury (Mel Stride):
The UK’s justice and home affairs (JHA) opt-in was triggered by three articles in a proposed regulation amending EU regulation 1889/2005 on controls on cash entering or leaving the union. In the proposed regulation, provisions in article 6 oblige member states to collect information, and those in articles 8 and 9 oblige member states to share information. The Government considered that the competence for the EU to act in these areas stems from article 87 of the treaty on the functioning of the European Union.

The Government decided that it is in the UK’s interest to opt in to the justice and home affairs obligations within this regulation as the provisions strengthen the existing regulations, and will enhance border security without imposing disproportionate burdens on business. The proposed new regulation will reinforce the existing controls of cash moving across EU borders, bringing these controls in line with international norms and best practices for addressing evolving forms of criminality. Until the UK leaves the EU it remains a full and participating member. We will continue to work with the EU institutions, with the aim of ensuring that UK objectives are preserved as the negotiations progress on any compromise text.

[HCWS371]

**EDUCATION**

**School Revenue Funding Settlement: 2018-19**

The Minister for School Standards (Nick Gibb): Today I am confirming the school and early years funding allocations for 2018-19. This announcement covers the Dedicated Schools Grant (DSG), the Education Services Grant (ESG) protections for academies, and the pupil premium. This is supported by the additional £1.3 billion for schools and high needs over the next two years that the Secretary of State for Education announced in July.

As previously announced, the distribution of the DSG to local authorities will be set out in four blocks for each authority: a schools block, a high needs block, an early years block, and the new central school services block.

On 14 September, the Secretary of State for Education announced a new national funding formula for schools and high needs from April 2018. This follows the introduction of a national funding formula for early years in April 2017. This is an historic reform. The new national funding formulae will direct resources where they are most needed, helping to ensure that every child has the high quality education that they deserve, wherever they live.

The schools block has been allocated between local authorities on the basis of the primary and secondary units of funding published in September 2017.

The allocations for the high needs block have been updated with the latest pupil numbers, following the publication of provisional allocations in September indicating how much each local authority was likely to receive. The high needs block supports provision for pupils and students with special educational needs and disabilities (SEND), up to the age of 25, and alternative provision for pupils who cannot receive their education in schools.

The new central school services block which funds local authorities for their ongoing responsibilities for both academies and maintained schools has also been allocated on the basis of the latest pupil numbers, in line with September’s announcement.

The early years block comprises funding for: the free early education entitlements for 3 and 4-year-olds and disadvantaged 2-year-olds, supplementary funding for maintained nursery schools; the early years pupil premium, and the disability access fund. The early years national funding formula rates for 3 and 4-year-olds for 2018-19 were published on 17 November, and today we have announced initial allocations for this block.

We will maintain the ESG protections in 2018-19 at their current rates, to protect academies from excessive changes in funding as a result of the ending of the ESG.

The pupil premium per pupil amounts will be protected at the current rates, with the exception of the pupil premium plus, which will increase from £1,900 per pupil to £2,300, as previously announced. The amounts for 2018-19 will be:

<table>
<thead>
<tr>
<th>Pupils</th>
<th>Per Pupil Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disadvantaged pupils: Primary</td>
<td>£1,320</td>
</tr>
<tr>
<td>Disadvantaged pupils: Secondary</td>
<td>£935</td>
</tr>
<tr>
<td>Pupil Premium Plus: Looked After Children (LAC) and those adopted from care or who leave care under a Special Guardianship Order or Child Arrangements Order (formally known as a residence order).</td>
<td>£2,300</td>
</tr>
<tr>
<td>Service children</td>
<td>£300</td>
</tr>
</tbody>
</table>

A looked after child is defined in the Children Act 1989 as one who is in the care of, or provided with accommodation by, an English or Welsh local authority.

Pupil premium allocations for financial year 2018-19 will be published in June 2018 following the receipt of pupil number data from the spring 2018 schools and alternative provision censuses. Details of these arrangements will be published on www.gov.uk.

**Relationships, and Sex, Education**

The Secretary of State for Education (Justine Greening): Through the Children and Social Work Act 2017 we legislated to place a duty on the Secretary of State for Education to make regulations requiring:

All schools providing primary education in England to teach age-appropriate “relationships education” to pupils receiving primary education; and

All schools providing secondary education in England to teach age-appropriate “relationships and sex education” to pupils receiving secondary education.

The Act also created a power for the Government to make regulations requiring personal, social, health and economic education (PSHE) to be taught in all schools. It is already compulsory in all independent schools.
I am today launching a call for evidence to gather the views of teachers, parents, and most importantly, young people to help us shape relationships education in primary school and relationships and sex education in secondary school. Our aim is to help our young people to stay safe and be better prepared to face the challenges of the modern world.

The current statutory guidance for teaching relationships and sex education was last set in 2000. It needs updating to reflect today’s world as it does not address risks to children that have emerged over the last 17 years, including cyber-bullying, “sexting” and staying safe online. The call for evidence will invite views on age-appropriate content that builds young people’s knowledge and understanding over time, including:

- how to recognise, understand and build healthy relationships, including self-respect and respect for others, commitment, boundaries and consent, tolerance, and how to manage conflict, and also how to recognise unhealthy relationships, addressing issues such as bullying, coercion and exploitation;
- understanding different types of relationships, including friendships, family relationships, dealing with strangers and, at secondary school, intimate relationships;
- safety online, including use of social media, cyber-bullying, sexting; and,
- how relationships may affect health and wellbeing, including the importance of good mental health and resilience.

Schools will continue to have flexibility over how they teach these subjects so that they can ensure their approach is sensitive to the needs of their pupils and, in the case of faith schools, in accordance with the tenets of their faith. Schools will ensure that parents are fully consulted on their approach. As now, primary schools do not have to teach sex education and the Government have no proposal to change this, but if primary schools do choose to teach sex education, parents will be able to withdraw their children from these lessons.

We are also seeking views on the future of PSHE. The call for evidence will close on 12 February 2018. It forms part of the wider engagement process we are conducting with the education sector and other experts to inform the development of these subjects. The engagement process, supported by our education adviser, executive headteacher Ian Bauckham CBE, will be followed by a formal consultation on draft regulations and guidance before regulations are laid in the House for debate.

[HCWS373]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Surface Water Management

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I would like to update the House on the work the Government are doing to consider the long-term arrangements for surface water management.

Following the national flood resilience review we are better prepared this winter for flooding from all sources: the Environment Agency now has 25 miles of mobile flood barriers, 250 mobile pumps and 500,000 sandbags. These flood barriers and mobile pumps are ready to go anywhere in the country. This allows us to respond rapidly and flexibly to help protect communities, homes and businesses.

The Budget announced an additional £76 million to be spent on flood and coastal defence schemes over the next three years. This boosts flood defence investment to over £2.6 billion by 2021. Our flood defence programme is protecting more and more homes across the country, and we have 100,000 homes better protected by the 350 new schemes completed in the last two years.

As well as being prepared for this winter, it is right that we look ahead to future challenges, including in relation to surface water management. Surface water flooding occurs when excessive rainfall from storms overwhelms local drainage capacities. Changing weather patterns and population growth will have impacts on the risk of surface water flooding going forward.

Local councils have clear statutory responsibilities as lead local flood authorities to manage surface water flood risks and work in partnership with other risk management authorities, including highways authorities and water companies—who have a duty to effectively drain their area. Power and communications companies also have roles in managing the risks of disruption to essential services.

In response to the commitment in the national flood resilience review to look at issues affecting surface water in 2017, we have been working across Government to consider ways in which surface water management may need to be strengthened.

We have analysed information from a wide range of sources to inform this work. For example, looking at current flooding and drainage plans, undertaking local case studies, holding discussions at national stakeholder events and working with Water UK’s 21st-century drainage programme.

We also need to take account of ongoing work by the National Infrastructure Commission and the adaptation sub-committee as well as the soon-to-be published report of DCLG’s review of sustainable drainage systems in planning policy. As well as reducing the risk of surface water flooding, sustainable drainage can deliver water quality, biodiversity and amenity benefits, helping to make great places to live.

Using this evidence we have identified five key actions—set out below. Proposals to support these areas will be considered by the inter-ministerial group on flooding early next year with a report outlining actions and an implementation timetable published in spring 2018.

In January 2018 my Department will co-host an event with Water UK to present our findings so far. Stakeholders will be able to contribute in shaping future actions. One of the main themes will be the collaboration of local authorities and other risk management authorities in delivering their statutory responsibilities and achieving the best outcomes for surface water management.

Five action areas

National position: This year Government added the risk of surface water flooding to the national risk register within the “high-risk” banding. We will develop a clear national planning scenario for surface water flood risk based on plausible extreme rainfall events. This will be tested by a panel of experts who will give an independent assessment of its suitability and its application to existing surface water risk maps and national objectives.

Effective collaborative working: Our local case studies identified some very effective partnership working by risk management authorities. We will use the findings to work with others to build on this, including using the review of the national
The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): Lord Callanan, Minister of State for Exiting the European Union, has made the following statement:

I represented the UK at the General Affairs Council (GAC) meeting in Brussels on 12 December. The main items on the agenda were: preparations for the December European Council on 14 and 15 December; a follow-up to the October European Council; legislative programming, covering the joint declaration on legislative priorities for 2018-19; and the European semester, focusing on the annual growth survey.

A provisional report of the meeting and the conclusions adopted can be found on the Council of the European Union’s website at: http://www.consilium.europa.eu/en/meetings/gac/2017/12/12/Preparation of the European Council, 14 to 15 December 2017

The presidency introduced the agenda for the December European Council, which included: defence; social, culture and education; migration; and external relations. I intervened to welcome the draft December conclusions as short and well balanced.

On the defence agenda item, the Council were informed that NATO Secretary-General Stoltenberg would attend the DEC to discuss EU-NATO co-operation. I intervened to emphasise the importance of EU-NATO co-operation. I also welcomed swift progress on the permanent structured co-operation (PESCO) and the attention given to the European defence industrial development programme (EDIDP).

Ministers exchanged views on the conclusions for the social, education and culture agenda items. I stressed the importance of subsidiarity in this area and noted that economic strength and the creation of jobs are the best way to deliver social protection.

Under the migration agenda item, Ministers discussed the common European asylum system (CEAS).

October European Council follow-up

Commission Vice-President Timmermans updated Ministers on the successful replenishment of the EU Africa trust fund (EUTF), which had exceeded the €110 million target set by leaders in October. Vice-President Timmermans also updated that cuts to Turkey’s pre-accession funding were a reflection of political developments in the country.

Legislative programming—joint declaration on interinstitutional programming

The Council approved the joint declaration on the EU’s legislative priorities for 2018-19. The priorities, which include views on annual interinstitutional programming, are due to be signed by the Presidents of the European Council, Commission and Parliament.

European semester 2018—annual growth survey

The Commission introduced the annual growth survey, which set out its priorities for action at national and EU-level over the next 12 months to support economic growth and employment.

HOME DEPARTMENT

Policing

The Minister for Policing and the Fire Service (Mr Nick Hurd): I have today placed in the Library my proposals for the aggregate amount of grant to local policing bodies in England and Wales for 2018-19, for the approval of the House. Copies are also available in the Vote Office. The Welsh Government are also setting out today its proposals for the allocation of funding in 2018-19 for local policing bodies in Wales.

The Government are committed to protecting the public and providing the resources necessary for the police to do their critical work. That is why I have visited or spoken with every police force in England and Wales to better understand the demands they face and how these can best be managed. I have met with many rank and file officers, as well as Chief Constables and Police and Crime Commissioners (PCCs). I pay tribute to the hard work of police officers up and down the country who put the safety of others before their own and help make our communities more secure.

We in Government and the police leadership must support frontline police officers and staff to ensure they have the resources, modern equipment and skills they need to deliver their responsibility to the public. To achieve this, the police funding settlement has four objectives:

Greater public investment in both local and CT, to help the police respond to shifts in both crime and the terrorist threat.

Empowering locally accountable PCCs to have greater flexibility to set their own local funding.

Challenging and supporting police leaders to be more efficient, more productive with officers’ time and transparent in their use of public money.

Maintaining substantial Government investment in national programmes that will upgrade police capabilities and help them be more effective in managing extra demand.

The background to this settlement is one of a shift in the pattern of demand on police time and resources. It remains true that crime as traditionally measured by the independent crime survey for England and Wales—widely regarded as the best long-term measure of the crime people experience—is down by more than a third since 2010 and 70% since its peak in 1995.

However, we need to recognise that there have been material changes in the demands on policing since the 2015 spending review. Demand on the police from crimes reported to them has grown and shifted to more complex and resource intensive work such as investigating child sexual exploitation and modern slavery. At the same time the terrorist threat has changed. The 24% growth in recorded crime since 2014-15 comes from...
more victims having the confidence to come forward and report previously hidden crimes, better recording practices by the police—both of which are to be welcomed—but also includes some concerning increases in violent crime.

The Government have listened to the police and recognised the demands they face. Between 2015-16 and 2017-18, total police funding has increased by over half a billion pounds including increased investment in transformation and technology. In this settlement, we propose to increase total investment in the police system by up to £450 million year on year in 2018-19.

In 2018-19, we will provide each PCC with the same amount of core Government grant funding as in 2017-18. Protecting police grant means PCCs retain the full benefit from any additional local council tax income. Alongside this, we are providing further flexibility to PCCs in England to increase their band D precept by up to £12 in 2018-19 without the need to call a local referendum. This is equivalent to up to £1 per month for a typical band D household.

These changes to referendum principles give PCCs the flexibility to make the right choices for their local area, and will enable an increase in funding to PCCs of up to around £270 million next year. It means that each PCC who uses this flexibility will be able to increase their direct resource funding by at least an estimated 1.6% (which maintains funding in real terms). The overall force level impact is set out at the accompanying table 1, and Home Office grant levels are set out at table 3.

The Chancellor and the Home Secretary have agreed additional Government funding for counter-terrorism policing with a £50 million (7%) increase in like-for-like funding when compared to 2017-18. This will enable the counter-terrorism budget to increase to at least £757 million, including £29 million for an uplift in armed policing from the police transformation fund. This is a significant additional investment in the vital work of counter-terrorism police officers across the country. PCCs will be notified of force level allocations separately. These will not be made public for security reasons.

We will also increase investment in national policing priorities such as police technology and special grant by around £130 million compared to 2017-18.

The funding the Government provide for national policing priorities, known as reallocations, supports crucial police reform. For example, since the launch of the transformation fund last year over £200 million of funding has been awarded for modernising policing and building capability, in addition to over £200 million awarded between 2013 and 2016 for the innovation fund. For example, we are investing over £40 million in regional organised crime unit capacity to uplift serious organised crime capability including undercover online capability to tackle child sexual abuse, and £8.5 million for tackling modern slavery, to drive nationally co-ordinated action, training and assessment.

We will continue to work in partnership with the police to help build the capabilities and skills they need to meet new challenges. To support these objectives, we are providing reallocations for the following national priorities in 2018-19 (as set out at table 2):

- We will maintain the size of the police transformation fund at £175 million, which we expect to support an improvement in the leadership and culture of policing, the diversity of its workforce, protection of vulnerable people, cross-force specialist capabilities, exploitation of new technology and how we respond to changing threats.
- We are also increasing funding for police technology to £495 million to support the new emergency services network (ESN), Home Office biometrics, the national law enforcement data service and the new national automatic number plate recognition service. These technology programmes will provide the national infrastructure that the police need for the modern communications and data requirements, and will deliver substantial financial savings and productivity gains in future.
- We are providing £93 million for the discretionary police special grant contingency fund, which supports forces facing significant and exceptional events which might otherwise place them at significant financial risk (for example, helping forces respond to terrorist attacks). We are increasing funding in 2018-19 to reflect both an assessment of potential need after heavy demand for special grant this year, and the specific costs likely to be incurred for the policing operation at the Commonwealth summit.
- Existing arm’s length bodies (Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services, the College of Policing, the Independent Police Complaints Commission as it becomes the Independent Office for Police Conduct, and the Gangmasters and Labour Abuse Authority) will receive broadly the same level of funding as in 2017-18. Additional arm’s length body funding reflects the need to set up a new office for communications data authorisations following clarification by the courts of the legal requirements for independent scrutiny of requests for intercepts.
- We will also continue to pay our private finance initiative obligations, support police bail reforms, and top up national crime agency funding and regional organised crime unit grants to ensure these are maintained at flat cash, in line with police grant.

As part of the settlement for police and crime commissioners and in addition to core Government funding, we will fund the following:

- PCCs in England will continue to receive grants relating to the 2011-12, 2013-14, 2014-15 and 2015-16 council tax freeze schemes. We will also provide local council tax support grant funding to PCCs in England. These will total £507 million in 2018-19. The Common Council of the City of London (on behalf of the City of London Police) and the Greater London Authority (on behalf of the Mayor’s Office for Policing and Crime) will also receive equivalent funding from the Department of Communities and Local Government (DCLG).
- The Metropolitan Police Service, through the Greater London Authority, will continue to receive national and international capital city (NICC) grant funding worth £173.6 million, and the City of London Police will also continue to receive NICC grant funding worth £4.5 million. This is in recognition of the unique and additional demands of policing the capital city. An additional grant of £0.9 million will be made to the Common Council of the City of London (on behalf of the City of London Police) to protect their direct resource funding in real terms as they do not raise a police precept.
- PCCs will also receive capital grant of £45.9 million, which is the same amount as in 2017-18. Tables 4 and 5 set out the capital settlement.

The increase in 2018-19 funding to PCCs must be matched by a serious commitment from PCCs and chief constables to reform by improving productivity and efficiency to deliver a better, more transparent service to the public. Following my discussions with forces and Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) efficiency findings, I have three clear priorities:

Seek and deliver further cost efficiencies. I welcome the progress forces have made against the £350 million procurement savings target set at spending review 2015. However, there is
a lot more to do. We have helped to identify £100 million of potential savings in areas such as fleet, professional services and construction. Forces will need to make greater use of national procurement through lead forces to make these savings. We are providing support through the police transformation fund and we will also help establish a force-led national centre of excellence to drive down back-office costs, and make best use of estates.

A modern digitally enabled workforce that allows frontline officers to spend less time dealing with bureaucracy and more time preventing and fighting crime and protecting the public. If all forces could deliver the same one hour per officer per day of productivity benefits from mobile working as the best in a recent sample with eight forces, this has the potential to free up the equivalent of 11,000 extra officers nationally to provide the proactive policing that committed police officers want to deliver. We will work with policing to set up a specialist team to make sure all police forces have access to, and make use of, the best mobile working apps to enable forces to free up extra hours to spend at the frontline.

Greater transparency in how public money is used locally. It is necessary for police to hold financial reserves, including primarily for contingencies, emergencies and major change costs. As at March 2017 police forces held usable resource reserves of over £1.6 billion. This compares to £1.4 billion in 2011. Current reserves held represent 15% of annual police funding to PCCs. There are wide variations between forces with Gwent for example holding 42% and Northumbria holding 6%. This is public money and the public are entitled to more information around police plans for reserves and how those plans will support more effective policing. So we will be improving transparency around reserves in the new year through enhanced guidance and through national publication of comparable reserves data. HMICFRS are also consulting on plans for force management statements, which could make more information on police forces available to the public.

We will be entering into discussions with police leadership to agree milestones against these priorities that need to be achieved over 2018.

I have listened to the views of PCCs and Chief Constables, who have requested greater certainty about future funding to help more efficient financial planning. If the police deliver clear and substantial progress against the agreed milestones on productivity and efficiency in 2018, then the Government intend to maintain the protection of a broadly flat police grant in 2019-20 and repeat the same flexibility of the precept, i.e. allowing PCCs to increase their band D precept up to a further £12 in 2019-20.

I am grateful for the work of the core grant distribution review, earlier this year, which considered potential changes to the police funding formula. In the context of changing demand and following my engagement with police leaders, providing funding certainty for 2019-20 is my immediate priority. It is intended that the funding formula will be revisited at the next spending review.

Not only are we supporting the police by making sure they have enough resources but in other ways too, such as ensuring police have the full protection of the law when carrying out their duties. That is why we are supporting the Assaults on Emergency Workers Bill which will increase penalties available to those who attack emergency service workers. We are also helping frontline officers to tackle crime by making sure that officers feel able to pursue suspected criminals where it is appropriate to do so by reviewing the legislation, guidance and practice around police pursuits.

The Communities Secretary is announcing the council tax referendum principles for all local authorities in England in 2018-19, including those applicable to PCCs. After considering any representations, he will set out the final principles in a report to the House and seek approval for these in parallel with the Final Local Government Finance Report. Council tax in Wales is the responsibility of Welsh Ministers.

I have set out in a separate document the tables illustrating how we propose to allocate the police funding settlement between the different funding streams and between PCCs for 2018-19. These documents are intended to be read together.

Police grant tables can be viewed online at: http://www.parliament.uk/business/publications/written-questions-statements/written-statements/Commons/2017-12-19/HCWS372/.

[HCWS372]

JUSTICE

Criminal Justice System: BAME Individuals

The Lord Chancellor and Secretary of State for Justice (Mr David Lidington): In 2016 the Prime Minister asked the right hon. Member for Tottenham (Mr Lammy) to chair “An independent review into the treatment of, and outcomes for, BAME individuals in the CJS”. The review made 35 recommendations for the Government to implement, and today the Government publish their response.

The Government welcome the impetus that the Lammy review brings to the debate about ethnicity and race, and would like to thank the right hon. Member for Tottenham for his thorough and incisive research on the topic. We welcome the core principles detailed in the review—transparency, fairness, and responsibility—as a framework on which policy and practice should stand.

In the response, we have clearly outlined the actions we have taken or will take in relation to each recommendation. We have also examined the review to find ideas that, while not being explicit recommendations, nevertheless warrant greater attention and action.

There are already a number of steps the Government have taken in line with the review recommendations, announced at the publication of the race disparity audit. We are already moving to publish more and better data, and will adopt a co-ordinated approach to improving data quality to determine where disparities occur and why. In addition, the Government have adopted the principle of “explain or change” to identify and objectively assess disparities, and then decide whether and how changes need to be applied. We feel this principle is particularly valuable in relation to smaller groups in the criminal justice system, such as Gypsies, Roma and Travellers, and BAME women.

On a small number of the recommendations we have indicated that we need to proceed with caution, if significant barriers exist that prevent us from implementing a recommendation as it stands. Where this is the case, we aim to be transparent about the reasons and open to change, as circumstances alter.

Beyond the review’s recommendations, we will set up governance procedures to monitor our progress driven by a Race and Ethnicity Board of senior officials, chaired at the level of director general within the MoJ.
It will update the Criminal Justice Board, of which I am chair. The Race and Ethnicity Board will consider and agree the scope and timelines for the work needed to reduce race disparities. This will include timings for the actions set out in the Government’s response.

These governance structures will cover the agenda articulated by he right hon. Member for Tottenham and will contribute to the Government’s wider work around tackling race disparities, and direct sustained effort to give this agenda the longevity it deserves.

[HCWS367]
Written Statements

Wednesday 20 December 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Post Office

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): The Government are announcing today that they are committing up to £370 million in new investment to the post office network for the three years from the start of April 2018 to the end of March 2021.

The post office network plays a vital role in communities, with post offices having the most positive impact on the local area of any type of shop, as found by the Association of Convenience Stores’ local shop report 2017. At a time when our high streets are changing, the Government and Post Office are working to keep post offices on our high streets, supporting continued access to banking services through the Post Office’s banking framework whereby 99% of individuals and 95% of small businesses can access basic banking arrangements.

This new investment in the Post Office will further strengthen it for the future. Alongside today’s announcement the Government and Post Office have published three documents which evidence the progress that has been made in strengthening the Post Office:

- Post Office’s annual report and accounts show that the financial performance of the Post Office continues to improve, with the company making a profit for the first time in 16 years;
- The annual network report demonstrates that the number of post offices around the country continues to be at its most stable for decades, and in fact shows an increase in the number of branches for the second year running. The report shows that 93% of the population live within 1 mile of a Post Office, and almost 99% of the rural population live within 3 miles;
- Government’s response to the public consultation confirms our manifesto commitment to securing the network, maintaining the current access criteria to ensure that there remains a widespread and comprehensive distribution of branches around the country.

Furthermore, the Government’s £2 billion investment in the Post Office since 2010 has led to over seven and a half thousand branches being transformed and modernised, bringing almost a million extra opening hours per month for customers, with 4,400 branches open on a Sunday.

The next three years will see new technology being rolled out into branches, and Post Office will be innovating its existing products and launching new ones too. The Post Office’s digital presence will be strengthened and its online presence will be better integrated with its branches.

The steps the Government and the Post Office’s staff and leadership have taken in recent years have strengthened the business and helped to make the network more commercially sustainable, reducing its reliance on taxpayer support and the long-term need for Government funding. This new funding gives the Post Office the security to plan a vibrant long-term future for the network.

[HCWS379]
in the UK is in Britain’s national interest and today’s announcement illustrates that the Government stand ready to do what is necessary to protect it.

As requested by the Bank and the FCA, the Government will, if necessary, bring forward legislation:

- which will enable EEA firms and funds operating in the UK to obtain a “temporary permission” to continue their activities in the UK for a limited period after withdrawal; and
- alongside the temporary permissions regime, the Government will legislate, if necessary, to ensure that contractual obligations, such as insurance contracts, which are not covered by the regime, can continue to be met.

We will also bring forward secondary legislation to ensure that UK authorities are able to carry out functions currently undertaken by EU authorities. We propose to give the Bank of England functions and powers in relation to non-UK central counterparties (CCPs) and non-UK central securities depositories (CSDs). If necessary, we will also provide for a temporary regime to enable the Bank to permit these firms to continue to operate in the UK for a limited period after exit. The Bank will set out its approach to CCPs located abroad today. We will also provide the FCA with functions and powers in relation to UK and non-UK credit rating agencies and trade repositories and any powers necessary to manage the transition post-exit. HM Treasury will work with the Bank and FCA as they determine how they will use these powers, consistent with their statutory objectives.

Whatever the outcome of the negotiations, the Government are strongly supportive of continued engagement and co-operation between UK and EU regulators to protect financial stability. It is vitally important that we work with our European partners to put the technical arrangements in place to avoid financial market disruption.

[HCWS382]

DIGITAL, CULTURE, MEDIA AND SPORT

Universal Broadband Delivery

The Minister for Digital (Matt Hancock): The Government have today confirmed that universal high speed broadband will be delivered by a regulatory universal service obligation (USO), giving everyone in the UK access to speeds of at least 10Mbps by the end of 2020.

Following the creation of new enabling powers in the Digital Economy Act 2017, we launched our consultation on the design of the regulatory USO on 30 July 2017. The USO will give households and small businesses a legal right to request a broadband connection from a designated provider who will be obliged to provide a connection, regardless of location, up to a reasonable cost threshold. Having carefully considered the responses, we will set out the design for a legal right to high speed broadband in secondary legislation early next year, alongside our detailed consultation response.

In the summer, we also received a proposal from BT Group plc to deliver universal broadband through a voluntary agreement. We welcomed the proposal and have considered this in detail alongside a regulatory approach. However, we have decided not to pursue BT’s proposal. We believe that only a regulatory USO offers sufficient certainty and the legal enforceability that is required to guarantee delivery of our manifesto commitment to ensure decent broadband access for the whole of the UK by 2020.

Working with Ofcom, we will now move ahead to take the necessary steps to implement the regulatory USO as swiftly as possible. Once we have laid the secondary legislation setting the specification for the USO, Ofcom will then carry out the necessary steps to put the USO in place to bring about faster broadband across the UK.

[HCWS175]

DEFENCE

Defence Industrial Policy

The Secretary of State for Defence (Gavin Williamson): Today I am publishing the Defence Industrial Policy. This meets a commitment in the 2015 National Security Strategy and Strategic Defence and Security Review. A copy has been placed in the Library of the House and on the www.gov.uk website. Building on the national security through technology White Paper of 2012, the policy focuses on our overall engagement with defence industry, and how this is best structured to serve our national security objectives.

Industry, working alongside our armed forces and defence civilians delivers a crucial part of the United Kingdom’s national security objectives: to protect our people, project influence overseas and promote national prosperity. Industry delivers vital capabilities to our armed forces, and is an important part of the UK economy.

As a customer of the defence industry, the Government have a responsibility to obtain the right capability for our armed forces and to ensure value for money for the taxpayer in the goods and services that we buy. Alongside this, we also want to create an environment that encourages a thriving and globally competitive UK defence sector as an important part of our wider industrial base.

Since 2015, we have worked with business of all sizes to understand how we can support growth and competitiveness in the sector, as well as our wider national security objectives. The refreshed Defence Industrial Policy sets out the results of this work.

It identifies what has been achieved so far, as well as the areas where further work is needed. In defining how Government and industry can work together to generate value and strengthen our security, it is part of a continuing process of engagement.

There are three strands to our policy approach:

- Improving the way defence delivers wider economic and international value, and national security objectives.
- Helping UK industry in its plans to be internationally competitive, innovative and secure.
- Making it easier to do business with defence, particularly for innovators, small and medium-sized enterprises (SMEs) and non-traditional defence suppliers.

We are committed to delivering value for money for defence and a fair return to industry by implementing the single source contracting regulations in new and modified non-competitive contracts, as set out in the Defence Reform Act 2014.
We will strengthen industrial collaboration with our key allies and partners, including in the context of NATO, the US National Technology and Industrial Base and the European Technology and Industrial Base, with which UK industry and research will remain closely linked.

The National Shipbuilding Strategy, published in September 2017, sets out our approach for driving prosperity through export-led growth, competition and a focus on national and regional productivity and skills. It is an important pathfinder to improve the way we measure, assess and apply prosperity benefits in other areas of defence procurement.

To deliver this refreshed approach we will need to continue our close partnership with industry in the UK, while maintaining our commitment to open competition.

[HCWS374]

Future Nuclear Deterrent

The Secretary of State for Defence (Gavin Williamson): On 18 May 2011, the then Secretary of State for Defence, (Dr Liam Fox) made an oral statement to the House Official Report, column 351, announcing the approval of the initial gate investment stage for the procurement of the successor to the Vanguard class ballistic missile submarines. He also placed in the Library of the House a report “The United Kingdom’s Future Nuclear Deterrent: The Submarine Initial Gate Parliamentary Report”.

As confirmed in the 2015 strategic defence and security review, the Government are committed to publishing an annual report on the programme. I am today publishing the sixth report, “The United Kingdom’s Future Nuclear Deterrent: The Dreadnought Programme, 2017 Update to Parliament”. A copy has been placed in the Library of the House.

[HCWS377]

EDUCATION

Special Educational Needs and Disability

The Minister for Children and Families (Mr Robert Goodwill): In March 2017 the Government committed to introduce a two-year national trial to expand the powers of the first-tier tribunal (SEND) to make non-binding recommendations on the health and social care aspects of education, health and care (EHC) plans alongside the educational aspects.

I am pleased to announce the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) Regulations 2017 for the national trial on the single route of redress have been laid in Parliament today and will come into force on 3 April 2018. The national trial will run for two years and we will consider next steps following an evaluation, including whether evidence supports its continuation.

Separately, the Government have considered their position on powers, provided via the Children and Families Act 2014, to pilot, and subsequently introduce, a right for children under 16 to appeal themselves to the first-tier tribunal (SEND). After careful consideration, we have decided not to pilot this measure at the current time.

Children are at the centre of the SEND system with person-centred planning and co-production a key part of the Children and Families Act 2014. Local authorities in England are already under a duty to present the child’s views to the tribunal. The Children and Families Act 2014 has already introduced the right for young people (aged 16 or over) to appeal. Although giving children under 16 the right to appeal would strengthen their voice, there is limited evidence of demand from families or children in England for this right, and in Wales, where the right was established in 2015, there has not been a single appeal from a child.

Government will keep the issue under consideration, including monitoring the position in the devolved Administrations and how the current system is working for young people aged 16 and over.

[HCWS376]

PRIME MINISTER

Intelligence Oversight

The Prime Minister (Mrs Theresa May): I have today laid before both Houses a copy of the final annual reports from the Intelligence Services Commissioner, the Interception of Communications Commissioner and the Chief Surveillance Commissioner. These reports are the last reports to be completed under the previous system of judicial intelligence oversight. On 1 September 2017 the Investigatory Powers Commissioner assumed responsibility for oversight of the use of investigatory powers by public authorities.

These three annual reports demonstrate that the security and intelligence agencies, law enforcement agencies and other relevant public authorities show high levels of operational competence combined with respect for the law. The introduction of the Investigatory Powers Commissioner, as created by the Investigatory Powers Act 2016, will only further strengthen the system of oversight and the world-leading level of transparency that these reports represent. I would like to place on record my thanks to the commissioners and their staff for their work.

I would also like to thank the Intelligence and Security Committee of Parliament, which has published its 2016-17 annual report today. This is a thorough annual report covering threats to national security, the Committee’s assessment of the UK’s approach to counter-terrorism and cyber-security and in-depth scrutiny of the resources and expenditure of the agencies and Government Departments. The level of detail contained in the report, obtained through the Committee’s regular access to written material and evidence sessions with the heads of agencies and Secretaries of State is testament to the quality of UK parliamentary intelligence oversight. The report includes 26 conclusions and recommendations, many of which the Government support and are already implementing, such as continuing efforts to tackle the extremist narrative, working with the technology industry to promote secure operating systems in smart devices, attracting technical specialists into agency roles and ensuring that the strongest possible European security co-operation continues post-Brexit. The Government
are committed to improving the efficiency and effectiveness of the agencies’ and will consider the Committee’s recommendations about administration and expenditure as part of those wider Government efforts.

Finally, I would also like to respond to the Intelligence and Security Committee’s report on targeted airstrikes which was published on 26 April 2017 before the general election. On 7 September 2015, the then Prime Minister informed the House that on 21 August 2015, an RAF remotely piloted aircraft targeted and killed Reyaad Khan, a UK national, in the Raqqah area in Syria in an act of UK self-defence. Two other individuals, both Daesh associates, were also killed. On 29 October 2015, the Intelligence and Security Committee announced that it would be investigating the intelligence basis for the airstrikes and the threat that Reyaad Khan posed.

The Intelligence and Security Committee concluded that there was “no doubt that Reyaad Khan posed a very serious threat to the UK.”

The Committee reviewed classified intelligence reports that showed how Reyaad Khan and his associates had encouraged multiple operatives around the world to orchestrate attacks, including at high-profile public commemorations in the UK in 2015. They had offered instructions for the manufacture of improvised explosive devices and locations of possible targets. The intent to murder British citizens was clear and the Intelligence and Security Committee concluded “it is to the Agencies’ credit that their investigation of Khan’s activities revealed these plots which they were then able to disrupt, thereby avoiding what could have been a very significant loss of life.”

A precision airstrike against a British citizen is one of the most difficult decisions a Government can take. It is the last resort in a host of counter-terrorism measures to prevent and disrupt plots against the UK at every stage in their planning. These include powers to stop suspects travelling, to pursue terrorists through the courts and to assist coalition partners in counter-terrorism activity overseas.

However, if there is a direct threat to UK citizens like that posed by Reyaad Khan, I, like my predecessor, will always be prepared to take action. In August 2015, there was no alternative to a precision airstrike in Syria. There was no Government that the UK could work with, and no military on the ground to detain Daesh operatives. There was also nothing to suggest that Reyaad Khan would desist from his desire to murder innocent people in the UK. The Government had no way of ensuring that all of his planned attacks would not become a murderous reality without taking direct action.

As the then Prime Minister informed the House in September 2015, a rigorous decision-making process underpinned the airstrike. A direct and imminent threat was identified by the intelligence agencies and the National Security Council agreed that military action should be taken. The Attorney General was consulted and was clear that there would be a clear legal basis for action in international law. For the reasons outlined above, an airstrike was the only feasible means of effectively disrupting the attack planning and so it was necessary and proportionate for the individual self-defence of the UK.

On that basis, the Defence Secretary authorised the operation, which was conducted according to specific military rules of engagement that complied with international law and the principles of proportionality and necessity.

The UK continues to thwart terrorist attacks. Countering the threat has always been a crucial part of the work of this Government. We have introduced measures to disrupt the travel of foreign fighters, passed the Investigatory Powers Act which ensures the police and security and intelligence agencies have the powers and tools they need to keep the public safe, and increased counter-terrorism budgets. We continue to work with technology companies to remove terrorist material online and to share UK intelligence with international partners to track down terrorists. But sadly this year has shown that the threat from terrorism cannot always be contained. Too many innocent families’ lives have been ruined across the UK from international terrorist attacks. The Government will continue to do what is necessary to keep citizens safe.

[HCWS378]

Organisation for Security and Co-operation in Europe: UK Delegation

The Prime Minister (Mrs Theresa May): The United Kingdom delegation to the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe is constituted as follows:

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<th>Full Representatives</th>
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<td>Mark Pritchard MP—Leader</td>
<td>Heidi Alexander MP</td>
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<td>Lord Bowness</td>
<td>Ian Austin MP</td>
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[HCWS380]
Written Statements

Thursday 21 December 2017

PRIME MINISTER

Infected Blood Inquiry

The Prime Minister (Mrs Theresa May): As the Government announced last month, a full statutory inquiry into the infected blood scandal will be established under the Inquiries Act 2005, and sponsored by the Cabinet Office. The inquiry will have full powers, including the power to compel the production of documents, and to summon witnesses to give evidence on oath.

We are today setting out the next steps.

The Cabinet Office has now completed its analysis of the responses to the consultation on the format of the statutory inquiry into infected blood announced in July. In addition a series of roundtable meetings were held earlier this month with individuals and groups representing those affected.

The Government committed to making an announcement regarding the chair of the inquiry before Christmas, taking into account the views we have received. We are therefore announcing today our intention to appoint a judge to chair the inquiry. We will make a further statement on who that judge will be in the new year and we will be discussing with them the composition of the inquiry panel.

We would like to thank each and every person who took the time to respond to the consultation, and to share their views and experiences. We understand how difficult these issues must have been to describe and we are grateful for the frankness and honesty with which people have shared their experiences. The responses to the consultation have been carefully considered by Cabinet Office officials. We can assure the House and everyone who contributed that the findings will be passed to the proposed chair to help inform the discussions regarding the draft terms of reference, on which we expect there will be further consultation.

In accordance with the Inquiries Act 2005, colleagues in the devolved Administrations will be consulted as the terms of reference are finalised.

A further statement will be made in the new year.

[HCWS388]

CABINET OFFICE

Prosperity Fund Annual Report 2016-17

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): I wish to update the House on how the Government have been supporting poverty reduction and global and UK prosperity using the cross-Government Prosperity Fund (PF).

Details of the Prosperity Fund, its set-up, strategy, country and sector focus, and projects funded in 2016-17 are set out in the first annual report. A copy has been placed in the Library of the House and has been published on gov.uk. The publication of this first report reflects the Government’s commitment to transparency in the delivery of official development assistance.

The cross-Government Prosperity Fund replaced the FCO’s Prosperity Fund in April 2016, as part of a new, more strategic approach to promoting prosperity globally in line with National Security Council objectives. The Prime Minister announced the creation of the £1.3 billion cross-Government Prosperity Fund in the 2015 Strategic Defence and Security Review (SDSR). This has since been revised to £1.2 billion following revisions to aid allocations.

The Prosperity Fund is a key element of the UK Aid Strategy 2015. Using primarily official development assistance (ODA) resources, the fund promotes economic reforms in developing countries which will contribute to a reduction in poverty. The Fund supports global and UK prosperity by removing barriers to trade, building prosperity partnerships, and creating opportunities for business, including UK business. It enables the UK to deepen relationships in countries across the globe.

Parliamentary accountability for taxpayers’ money spent via the Prosperity Fund is provided primarily through the International Development Committee (IDC) Select Committee. The IDC Sub-Committee on ICAI (Independent Commission for Aid Impact) is planning to take evidence from ICAI and Prosperity Fund officials in December.

The Prosperity Fund spent £63 million, of which £5 million was non-ODA, in its first year across targeted project interventions, capability and capacity building, research and analysis and knowledge transfer. Projects focused on countries with stubborn development challenges and were designed to help inform an effective strategy for running larger multiyear programmes from 2017-18 onwards.

Projects are helping partner countries develop the business environment, infrastructure, healthcare, urban planning, financial services and low carbon energy they need to achieve inclusive and sustainable growth. Projects also consider opportunities for promoting gender equality and inclusion. The Fund is monitoring and evaluating progress against Sustainable Development Goal 5, to “achieve gender equality and empower all women and girls”.

[HCWS385]

COMMUNITIES AND LOCAL GOVERNMENT

Leasehold and Commonhold Reform

The Secretary of State for Communities and Local Government (Sajid Javid): The Government’s housing White Paper, “Fixing our broken housing market” set out our commitment to promoting fairness and transparency for the growing number of leaseholders.

Leasehold has been part of the UK’s housing landscape for generations, usually put to sensible use in buildings with shared spaces and infrastructure, such as blocks of flats. But far too many new houses are being built and
sold in this way. The proportion of new build houses that are leasehold has doubled over the past 20 years, accounting for 15% of all new build house sales today. In some parts of the country, it is increasingly difficult to purchase a new build home on any other basis.

Ground rents on many of these types of properties have also risen from historically small sums to hundreds of pounds per year. In some cases ground rent terms can spiral into very significant sums—literally thousands of pounds. Leasehold should not be a means of extracting ever more cash from the pockets of already overstretched house buyers.

The Government published a consultation over the summer, “Tackling unfair practices in the leasehold market”, which ran for eight weeks from 25 July to 19 September. I am very grateful to all those who have participated in this consultation and have provided evidence, including Members of this House and the All-Party Parliamentary Group on Leasehold and Commonhold.

The consultation received an overwhelming response with over 6,000 replies, and the vast majority in favour of widespread reform. It is telling that people with experience of buying and living in a leasehold property are the keenest proponents for change.

It is clear from the responses that many purchasers did not make an active or informed choice to buy a leasehold house, and were not always aware of the medium and long-term costs associated with this. Far too many reported being surprised to find that their home had been sold on to a third-party investor, with the cost of buying the freehold having risen considerably—sometimes running into tens of thousands of pounds.

We also heard of consumers with very onerous ground rent terms who are effectively trapped in their own homes, unable to find a buyer. Some of these people have not been able to access redress, and do not know where to turn for support.

It is clear that the system as it stands is not working in consumers’ best interests. Even most developers and institutional investors on freehold accept that, in the majority of cases, use of leasehold for new build houses is entirely unjustified.

This has got to stop. As I have previously stated, as a Government committed to building a fairer society, I do not see how we can look the other way while these issues persist.

Therefore, today I can announce that alongside publishing a summary of responses to the summer consultation, this Government are setting out a package of measures to crack down on unfair leasehold practices. This includes:

- Introducing legislation to prohibit the development of new build leasehold houses, other than in exceptional circumstances;
- Restricting ground rents in newly established leases of houses and flats to a peppercorn (zero financial value);
- Addressing loopholes in the law to improve transparency and fairness for leaseholders and freeholders; and
- Working with the Law Commission to support existing leaseholders—including making buying a freehold or extending a lease easier, faster, fairer and cheaper; reinvigorating commonhold to provide greater choice for consumers; and to take forward the work in our recent call for evidence on regulating managing agents (“Protecting consumers in the letting and managing agent market: a call for evidence”).

I also want to ensure there is appropriate support for existing leaseholders with onerous ground rent terms. We will work with the ombudsmen and trading standards to provide leaseholders with comprehensive information on the various routes to redress. But I also want to see developers and investors going further with their compensation schemes. I want to see this support extended to all those with onerous ground rents, including second-hand buyers, and for customers to be proactively contacted.

Given the Government’s position, we do not think it is appropriate for the help to buy equity loan scheme to support the sale of leasehold houses. It is not possible to impose new requirements on developers under existing contracts, but we expect them to work with us to take forward this change ahead of legislation.

I can announce that today I have written to all developers to ask them to stop using help to buy equity loans for the purchase of leasehold houses; to encourage them to take early steps to limit ground rents; and to ask that those who have customers with onerous ground rent terms provide the necessary redress as soon as possible. I will be keeping a close eye on progress and will explore measures that could be pursued to take action if necessary.

This is a highly complex area covering hundreds of pages of legislation and multiple Acts of Parliament. That is why we will work closely with the Law Commission as part of their 13th programme of law reform. We will prioritise making the process of buying a freehold easier, to support existing leasehold house owners, and will seek to bring forward solutions by summer recess 2018. This will be followed by bringing forward new legislation when parliamentary time allows.

In bringing forward legislation we will continue to work with stakeholders to ensure the best outcome for consumers. We want to ensure that our plans do not have an adverse impact on supply and will work with the sector to consider the case for exemptions. Where land is currently subject to a lease, developers will continue to be able to build and sell leasehold houses on that land. However, the Government will ensure that future legislation to ban the sale of leasehold houses applies to land that is not subject to an existing lease at the date of publication of this statement. We will consider the case for exemptions to the policy and its retrospective application, in particular to mitigate any undue unfairness.

We will also make sure that where leasehold is necessary it is delivered on terms that are favourable to the homeowner.

It is important that we get the detail right. We are committed to ensuring that our reforms deliver a fairer and more transparent system for both existing and future homeowners, and to stamping out the abuses of the leasehold system which have existed to date.

[HCWS184]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Bovine TB

The Minister for Agriculture, Fisheries and Food (George Eustice): Today I am updating the House on the implementation of the Government’s strategy to eradicate bovine TB in England by 2038.

The strategy continues to deliver results. Earlier this year, England applied to the European Commission for officially TB-free (OTF) status for half the country and
a recent peer-reviewed scientific study showed a significant reduction in TB breakdowns after two years of badger control in the first two cull areas.

Bovine TB remains the greatest animal health threat to the UK. Dealing with the disease is costing the taxpayer over £100 million each year. In 2016 alone over 29,000 cattle had to be slaughtered in England to control the disease, causing devastation and distress for hard-working farmers and rural communities.

The Government are continuing to take strong action to eradicate the disease and protect the future of our dairy and beef industries. Today I am announcing plans to enhance and strengthen our disease surveillance programme, calling for applications to our badger vaccination grant scheme and introducing enhanced compensation arrangements for compulsorily slaughtered pigs, sheep, goats, South American camelids and captive deer.

The new plans will see the introduction of six-monthly routine testing for bovine TB for most herds in the high-risk area of England. The timing and communication of this increase in testing frequency will be discussed with the farming industry and in implementing it we will learn lessons from changes in the edge area of the country, where more herds will transition to six-monthly testing from January 2018. The changes will help vets identify and tackle infection in herds more quickly, helping to stop the spread of disease to new areas.

Although it does not provide complete protection or cure infected animals—which continue to spread TB—badger vaccination has a role to play. Therefore, applications for the “badger edge vaccination scheme” are now open, with over £700,000 of grant funding available to private groups wishing to carry out badger vaccination in the edge area of England. Groups will receive at least 50% funding towards their eligible costs and the scheme aims to create a protected badger population between the high-risk and low-risk areas of England, and prevent further spread of the disease.

New compensation arrangements for pigs, sheep, goats, deer and camelids which have to be slaughtered as a result of bTB will come into force on 2 January 2018. These will bring statutory compensation for non-bovine farmed animals in line with Scotland and Wales.

There is broad scientific consensus that badgers are implicated in the spread of TB to cattle. This year, effective, licensed badger control operations were completed by local farmers and landowners in 11 new areas and eight existing areas. This shows that badger control can be delivered successfully on a much wider scale than before. Alongside our robust cattle movement and testing regime, this will allow us to achieve and maintain long-term reductions in the level of TB in cattle across the south-west and midlands, where the disease is widespread.

The Government are also supporting farmers to take practical action to reduce the risk of infection on their farms, notably by awarding a contract to the Origin Group in September to deliver a new bTB advisory service. The easily accessible service offers clear, practical advice to help farmers in high-risk and edge areas to protect their herds from the disease and manage the impacts of a TB breakdown on their farm. This service is supported by the TB hub, which brings advice from farming experts, vets and government together in one place.

To ensure we have a successful and resilient industry as the UK enters a new trading relationship with the world, we are determined to implement all available measures necessary to eradicate this devastating disease as quickly as possible.

Copies of the cattle measures summary of consultation responses and way forward have been placed in the Libraries of both Houses.

[HCWS383]

December Agriculture and Fisheries Council

The Minister for Agriculture, Fisheries and Food (George Eustice): On 11 and 12 December in Brussels, I represented the United Kingdom at the Agriculture and Fisheries Council alongside representatives from the devolved Administrations.

On fisheries, the focus of the Council was EU quota negotiations, involving decisions on fishing opportunities for the next year for quota stocks in the North Sea, Atlantic, the English Channel, Irish and Celtic Seas. Fishing opportunities are set under the rules of the reformed Common Fisheries Policy, which aims to have all stocks fished at sustainable levels by 2020 at the latest.

Prior to the Council, a number of negotiations take place with third countries, such as EU-Norway, which set fishing opportunities for certain stocks. The EU share of these opportunities are endorsed at the Council in December.

In setting out our objectives for the negotiation, the UK Government strongly supported the overall objective of fishing sustainably, based on the principle of maximum sustainable yield (MSY). We supported the aim to set exploitation rates consistent with MSY and to increase the number of stocks set at MSY compared to last year’s result. We also supported the introduction of a package of measures to further protect European eels. This package reflected a general concern that urgent action is needed to support recovery of this critically endangered species across its natural range.

As a result of the improving condition of many species, we were able to agree to increase the total allowable catch (TAC) for stocks of importance to the UK. I was, for example, able to secure additional quota for:

- North Sea: cod +10%, haddock +23% and anglerfish +20%
- Irish Sea: cod +376% and haddock +23%
- Eastern Channel: sole +25% and skates and rays +20%
- Bristol Channel: plaice +49% and sole +9%

Total fishing opportunities from this year’s annual negotiations for 2018 are worth around £754 million, which is nearly £50 million more than for 2017. This includes the value of agreements reached in negotiations between the EU and certain third countries such as Norway which were endorsed at Council. The EU-Norway negotiations included agreement on TACs for cod, haddock, whiting, plaice and herring in the North Sea.

The agreement means that for 2018, 30 stocks of interest to the UK will be fished at or below MSY. This is out of 44 breaklocks of interest to the UK, for which MSY assessments have been made, and is an increase on 2017 at the EU level, the agreement means that 39 of 66 assessed stocks were exploited within MSY.

To ensure...
Where the latest scientific evidence supports it, the UK argued against unnecessary quota cuts proposed by the European Commission. As a result, this secured the same quota as in 2017 for many species, including anglerfish and pollack in the Celtic Sea and saithe in waters to the west of Scotland.

Challenges remain in areas like the Celtic Sea and on important species such as bass and megrim in the south-west, where action is necessary to cut fishing mortality in order to allow these stocks to recover. I was disappointed that we were unable to mitigate a reduction in TAC for nephrops in the west of Scotland which will concern small vessels working on the west coast. Where necessary, I argued against setting a total allowable catch (TAC) to zero because it would not reduce fishing mortality and would set an unworkable precedent for when such stocks come under the landing obligation. Instead I secured bycatch quotas for whiting in the Irish Sea and west of Scotland, and plaice in the Celtic Sea. The UK worked hard to secure an agreement that strikes the right balance for both our marine environment and coastal communities.

Further restrictions on commercial and recreational bass fishing were agreed. The UK specifically pressed for and secured the removal of a proposed ban on bass angling “catch and release” activity. We also helped ensure the agreement includes a specific undertaking for a review that would consider the scope to allow landings of bass in recreational fisheries in 2018, once the scientific evaluation method for the stock is updated by the end of March.

Finally, proportionate quota uplifts were agreed for demersal stocks subject to the landing obligation in 2018.

The agricultural focus of the Council was a Commission communiqué entitled the “Future of Food and Farming”, which prompted the first Council discussion on the Common Agricultural Policy post 2020. The communiqué highlighted the importance of improving the contribution of the Common Agricultural Policy (CAP) towards environmental and sustainability goals, and proposed greater member state subsidiarity. In response, I outlined that whilst the future CAP would not apply to the UK, I hoped that the UK and EU could continue to share and learn from each other in meeting what will inevitably be shared challenges. In particular, I noted the potential benefits in terms of simplification as a result of moving to a more outcome-based approach with increased subsidiarity.

Seven further items were discussed under “any other business”:

1. The European Commission informed Council of the outcomes of the “Modern biotechnologies in agriculture” conference held in Brussels on 28 September 2017
2. The Czech delegation informed Council of the outcome of the high-level conference on African Swine Fever held in Prague on 8-9 November 2017
3. The Danish delegation suggested measures to tackle African Swine Fever to the Council
4. The Slovak delegation presented to Council on Tackling Unfair Trading Practices with a view to achieving a more balanced Food Supply Chain and strengthening farmers’ position

The Spanish delegation informed Council about implementation of the landing obligation, choke species risk in January 2019.

The European Commission presented the outcome of the “Our Ocean 2017” conference held in Malta on 5-6 October 2017.

HEALTH

Public Health Grants: Local Authorities

The Parliamentary Under-Secretary of State for Health (Steve Brine): Today I am publishing the public health allocations to local authorities in England for 2018-19 along with indicative allocations for 2019-20.

Through the public health grant and the pilot of 100% retained business rate funding for local authorities in Greater Manchester, we are investing £3.215 billion for public health in 2018-19. We will be investing over £16 billion for public health over the five years of the 2015 Spending Review until 2020, in addition to what the NHS spends on preventative interventions such as immunisation and screening.

The indicative allocation for 2019-20 will help local authorities to develop and extend their planning, including initiatives better delivered across more than one year. The grant in both 2018-19 and 2019-20 continue to be subject to conditions, including a ring-fence requiring local authorities to use the grant exclusively for public health activity.

Full details of the public health grants to local authorities can be found on gov.uk.

This information will be communicated to local authorities in a Local Authority Circular.


The above allocations can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-12-21/HCWS387/.

JUSTICE

International Commercial Settlement Agreements: Enforcement

The Lord Chancellor and Secretary of State for Justice (Mr David Lidington): The Government decided in August to opt in to this Council decision which involves the agreement of EU member states to an EU negotiating mandate which sets out the position of the EU in discussions in UNCITRAL on possible instruments on the enforcement of international commercial settlement agreements resulting from conciliation.

In July 2015, UNCITRAL agreed that work should commence to identify issues arising from the enforcement of international settlement agreements and to develop possible solutions. Negotiations to date have decided
that there should be both a draft model law complementing the existing UNCITRAL model law on international commercial conciliation and a draft convention that should have similar provisions, adapted only to the extent necessary for their specific form.

In May 2017, the European Commission decided that the negotiations had reached a stage where there should be a formal EU negotiating mandate. This was adopted in September 2017 when the EU agreed to participate actively in the ongoing work, and authorised the Commission to negotiate the convention at UNCITRAL on behalf of the EU to the extent that the convention may affect or alter EU rules. The next session of negotiations is scheduled for February in New York.

Opting in to the EU negotiating mandate does not commit the UK Government to apply any agreed model law nor to accede to any future convention.

Cremation Regulations

The Parliamentary Under-Secretary of State for Justice (Dr Phillip Lee): I am today announcing that new regulations regarding cremation in England and Wales have been laid before Parliament. The Cremation (England and Wales) (Amendment) Regulations 2017 will come into effect on 6 April 2018.

We are making these changes following our response to our consultation on cremation, published on 7 July 2016, in which we committed to make a number of changes to infant cremation regulations and practice.

The regulations laid today introduce new forms for use in applying for a cremation. They include a section for the applicant to confirm their wishes regarding the return of ashes following the cremation. The applicant will be able to amend their wishes in writing at any time after they apply for the cremation, including specifying what should happen to the ashes if they did not originally do so when they applied for the cremation. The forms also provide a new section to make applicants aware that in some rare circumstances, such as in the cremation of a stillborn or very small baby, no ashes may be recovered. These changes will provide clarity for bereaved parents at a difficult and stressful time.

There have been very rare occasions when the applicant for a cremation has later been implicated in the death of the person cremated, or has been convicted of a violent offence against the bereaved, such as the parent of a deceased child, and from their prison cell has refused the return of the ashes to the family of the deceased. To address this, the regulations provide a discretion for the cremation authority in exceptional circumstances to release cremation ashes to someone other than the applicant. We will provide guidance to cremation authorities on the exercise of this power.

These regulations allow for the first time for cremation forms to be issued in Welsh, supporting our commitment made in the 2015 St David’s Day agreement to ensure that forms relating to important life events and civic duties can be completed in Welsh. They also provide for the electronic signing of cremation forms, enabling the submission of cremation forms by electronic means. Finally, these regulations correct a cross reference to the Environmental Permitting (England and Wales) Regulations 2016.

I would like to thank the national cremation working group who have been working with the Ministry of Justice as we have progressed this work.
Petition

Tuesday 12 December 2017

OBSERVATIONS

TRANSPORT

Changes to local Bus services in Torbay

The petition of users of the No.32 bus service in Torbay,

Declares that the change of service for the number 32 bus service between St Marychurch–Torbay Hospital/The Willows will have a detrimental impact on local residents, in particular, elderly residents.

The petitioners therefore request that the House of Commons urges Torbay Council to commit to re-instating the service route of the No.32 service for the sake of the local residents as soon as possible.

And the petitioners remain, etc.—[Presented by Kevin Foster, Official Report, 22 November 2017; Vol. 631, c. 1146.]

Observations from the Parliamentary Under-Secretary of State for Transport (Jesse Norman):

I recognise the importance of public transport for both the sustainability and independence of communities. Inadequate transport provision is a very real concern and can be a barrier to the prosperity of all.

Where there is not enough demand for a bus route to be commercially viable in its own right, all local authorities in England have powers to subsidise bus services which they consider socially necessary.

Decisions on subsidised bus services are a matter for individual English local authorities, in the light of their other spending priorities. We fully appreciate that local authorities are making difficult choices as a result of ongoing financial pressures.

The majority of public funding for local bus services is via block grant provided to local authorities in England from the Department for Communities and Local Government. However, my Department also provides around £40 million of Bus Service Operators Grant funding directly to English local authorities to help deliver bus services, of which Torbay Council receives around £24,000. Councils can use this money to support bus services in whatever way they see fit.

The Bus Services Act 2017 introduces a number of new tools to help local authorities improve local bus services in their area. Through partnership arrangements we have enabled local authorities and bus operators to work constructively to provide better services for passengers.

I strongly encourage local authorities and bus operators to work together, in consultation with local residents and businesses, to identify the right transport solutions that meet the economic and environmental challenges faced in the area and deliver the greatest benefits for the community.
Petitions

Monday 18 December 2017

OBSERVATIONS

DIGITAL, CULTURE, MEDIA AND SPORT

Superfast Broadband for Wellpond Green and Westland Green in Hertfordshire

The petition of residents of Wellpond Green and Westland Green in Hertfordshire,

Declares that the villages were added to the Connected Counties/BTOpenreach programme for superfast broadband for implementation by March 2017; further that many residents discontinued negotiations with an alternative supplier offering the same timetable; and further that Connected Counties then re-modelled the programme so that residents would not be connected until 2019 causing great inconvenience.

The petitioners therefore request that the House of Commons to urge the Government and BDUK to facilitate immediate connection of superfast broadband.

And the petitioners remain, etc.—[Presented by Sir Oliver Heald, Official Report, 18 October 2017; Vol. 629, c. 959.]

Observations from The Secretary of State for Digital, Culture, Media and Sport (Karen Bradley):

Broadband delivery in Hertfordshire and Buckinghamshire is managed by the Connected Counties project team, with support provided by Broadband Delivery UK (BDUK) within the Department for Digital, Culture, Media and Sport. Connected Counties are managing their contracts with BT to deliver the maximum superfast coverage with the available funding as quickly as possible. They have therefore aimed to avoid prioritising particular communities over others. BDUK supports this approach.

We are petitioned that the communities of Wellpond Green and Westland Green had been advised of indicative timescales of March 2017 for the delivery of a broadband structure near to the villages. However, we are told that technical difficulties were experienced that led to this not being deployed at that time. The structure is now scheduled to be completed during this financial year.

As a result of good contract management by Connected Counties, efficiency savings of £2.4 million have been realised from their first contract with BT. Connected Counties agreed a contract extension with BT in May 2017 to use this funding to deliver additional coverage across Hertfordshire and Buckinghamshire. This is expected to include provision of superfast broadband coverage to the entire communities within Wellpond Green and Westland Green by deploying additional structures closer to the communities. The deployment will be programmed within the overall contract delivery schedule which will continue through to 2019. Connected Counties and BT believe this is the most efficient deployment schedule for the project as a whole, and this is supported by BDUK.

Superfast broadband coverage is on track to reach 95% of UK premises by the end of the year and will continue to go further beyond that. Premises not covered by superfast broadband the Government will ensure universal broadband of at least 10Mbps.

TRANSPORT

HS2 viaduct through Trowell

The petition of residents of Trowell,

Declares that they are opposed to the proposed viaduct through Trowell which is part of the HS2 Phase 2 project and will be 60 feet high in some places to cross over the M1 motorway, the A609 and an existing railway viaduct. The proposals will cause significant disruption to Trowell’s residents during construction and the resulting viaduct would dominate over homes in the village, as well as being taller than the church spire.

The petitioners therefore request that the House of Commons urges HS2 Ltd. to dispense with proposals to build a viaduct in Trowell and come up with alternative solutions that will have less impact on residents.

And the petitioners remain, etc.—[Presented by Anna Soubry, Official Report, 28 November 2017; Vol. 632, c. 295.]

Observations the Parliamentary Under-Secretary of State for Transport (Paul Maynard):

HS2 will drive economic growth outside of London, creating opportunities for skills and employment across the East Midlands region and acting as a catalyst for regeneration in our city and town centres.

I recognise, however, that the construction and operation of HS2 will impact communities alongside the route. I would therefore welcome views from local stakeholders about the route alignment past Trowell. HS2 Ltd will work with the community to reduce the impacts of the line, and where needed, identify appropriate mitigation measures.

I also draw the community’s attention to the 2018 consultation on the working draft environmental statement (WDES), which will contain further detail on construction and mitigation around Trowell. I would strongly encourage the community to engage with this, and with HS2 Ltd representatives as the project progresses.

Ruabon Station

The petition of residents of the village of Ruabon in the constituency of Clwyd South,

Declares that Ruabon railway station is currently inaccessible to a number of potential users as the only method of using platform 2 is by crossing a footbridge which is difficult for passengers with mobility issues or luggage to carry, and impossible for wheelchair users.

The petitioners therefore request that the House of Commons call on the Government to speed up plans to improve access to the Ruabon railway station either by replacing the existing bridge with one that allows easy access for all users, or to add a wheelchair accessible entrance to platform 2.

And the petitioners remain, etc.—[Presented by Andrew Jones, Official Report, 05 December 2017; Vol. 632, c. 1003.]
Observations the Parliamentary Under-Secretary of State for Transport (Paul Maynard):

We are committed to improving station accessibility and have therefore continued with the Access for All programme, first launched in 2006, which installs accessible routes at selected stations.

Ruabon has never been nominated for the programme, but we will be making further funding available for station accessibility in the next Rail Control Period (2019-24) and will be announcing further details as soon as possible.

For Ruabon to be considered for inclusion in the programme it would need strong support from the industry and the Welsh Assembly Government. It would also benefit from an element of third party funding to help weight the business case.

In the meantime if any passenger is unable to use the station the operator will provide alternative transport, such as an accessible taxi to Chirk or Wrexham, both of which have been made accessible under Access for All. This is at no additional cost to the passenger.

Stop HS2 Phase Two in Trowell

The petition of residents of Trowell,

Declares that they are opposed to the HS2 project in its entirety. They believe that HS2 Phase Two will provide no benefits to Trowell and the financial cost of the project would be better spent elsewhere, including improving existing railway routes and other transport networks.

The petitioners therefore request that the House of Commons ask HS2 Ltd. to stop plans to build HS2 Phase Two and look at more reasonable alternatives.

And the petitioners remain, etc.—[Presented by Anna Soubry, Official Report, 28 November 2017; Vol. 632, c. 139.]

Observations from the Parliamentary Under-Secretary of State for Transport (Paul Maynard):

High Speed Two (HS2) is a new high speed rail network for the UK, connecting London with major cities in the Midlands and the north of England. It is a Y-shaped network that will be delivered in several stages. Trains will also run beyond the Y network to serve places such as Liverpool, Preston, the East Midlands, Newcastle and Scotland.

By providing direct intercity services on dedicated high speed lines, there will be extra space for more trains on the existing heavily congested West Coast Mainline (WCML), Midlands Main Line (MML) and East Coast Main Line (ECML). This presents a once in a generation opportunity to improve services on these routes, including passenger services to locations not directly served by HS2, and freight services. This will improve passenger experience by reducing overcrowding on peak time trains and also allow train operators to run more varied and frequent services.

The Government have considered the impacts of HS2 in great detail as the scheme has progressed. We have produced and published several updated versions of the business case for HS2 to support major programme milestones and decisions. These business cases specifically examined reasonable alternatives to HS2. The 2013 Business Case supported the introduction of the Phase 1 Bill (now an Act). It set out three core objectives for the scheme:

- Provide sufficient capacity to meet long-term rail demand and to improve resilience and reliability on the network;
- Improve connectivity by delivering better journey times and making travel easier;
- And therefore boost economic growth across the UK.

My Department also welcomes the ambitious HS2 growth strategy put forward by the East Midland (EM) leaders. They aim to capitalise on the economic benefits of HS2 through the development of an innovation hub, garden settlement and better local transport connections at Toton, less than 4 miles away from Trowell. Government is now working with the EM councils on their proposals as we move towards the deposit of a hybrid Bill in 2019.

In July 2017 the Government published its most recent update to the Business Case to support the introduction of the Phase 2a Bill to parliament and the Secretary of State’s decision on the route for the rest of Phase 2 to Leeds and Manchester.

The 2017 Economic Case estimates HS2 (the full Y) will bring over £92 billion of benefits—£75 billion to transport users and £18 billion of wider economic benefits - delivering more than £2 of benefits (£2.30) for every £1 of investment. We are confident that the scheme represents good value for money and is in line with other major rail schemes.
Petitions

Wednesday 20 December 2017

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Myanmar’s Muslim Ethnic Minority

The petition of residents of Scunthorpe County Constituency,

Declares that urgent action should be taken to stop the violence against Myanmar’s Muslim ethnic minority, the Rohingya including genocide, ethnic cleansing and crimes against humanity; and further declares that the petitioners believe Rohingya Muslims are not recognised as citizens in Myanmar.

The petitioners therefore request that the House of Commons urges the Government to issue an urgent statement calling for an immediate end to all violence in Myanmar; further calling for immediate entry aid into Myanmar; and further requests that the House of Commons urge the Government to reach out to State Counsellor Aung San Suu Kyi to recognise the Rohingya Muslim community as citizens and grant legal status.

And the petitioners remain, etc.—[Presented by Nic Dakin, Official Report, 11 October 2017; Vol. 629, c. 411.]

Observations from the Minister for Asia and the Pacific (Mark Field):

We remain deeply concerned by what is happening to the Rohingyas. Over 650,000 have fled from Burma to Bangladesh since 25 August 2017. This is a major humanitarian crisis created by Burma’s military. Although the violence in Rakhine has decreased, humanitarian needs are still not being met and over 1,000 people a week are still crossing the border. The Government have been clear in their condemnation of the terrible atrocities that have occurred in Rakhine State. There is no equivocation: we recognise this has been ethnic cleansing.

The UK has played a leading role in the international diplomatic and humanitarian response to the Rohingya crisis and will continue to do so. I was the first foreign Minister from outside the region to visit Rakhine state in Burma after the crisis began in late August. The UK has now raised Burma five times at the United Nations Security Council, most recently on 12 December, when the UK conveyed the ongoing seriousness of the crisis.

The Secretary of State for International Development has committed to implementing the Rakhine Advisory Commission’s recommendations.

Elsewhere within the UN, we worked with the Organisation of Islamic Cooperation to prepare and co-sponsor a UN General Assembly resolution on Burma. This secured the support of 135 member states on 16 November and serves as a powerful message to the Burmese authorities of the damage being done to Burma’s international reputation.

On 5 December the UK supported Bangladesh in its proposal for a Special Session of the UN Human Rights Council, attended by Lord Ahmad. The UK was pleased to co-sponsor and vote in support of the resulting resolution: 33 states voted in favour. Additionally, we supported the September decision of the UN Human Rights Council to extend the mandate of the Fact-Finding Mission to September 2018.

In terms of humanitarian assistance, the UK is one of the largest bilateral donors to the Rohingya refugee crisis in Bangladesh. Most recently, on 27 November the Secretary of State for International Development was in Bangladesh and announced a further £12 million of funding for the Rohingya crisis. This brought the UK’s total commitment to date to £59 million.

Our aid is making a tangible, substantial difference on the ground, including providing food to 174,000 people, safe water and sanitation for more than 138,000 people and emergency shelter for over 130,000 people. In addition, emergency nutrition support will reach more than 60,000 children under five and 21,000 pregnant and lactating women. Medical help will assist over 50,000 pregnant women to give birth safely. Counselling and psychological support will reach over 10,000 women suffering from the trauma of war and over 2,000 survivors of sexual violence.

Access for humanitarian assistance within Northern Rakhine, however, is urgently needed. The lack of access on the Burma side means vital needs will not be met and lives lost. We urgently call upon the Burmese military to end the violence in Rakhine and the Government of Burma to allow immediate and full humanitarian access and support for the people and communities affected. The Red Cross and the World Food Programme are currently the only aid organisations with permission to provide humanitarian support in Northern Rakhine.

The UK believes the Rohingyas of Rakhine State should be given citizenship status in Burma. The Kofi Annan-led Rakhine Advisory Commission (RAC) makes clear that citizenship must be addressed in order to make progress in Rakhine, by making progress on citizenship verification under the existing laws; and reviewing the controversial 1982 Citizenship Law. Aung San Suu Kyi has committed to implementing the RAC’s recommendations.

We have repeatedly welcomed the RAC’s report and the Burmese Government’s declared intention to implement its recommendations. We continue to urge the Burmese authorities to ensure basic rights for all residents in Burma.

HOME DEPARTMENT

Policing Orgreave

The petition of residents of the United Kingdom,

Declares that the events of Orgreave Coking Plant in June 1984 and the aftermath, had a huge and lasting impact upon coal field communities; and further to public suspicion surrounding the actions of the South Yorkshire Police a deep mistrust in the community remains as a result.
The petitioners therefore request that the House of Commons urges the Government to commit to a full public inquiry into policing at Orgreave, and its aftermath to finally authoritatively establish the truth.

And the petitioners remain, etc.—[Presented by Sarah Champion, Official Report, 31 October 2017; Vol. 630, c. 790.]

Observations from the Minister for Policing and the Fire Service (Mr Nick Hurd); received Friday 15 December 2017:

In making her decision, announced on 31 October 2016, not to establish a public inquiry into the policing of events at Orgreave in 1984, the Home Secretary carefully considered a submission from the Orgreave Truth and Justice Campaign (OTJC).

As was made clear in the written statement (HCWS227) made to the House that day, in determining whether or not to establish a statutory inquiry or other review, the Home Secretary considered a number of factors, reviewed a range of documents, carefully scrutinized the arguments contained in the OTJC’s submission and spoke to its members and other campaign supporters—including the then Shadow Home Secretary. She subsequently concluded that neither an inquiry nor a review was required to allay public concern, for the reasons set out in her statement to the House.

The Government remain of the view there would be very few lessons for the policing system today to be learned from any review of the events and practices of over three decades ago. The policing landscape has changed fundamentally since 1984—at the political, legislative and operational levels—as has the wider criminal justice system.

This is a very important consideration when looking at the necessity for an inquiry or independent review and the public interest to be derived from holding one. The Government believe that the focus should be on continuing to ensure that the policing system is the best it can be for the future, including through reforms introduced in the Policing and Crime Act 2017, so that the public can have the best possible policing both in South Yorkshire and across the country.

Taking all these factors into account, the Government continue to believe that establishing any kind of inquiry is not in the wider public interest or required for any other reason.
Petition

Thursday 21 December 2017

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Civilian protection in Syria

The petition of residents of Heysham, Morecambe and surrounding areas

Declares that civilians should be protected from hostile forces in the war-torn nation of Syria.

The petitioners therefore urge the House of Commons to pressure the government to take all action necessary in proving humanitarian assistance to those in need and to work with other nations to impose a no-fly zone over civilian territory, promoting peace that contributes to the stability of the country.

And the petitioners remain, etc.—[Official Report, 20 November 2017; Vol. 631, c. 5P]

Observations from the Minister for the Middle East (Alistair Burt):

The UK Government have pledged £2.46 billion in humanitarian aid in response to the Syria Crisis, and are working with international partners to achieve a political settlement that ends the suffering.

The UK Government are deeply concerned about the appalling humanitarian tragedy that is unfolding in Syria. Over half the pre-war population have been displaced from their homes and the UN assesses that 13.1 million inside Syria are in need of humanitarian assistance. We are particularly concerned by the ongoing besiegement of around 400,000 people in Eastern Ghouta, and outraged by the continued attacks on civilians, on healthcare facilities and schools. The UK has called on all parties to adhere to agreed ceasefires and cessations of hostilities in Syria, to allow unhindered and sustained humanitarian access, and to respect international humanitarian law.

Across Syria and the region, since February 2012, we have delivered over 26 million food rations, over 10 million medical consultations, over 9 million relief packages and over 8 million vaccines. In April, the UK co-hosted the Brussels Conference on “Supporting the Future of Syria and the Region”, which built on the outcomes of the February 2016 London conference. The Conference resulted in pledges of $6 billion for 2017 and $3.7 billion for 2018-20. The money pledged at the conferences will save lives, give hope and people a chance for the future.

Securing unfettered humanitarian access across Syria is paramount. The UK plays a full role, as part of the International Syria Support Group’s Humanitarian Aid Task Force, supporting the UN and its partners to step up deliveries of food, water and medicine. We continue doing all we can, through diplomatic means, to exert pressure on the regime to enable access as required by UN Security Council Resolutions, and end its deliberate obstruction of humanitarian aid. The regime’s backers, especially Russia, must use their influence to enable humanitarian access. We are also working to secure the renewal of the UN resolution, which authorises cross-border aid deliveries.

The UK supports all genuine efforts to reduce the level of violence in Syria, to protect civilians and create the right conditions for a successful political process. We hope that recent proposals for de-escalation of the conflict through the creation of a number of de-escalation zones will result in a sustained reduction in violence and full and unfettered humanitarian access. Unfortunately, although there has been some reduction in violence in some of the de-escalation areas, there continues to be heavy fighting in others. We will continue to work with international partners to support the reduction of violence.

The practicalities of any form of no-fly zone are complex. History shows that establishing and policing no-fly zones are not simple tasks, especially in intense conflict. Any party seeking to establish a no-fly zone would need to ensure it could be kept safe. Maintaining no-fly zones is therefore likely to require military backing and there are big challenges with any military option that would need to be considered very carefully and in consultation with our partners. However, the UK will continue to prioritise the protection of civilians in Syria and to discuss with our partners the most effective ways of doing so.

Ultimately, the only real solution for peace and stability in Syria is an enduring political solution based on transition away from the Asad regime to a Government representative of all Syrians. We support fully the efforts of the UN Special Envoy, Staffan de Mistura, to resume the political process through negotiations. We call on all parties to support and engage constructively in these negotiations to achieve a political settlement to end this terrible conflict.
Ministerial Correction

Tuesday 12 December 2017

NORTHERN IRELAND

Republic of Ireland Border

The following is an extract from Questions to the Secretary of State for Northern Ireland on Wednesday 15 November 2017.

Stephen Pound (Ealing North) (Lab): Has the Northern Ireland Office produced an analysis of the impact of Brexit on Northern Ireland, or contributed to the rumoured “58 articles”—the sectoral analyses that we know have been produced? Will the Secretary of State commit himself to publishing all such material, as his colleagues in the Department for Exiting the European Union have already so nobly done?

James Brokenshire: I am grateful to the hon. Gentleman for highlighting the sectoral work relating to 58 areas of activity, which deals with how trade is currently conducted with the EU and what the alternatives might be. I can say that Northern Ireland has contributed to the cross-Government work at an official level, and the hon. Gentleman will be well aware of the commitments that DExEU has made in relation to the publication of that ongoing work. [Official Report, 15 November 2017, Vol. 631, c. 346.]

Letter of correction from James Brokenshire.

An error has been identified in the response I gave to the hon. Member for Ealing North (Stephen Pound).

The correct response should have been:

James Brokenshire: I am grateful to the hon. Gentleman for highlighting the sectoral work relating to 58 areas of activity, which deals with how trade is currently conducted with the EU and what the alternatives might be. The NIO contributes to a wide range of analysis on the impact of EU Exit, although the specific sectoral reports were produced by other Government Departments, co-ordinated by the Department for Exiting the EU.
Ministerial Corrections

Monday 18 December 2017

EDUCATION

Teacher Recruitment and Retention

The following is an extract from Questions to the Secretary of State for Education on 11 December 2017.

9. Matt Rodda (Reading East) (Lab): What recent assessment she has made of trends in teacher recruitment and retention.

The Secretary of State for Education (Justine Greening): Teacher numbers are at an all-time high: there are 15,500 more teachers than there were in 2010; postgraduate recruitment is at its highest level since 2012-13; and in 2015-16 we welcomed back 4,200 teachers into the classroom, which is an 8% improvement on the 2011 figure. However, we are absolutely not complacent; we continue to invest in teacher recruitment and are actively addressing the issues that teachers cite as a reason for leaving the profession.

Letter of correction from Justine Greening:

An error has been indentified in the response that I gave to the hon. Member for Reading East (Matt Rodda) during Questions to the Secretary of State for Education.

The correct response should have been:

The Secretary of State for Education (Justine Greening): Teacher numbers are at an all-time high: there are 15,500 more teachers than there were in 2010; postgraduate recruitment is at its highest level since 2012-13; and in 2015-16 we welcomed back 14,200 teachers into the classroom, which is an 8% improvement on the 2011 figure. However, we are absolutely not complacent; we continue to invest in teacher recruitment and are actively addressing the issues that teachers cite as a reason for leaving the profession.

WOMEN AND EQUALITIES

BAME Women

The following is an extract from Questions to the Minister for Women and Equalities on 23 November 2017.

Gerard Killen: Does the Minister accept the figures contained in the “Intersecting Inequalities” report by the Women’s Budget Group and the Runnymede Trust, showing the disproportionate impact of tax and benefit changes on women from black and minority ethnic backgrounds, and will the Government issue an official response?

Justine Greening: I am aware of that work. Part of the challenge is that we need to see much more clearly the broader picture in relation to how Budgets and Government decisions affect BAME women. The analysis that the hon. Gentleman mentions does not take into account the impact of the national living wage, the changes we have made to childcare—introducing 30 hours’ free care—the work that we are doing on reducing the gender pay gap, the introduction of shared parental leave or the introduction of increased flexible working. The Institute for Fiscal Studies has been very clear that “what is possible falls a long way short of a full gender impact assessment”, and that is the underlying weakness in the analysis.

Letter of correction from Justine Greening:

An error has been identified in the response I gave to the hon. Member for Rutherglen and Hamilton West (Gerard Killen).

The correct response should have been:

Gerard Killen: Does the Minister accept the figures contained in the “Intersecting Inequalities” report by the Women’s Budget Group and the Runnymede Trust, showing the disproportionate impact of tax and benefit changes on women from black and minority ethnic backgrounds, and will the Government issue an official response?

Justine Greening: I am aware of that work. Part of the challenge is that we need to see much more clearly the broader picture in relation to how Budgets and Government decisions affect BAME women. The analysis that the hon. Gentleman mentions does not take into account the work that we are doing on reducing the gender pay gap, the introduction of shared parental leave or the introduction of increased flexible working. The Institute for Fiscal Studies has been very clear that “what is possible falls a long way short of a full gender impact assessment”, and that is the underlying weakness in the analysis.
Ministerial Correction

Thursday 21 December 2017

JUSTICE

Topical Questions

The following is an extract from Topical Questions to the Secretary of State for Justice on 5 December 2017.

Mr Philip Hollobone (Kettering) (Con): I thought that we had signed up to the all-singing, all-dancing EU prisoner transfer directive, so why, still, are 42% of the 10,000 foreign nationals in our prisons from EU countries? Why do we not send them back to where they came from?

Mr Gyimah: I thank my hon. Friend for that question—again. I think he asked the same question at the previous justice Question Time. As he is aware, even with prisoner transfer agreements, it is down to the receiving country to take those prisoners. We cannot force them to do so even when we have an agreement in place. The majority of prisoners who we send back to their home countries are sent under the early removal scheme, and 40,000 prisoners have been sent back home since 2010.


Letter of correction from Mr Gyimah:

An error has been identified in the response I gave to my hon. Friend the Member for Kettering (Mr Hollobone) during Topical Questions to the Secretary of State for Justice.

The correct response should have been:

Mr Gyimah: I thank my hon. Friend for that question—again. I think he asked the same question at the previous justice Question Time. As he is aware, even with prisoner transfer agreements, it is down to the receiving country to take those prisoners. We cannot force them to do so even when we have an agreement in place. The majority of prisoners who we send back to their home countries are sent under the early removal scheme, and 40,000 foreign national offenders have been sent back home since 2010.